ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

****

C A P. LXXXII.

An Act for establishing a Prison for young Offenders. [10th *August* 1838.]

WHEREAS it may be of great public Advantage that a Prison be provided in which young Offenders may be detained and corrected, and may receive such Instruction and be subject to such Discipline as shall appear most conducive to their Reformation and to the Repression of Crime: And whereas the Buildings at *Parkhurst* in the *Isle of Wight*, lately used as a Military Hospital and as a Medical Asylum for the Children of Soldiers, are Buildings which may be conveniently used for such a Prison; be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty, by Warrant under the Royal Sign Manual, to appoint that the said Buildings at *Parkhurst* shall be used as a Prison for the Confinement of such Offenders as are herein-after specified, as soon as the same can be fitted and completed for that Purpose; and the said Buildings shall thereupon become a Prison for the lawful Confinement of such Offenders, and shall be within the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act for effecting greater Uniformity of Practice in the Government of the several Prisons in* England *and* Wales, *and for appointing Inspectors of Prisons in* Great Britain.

Her Majesty may appoint the Buildings at Parkhurst to be used as a Prison for juvenile Offenders.

5 & 6 W. 4. c. 38.

8 P

II. And

Officers to be appointed by the Crown.

II. And be it enacted, That it shall be lawful for One of Her Majesty's Principal Secretaries of State to appoint for *Parkhurst* Prison a Governor, a Chaplain being a Clergyman not having any other Cure of Souls, a Surgeon, a Matron, and such other Officers, Assistants, and Servants as may be necessary for the Service and Discipline of the Prison, and at Pleasure to remove all or any of the said Governor, Chaplain, Surgeon, Matron, and other Officers, Assistants, and Servants, and to appoint others in their Room, and to fix the Salaries to be paid to each of them.

Young Offenders under Sentence may be removed to Parkhurst Prison.

III. And be it enacted, That it shall be lawful for One of Her Majesty's Principal Secretaries of State to direct the Removal to *Parkhurst* Prison of any young Offender, Male or Female, as well those under Sentence or Order of Transportation as those under Sentence of Imprisonment, who, having been examined by an experienced Surgeon or Apothecary, shall appear to be free from any putrid or infectious Distemper, and fit to be removed from the Gaol, Prison, or Place in which such Offender shall be confined: Provided always, that every Offender so removed, who shall be under Sentence of Transportation, shall nevertheless be within the Provisions of an Act passed in the Fifth Year of the Reign of King *George* the Fourth, intituled *An Act for the Transportation of Offenders from* Great Britain, in case the Secretary of State shall direct that he or she shall be afterwards removed from *Parkhurst* Prison as herein-after provided.

5 G. 4. c. 84.

Term of Imprisonment in Parkhurst Prison.

IV. And be it enacted, That every Offender who shall be so removed to *Parkhurst* Prison shall continue there until he or she shall be transported according to Law, or shall become entitled to his or her Liberty, or until the Secretary of State shall direct the Removal of such Offender to the Gaol, Prison, or Place from which he or she shall have been brought, or in which he or she may be lawfully confined; and the Sheriff, Gaoler, or other Person having the Custody of any Offender whose Removal to *Parkhurst* Prison shall be ordered in manner aforesaid shall, with all convenient Speed after the Receipt of any such Order, convey or cause to be conveyed every such Offender to *Parkhurst* Prison, and shall there deliver him or her to the Governor of the Prison, with a true Copy, attested by such Sheriff or Gaoler, of the Caption and Order of the Court by which such Offender was sentenced, containing the Sentence of every such Offender by virtue whereof he or she shall be in the Custody of such Sheriff or Gaoler, and also a Certificate specifying such Particulars within the Knowledge of the Sheriff or Gaoler concerning such Offender as may be from Time to Time directed by the Secretary of State; and the Governor shall give a Receipt in Writing to the Sheriff or Gaoler for his Discharge; and all reasonable Expences which the Sheriff or Gaoler shall incur in every such Removal shall be paid by the County, Riding, Division, City, Borough, Liberty, or Place for which the Court in which the Offender was convicted shall have been holden.

Gaolers, &c. having the Custody of Offenders ordered to be placed there shall cause them to be delivered to the Governor thereof.

As to Offenders removed from

V. And be it enacted, That it shall be lawful for the Secretary of State at any Time to order any Offender to be removed from *Park-*

hurst Prison as incorrigible, and in every such Case the Offender so removed shall be liable to be transported or confined, under his or her original Sentence or Sentences of Transportation or Imprisonment, to the full Extent of the Term or Terms specified in such Sentence or Sentences, and shall be subject to all the Consequences of such Sentence or Sentences, in the same Manner as if no Order for sending him or her to *Parkhurst* Prison had been made.

