ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

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C A P. XXIX.

An Act for establishing a Prison at *Pentonville*.
[18th *June* 1842.]

WHEREAS it will be of great public Advantage that a new Prison be provided in which Criminal Offenders may be imprisoned and corrected, and may receive such Instruction and may be subjected to such Discipline as shall appear most conducive to their Reformation and to the Repression of Crime, and that Provision be made for the future Disposal of such Offenders: And whereas a Building has been erected at *Pentonville* in the County of *Middlesex* which may be conveniently used for such Purpose, and the same is now completed for the Reception of Convicts: Be it 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 the said Building shall be called "The *Pentonville* Prison," and shall be used as a Prison for such Offenders as are herein-after specified, 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, and of an Act passed in the

The Pentonville Prison shall be used as a Prison for the Offenders herein-after specified.

5 & 6 W. 4. c. 38.

4 U Third

2 & 3 Vict. c. 56. Third Year of the Reign of Her Majesty, intituled *An Act for the better ordering of Prisons.*

Prison to be exempt from Rates and Taxes.

II. And be it enacted, That the said Prison, and all the Lands, Tenements, and Hereditaments thereunto belonging, with the Appurtenances thereof, and all Persons in respect thereof, shall be wholly freed and discharged from all Taxes, Rates, Assessments, and Charges whatsoever.

Provisions for Confirmation of Title.

III. And be it enacted, That from and after the Expiration of Five Years after the passing of this Act the said Prison, and all Lands, Tenements, and Hereditaments purchased before the passing of this Act for the Purposes thereof, under the Powers of this Act shall become and remain absolutely vested in Her Majesty, Her Heirs and Successors; and that if any Proceedings shall be taken before the Expiration of the said Term of Five Years, upon which Judgment shall be obtained for the Recovery of the Possession of any such Lands, Tenements, and Hereditaments, then, within Two Calendar Months after such Judgment shall be obtained, there shall be paid or tendered to the Person obtaining such Judgment, instead of such Lands, Tenements, or Hereditaments, his Costs on the Proceedings for obtaining such Judgment, and such Sum of Money as a Jury, in the Manner herein-after mentioned, shall find to have been the Value of the said Lands, Tenements, and Hereditaments.

Jury to ascertain the Value to be paid.

IV. And be it enacted, That the Jury which shall try any Proceeding brought for the Recovery of the Possession of any of the said Lands, Tenements, or Hereditaments shall at the same Time ascertain the Value thereof at the Time when they were conveyed for the Purposes of this Act, or when Possession was taken thereof; and the Value so found shall be certified by the presiding Judge under his Hand, and such Certificate shall be delivered to the Persons seeking to recover Possession thereof, and the Value so ascertained shall be the Amount to be paid, instead of such Lands, Tenements, and Hereditaments.

Appointment of Commissioners for governing the Prison.

V. And be it enacted, That it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to nominate and appoint any Number of fit Persons, not being less than Seven or more than Eleven, to be Commissioners for governing the said Prison; and it shall be lawful for Her Majesty, with the like Advice, from Time to Time to remove all or any of the said Commissioners, and to appoint others in their Stead, or instead of such as shall die, or resign, or be unable by Sickness or otherwise to attend.

Appointment of Officers.

VI. And be it enacted, That it shall be lawful for the said Commissioners, with the Approval of One of Her Majesty's Principal Secretaries of State, to appoint for the said Prison a Governor, a Chaplain or Chaplains, being Clergymen not having any other Cure of Souls, and a Medical Officer, and, with the like Approval, to remove all or any of them; and it shall also be lawful for the said Commissioners to appoint, and at their Pleasure to remove, so many other Officers and Servants as One of Her Majesty's Principal Secretaries of State shall deem to be necessary for the Service and

Discipline of the Prison; and the Secretary of State, with the Approval of the Commissioners of Her Majesty's Treasury, shall fix the Salaries to be paid to the said Governor, Chaplain or Chaplains, Medical Officer, and other Officers and Servants of the Prison: Provided always, that no Chaplain so to be appointed shall officiate at the said Prison until he shall have obtained a Licence for that Purpose from the Bishop of the Diocese of *London*, nor for any longer Time than while such Licence shall be in force; and Notice of every such Appointment of a Chaplain shall be sent to the Bishop by the said Commissioners within One Calendar Month next after such Appointment.

Secretary of State may require Security from any Officer.

VII. And be it enacted, That it shall be lawful for the Secretary of State, if he shall deem it necessary, to require any Person employed in the said Prison to give Security for the due Performance of his Duties, in such Sums, and with such collateral Securities, and in such Form as the Secretary of State shall direct.

For ousting dismissed Officers.

VIII. And be it enacted, That if any Person appointed to any Office or Employment in the said Prison who shall be removed from his Office or Employment shall refuse or neglect to quit the said Prison, or to give up Possession of any House, Building, or Apartment therein or belonging thereto, within such Period as shall be fixed by the Secretary of State in any Order or Notice in Writing, not being less than Forty-eight Hours after the Delivery to such Person of any such Order or Notice, then it shall be lawful for any Justice of the Peace acting for the County of *Middlesex*, on Application of any One of the said Commissioners, by Warrant under the Hand and Seal of such Justice, to direct the Sheriff of the County to remove such Person out of the Prison, and the said Sheriff shall thereupon clear the Possession thereof, so far as relates to any Part of the Prison, or any House, Building, or Apartment therein or belonging thereto, occupied by or in possession of such Person, in like Manner as upon a Writ of Habere facias possessionem.

Commissioners to have the same Powers as Visiting Justices; and may make Rules for their Meetings and for the Government of the Prison, subject to Approval of Secretary of State.

IX. And be it enacted, That the said Commissioners shall have the same Powers and Duties with respect to the said Prison which the Visiting Justices of any other Prison have with respect to their Prison; and all Enactments respecting the Visiting Justices of any Prison shall be deemed to apply to the said Commissioners with respect to the *Pentonville* Prison; and the said Commissioners shall hold Meetings, and they or any Three of them shall be empowered from Time to Time to make and alter Rules for their Meetings, and for all Matters relating thereunto, and also for the Government of the said Prison, and for the Duties and Conduct of the Governor and other Officers of the Prison, and for the Diet, Clothing, Maintenance, Employment, and Discipline of the Convicts imprisoned therein, as to the said Commissioners shall seem fit: Provided that no such Rule, whether it be original, or an Amendment or Revocation of a former Rule, shall be enforced until it shall have been approved by One of Her Majesty's Principal Secretaries of State.

Commissioners to appoint

X. And be it enacted, That the said Commissioners shall from Time to Time appoint One or more of themselves to visit the *Pentonville*

Visitors from among themselves.

tonville Prison during the Intervals between their Meetings, and, if they shall think fit, may delegate Power to such Visitors or any of them to make any Order or give any Direction, in Cases of pressing Emergency within the said Prison, which might be made or given by the said Commissioners, provided that every such Order or Direction shall be in Writing, and shall be reported, with the Circumstances by which the same was occasioned, to the Commissioners at their next Meeting.

Commissioners to be a Body Corporate.

XI. And be it enacted, That the Commissioners of the said Prison, and their Successors, shall be a Body Corporate, and shall sue and be sued by the Name of "The Commissioners for the Government of the *Pentonville* Prison."

Commissioners empowered to contract for Clothing, Diet, &c.

XII. And be it enacted, That the Commissioners shall have Power to make Contracts with any Persons whomsoever for the Clothing, Diet, and other Necessaries for the Maintenance and Support of the Convicts confined in such Prison, and for the Implements or Materials for any Kind of Manufacture or Trade in which Convicts confined in such Prison shall be employed, and also to carry on such Manufacture or Trade in such Prison, and to sell such Goods, Wares, and Merchandize, as shall there be wrought or manufactured.

Commissioners shall make Reports to the Secretary of State, to be laid before both Houses of Parliament.

XIII. And be it enacted, That the said Commissioners shall, on or before the Tenth Day of *March* in each Year, and oftener if required by One of Her Majesty's Principal Secretaries of State, make Reports in Writing under the Hands of Three or more of them to the Secretary of State, specifying the State of the Buildings, the Behaviour and Conduct of the Officers of the Prison and of the Convicts, the Amount of the Earnings of the Convicts, and the Expence of such Prison, and such other Matters relating to the Discipline and Management of such Prison as they shall deem expedient, or as the Secretary of State shall direct; and every such Report shall be laid before both Houses of Parliament within One Calendar Month next after the Receipt thereof, if Parliament shall be then sitting, or if not, then within One Calendar Month after the then next Meeting of Parliament.

Offenders under Sentence of Transportation may be removed to the Pentonville Prison.

XIV. And be it enacted, That it shall be lawful for One of Her Majesty's Principal Secretaries of State to direct the Removal to the *Pentonville* Prison of any Male Convict under Sentence or Order of Transportation, who, having been examined by an experienced Medical Officer, 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; and the Sheriff or Gaoler having the Custody of any Convict whose Removal to the *Pentonville* 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 Convict to the said Prison, and if, upon Examination by the Medical Officer of the *Pentonville* Prison, he shall appear fit to be received into the Prison, shall there deliver him, or cause him to be delivered, into the Custody of the Governor of the *Pentonville* Prison, with a true Copy, attested by such Sheriff or Gaoler,

Gaoler, of the Caption and Order of the Court by which such Convict was sentenced, containing the Sentence of every such Convict by virtue of which he 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 Convict as may be from Time to Time directed by One of Her Majesty's Principal Secretaries of State; and the Governor of the *Pentonville* Prison shall give a Receipt in Writing for every Convict received into his Custody 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 shall be convicted shall have been holden.