Parkhurst Prison as incorrigible.

VI. And be it enacted, That after the Delivery of any such Offender as aforesaid into the Custody to which he or she shall be so ordered as aforesaid, such Governor or other Person having the Custody of Offenders under his Direction shall, during the Term for which such Offender shall remain in his Custody, have the same Powers over such Offender as are incident to the Office of a Sheriff or Gaoler, and in case of any Abuse of such Custody, or other Misbehaviour or Negligence in the Discharge of his Office, shall be liable to the same Punishment as a Gaoler is now liable to by Law.

Powers of the Governor.

VII. And be it enacted, That the Secretary of State shall be empowered from Time to Time to make Rules for the Government and Regulation of *Parkhurst* Prison, and for the Discipline of the Offenders imprisoned therein, and to subscribe a Certificate that they are fit to be enforced; and all such Rules shall be laid before Parliament within Six Weeks after such Rules shall be certified, or if Parliament be not then sitting, within Six Weeks after the next Meeting of Parliament.

Secretary of State to make Regulations for the Government of the Prison.

VIII. And be it enacted, That it shall be lawful for the Secretary of State from Time to Time to specify, by such Regulations as aforesaid, such Offences which, if committed in *Parkhurst* Prison by Male Convicts, shall appear to him deserving of corporal Punishment; and if any Male Offender in *Parkhurst* Prison shall commit any Offence whereby he shall under any Regulation then in force become liable to corporal Punishment, the Governor of the said Prison shall have Power to inflict such Punishment.

Corporal Punishment may be inflicted in Parkhurst Prison.

IX. And be it enacted, That as soon as the said Buildings shall be appointed to be used as a Prison as aforesaid for the Reception of Offenders it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to nominate and appoint Three or more fit and discreet Persons to be Visitors of the said Prison, and from Time to Time to remove all or any of such Visitors and appoint others in their Stead, or in the Stead of such as shall die or resign or be unable by Sickness or otherwise to attend; and One or more of such Visitors shall personally visit such Prison at least Three Times in each Quarter of a Year, and oftener if Occasion shall require, and shall examine into the Behaviour and Conduct of the respective Officers, and the Treatment, Behaviour, and Condition of the Prisoners, and of all Abuses within the Prison, and if he or they shall discover any Abuse or Abuses therein he or they is or are hereby required to report the same in Writing to One of Her Majesty's Principal Secretaries of State.

Visitors to be appointed by the Queen in Council.

X. And

Visitors to report the State of the Prison to the Secretary of State.

X. And be it enacted, That the said Visitors shall make a half-yearly Report in Writing to One of Her Majesty's Principal Secretaries of State concerning the State and Condition of such Prison, and of any Abuse or Abuses which they may have observed or have reason to believe to exist in the said Prison or in the Management of the Prison, as well as of the general State of the Prisoners as to Morals, Discipline, and Employment, and Observance of Rules.

Offenders pardoned conditionally may be committed to House of Correction if they break the Condition, or remitted to their former Sentence.

XI. And whereas Her Majesty has lately exercised Her Royal Prerogative of Mercy in granting Pardons to young Offenders who have been sentenced to Transportation or Imprisonment, upon the Condition of placing himself or herself under the Care of some charitable Institution for the Reception and Reformation of young Offenders named in such Pardon, and conforming to and abiding by the Orders and Rules thereof: And whereas the same has been found beneficial: And whereas it is expedient that some Provision should be made for carrying the same more fully into effect; be it therefore further enacted, That from and after the passing of this Act, in case any young Offender who has been or shall be hereafter sentenced to Transportation or Imprisonment has been or shall be pardoned by Her Majesty for such Offence upon such Condition as aforesaid, and has or shall accept such conditional Pardon, and shall afterwards abscond from such Institution, or wilfully neglect or refuse to abide by and conform to the Rules thereof, it shall and may be lawful to and for any Justice of the Peace acting in and for the County, City, Riding, or Division wherein the said Offender shall actually be at the Time he shall so abscond or neglect or refuse as aforesaid, upon due Proof thereof made before him upon the Oath of One credible Witness, by Warrant under his Hand and Seal to commit the Party so offending for every such Offence to any Gaol or House of Correction for the said County, City, Riding, or Division, with or without hard Labour, for any Period not exceeding Three Calendar Months for the First Offence and not exceeding Six Calendar Months for the Second or any subsequent Offence, in case the Managers or Directors of any such charitable Institution shall be willing to receive any such young Offender after his or her being convicted of absconding, neglecting, or refusing as aforesaid; and in every Case such Imprisonment shall be in addition to the original Sentence of such young Offender; and after the Expiration of the Time of such additional Punishment, if the Managers or Directors of any such charitable Institution shall refuse to receive such Offender, or if Her Majesty shall not be pleased to exercise Her Royal Prerogative in pardoning the Breach of the Condition on which the former Pardon was granted, the said Party shall forfeit all Benefit of the said Pardon, and shall be remitted to the original Sentence, and shall undergo the Residue thereof, as if no such Pardon had been granted.

Offenders breaking Prison, &c.

XII. And be it enacted, That if any Offender who shall be ordered to be confined in *Parkhurst* Prison shall at any Time during the Term of such Confinement break Prison or escape from the Place of his or her Confinement, or in his or her Conveyance to such Place of Confinement, or from any Lands belonging to the Prison, or from the Person

Person or Persons having the lawful Custody of such Offender, he or she so breaking Prison or escaping shall be punished, if under Sentence of Imprisonment, by an Addition not exceeding Two Years to the Term for which he or she at the Time of his or her Breach of Prison or Escape was subject to be confined, and if under Sentence of Transportation, in such Manner as Persons under Sentence of Transportation escaping from or breaking out of any other Prison or Place of Confinement are liable to be punished; and if an Offender so punished by such Addition to the Term of Confinement shall afterwards be convicted of a Second Escape or Breach of Prison, he or she shall be adjudged guilty of Felony; and if any Offender who shall be ordered to be confined in the said Prison shall, at any Time during the Term of such Confinement, attempt to break Prison or escape from the Place of his or her Confinement, or shall forcibly break out of his or her Cell, or shall make any Breach therein with Intent to escape, he or she so offending, being convicted thereof, shall be punished by Imprisonment for a Term not exceeding Twelve Calendar Months, in addition to the Punishment to which he or she at the Time of committing any such Offence was subject.

Penalty on rescuing or aiding in the Rescue of Offenders.

XIII. And be it enacted, That every Person who shall rescue any Offender who shall be ordered to be confined within *Parkhurst* Prison, either during the Time of his or her Conveyance to the said Prison, or whilst such Offender shall be in the Custody of the Person or Persons under whose Care and Charge he or she shall be so confined, and also every Person who shall aid in any such Rescue, shall be guilty of Felony; and every Person having the Custody of any such Offender, or employed by the Person having such Custody, as a Keeper, Under-keeper, Turnkey, Assistant, or Guard, who shall knowingly allow such Offender to escape, and also every Person who shall, by supplying Arms, Tools, or Instruments of Disguise, or otherwise in any Manner aid any such Offender in any Escape, or in any Attempt to make an Escape, though no Escape be actually made, or who shall attempt to rescue any such Offender, or aid in any such Attempt, though no Rescue be actually made, shall be guilty of Felony; and every Person having such Custody, or being so employed by the Person having such Custody as aforesaid, who shall carelessly allow any such Offender to escape, shall be guilty of a Misdemeanor, and being lawfully convicted of the same shall be liable to Fine or Imprisonment, or to both, at the Discretion of the Court.

Where Offenders escaping shall be tried.

XIV. And be it enacted, That any Offender who shall escape, break Prison, or be rescued in manner aforesaid, shall be tried before the Justices of Oyer and Terminer or Gaol Delivery, either for the County where he or she shall be apprehended and re-taken, or for the County in which the said Offence shall have been committed;

Order of Commitment to be Evidence.

and in case of any Prosecution for any such Escape, Attempt to escape, Breach of Prison or Rescue, either against the Offender escaping or attempting to escape, or breaking Prison, or being rescued, or against any other Person or Persons concerned therein, or aiding the same, a Copy, properly attested, of the Order of Commitment to *Parkhurst* Prison, shall, after Proof made that the Person then in question before the Court is the same who was delivered with

such Order, be sufficient Evidence to the Court and Jury that the Person then in question was so ordered to such Confinement; and the Expences of the said Prosecution shall be paid by the County, Riding, Division, City, Borough, Liberty, or Place for which the Court in which the Offender was convicted shall have been holden.

Expences of Prosecution.

Protection of the Governor.

XV. And be it enacted, That the Provisions of all Acts of Parliament for rendering Justices of the Peace more safe in the Execution of their Office shall extend to the Governor of *Parkhurst* Prison acting in the Execution of this Act.

Limitation of Actions.

XVI. And be it enacted, That all Actions, Suits, and Prosecutions to be commenced against any Person or Persons for any thing done in pursuance of this Act shall be laid and tried in the County or Place where the Fact was committed, and shall be commenced within Six Months after the Fact committed, and not otherwise or afterwards.

An annual Report to be laid before Parliament.

XVII. And be it enacted, That a Report upon the State of *Parkhurst* Prison and of the Persons confined therein, and also an Account of the Expences of carrying this Act into execution, shall be annually laid before Parliament by the Secretary of State.

Act may be amended or repealed.

XVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1838.