Reception of Convicts.

XV. And be it enacted, That when any Convict who shall be ordered to be confined in the said Prison shall be brought thither, in pursuance of the Powers contained in this Act, he shall continue in the Custody of the Person in whose Custody he shall have been brought to the Prison until he shall have been examined by the Medical Officer, and until it be certified by the Medical Officer that he is fit to be received into the Prison, and if the Medical Officer shall certify that he is not fit to be received there, he shall be conveyed back in the same Custody to the Prison or Place of Confinement from which he was brought.

Terms of Imprisonment in the Pentonville Prison.

XVI. And be it enacted, That every Convict who shall be received into the Custody of the Governor of the *Pentonville* Prison shall continue there until he shall be transported according to Law, or conditionally pardoned, or shall become entitled to his Freedom, or until the Secretary of State shall direct the Removal of such Convict to any other Prison or Place of Confinement in which he may be lawfully imprisoned: Provided always, that every such Convict 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 One of Her Majesty's Principal Secretaries of State shall direct that he shall be afterwards removed from the *Pentonville* Prison as herein provided.

5 G. 4. c. 84.

Discharge of Convicts.

XVII. And be it enacted, That no Convict who shall have been received into the Custody of the Governor of the *Pentonville* Prison shall be dismissed from the said Prison at the End or other Determination of his Term, if he shall then labour under any acute or dangerous Distemper, unless at his Request; and when such Convict shall be finally discharged such decent Clothing, and such Assistance in Money, or otherwise, as shall be judged proper by the Commissioners, shall be given to such Convict.

Hours of Work.

XVIII. And be it enacted, That such Convicts may be employed in Work at the said Prison, every Day in the Year, except *Sundays*, *Christmas Day*, *Good Friday*, and any Day appointed for a General Fast or Thanksgiving, so many Hours, not exceeding Twelve, exclusive of the Time allowed for Meals and Exercise, as the Commissioners shall order: Provided always, that the said Commissioners,

by a written Order, may allow any Convict, at his own Request, to labour for a longer Time than is required by the Rules of the Prison.

None but Officers to enter any of the Apartments of the Prison.

XIX. And be it enacted, That no Person, except the Commissioners, Officers, and Servants of the Prison, or such Persons as shall be authorized according to the Rules made by the said Commissioners, shall be allowed at any Time to enter any Part of the Prison or Airing Yards allotted to or used by the Prisoners, or to converse or hold Communication of any Kind with any of them.

Governor to have the same Power over Prisoners in his Custody as the Sheriff and Gaoler.

XX. And be it enacted, That after Delivery of any such Convict as aforesaid into the Custody of the Governor of the *Pentonville* Prison, such Governor or other Person having the Custody of Convicts under his Direction shall, during the Term for which such Convicts shall be ordered to remain in his Custody, have the same Powers over such Convicts as are incident to the Office of 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 to which a Gaoler is now liable by Law.

Convicts Punishment for assaulting Governor or other Officers.

XXI. And be it enacted, That if any Convict in the *Pentonville* Prison shall assault the Governor, or any Officer or Servant employed therein, the Commissioners may order him to be prosecuted for the said Offence, and upon Conviction thereof such Convict shall be liable to be imprisoned for any Term not exceeding Two Years, in addition to the Term for which at the Time of committing such Offence he was subject to be confined, and shall also be liable to corporal Punishment, if the Court shall so order.

Convicts may be removed from the Prison as incorrigible.

XXII. And be it enacted, That it shall be lawful for One of Her Majesty's Principal Secretaries of State at any Time to order any Convict to be removed from the *Pentonville* Prison as incorrigible; and in every such Case the Convict so removed shall be liable to be transported, under his original Sentence of Transportation, to the full Extent of the Term specified in such Sentence, and shall be liable to all the Consequences of such Sentence, in the same Manner as if no Order for sending him to the *Pentonville* Prison had been made.

Commissioners to report insane Convicts for Removal.

XXIII. And be it enacted, That if any Convict confined in the said Prison shall become or be found to be insane during such Confinement, and be so reported by the Commissioners to One of Her Majesty's Principal Secretaries of State, it shall be lawful for such Secretary of State, by Warrant under his Hand, to order that such insane Convict shall be forthwith removed to such Lunatic Asylum as the said Secretary of State may judge proper; and every Convict so removed shall remain under Confinement in such Asylum, or in any other Lunatic Asylum to which such Convict may be lawfully removed, until it shall be duly certified to One of Her Majesty's Principal Secretaries of State by Two Physicians or Surgeons that such Convict has become of sound Mind, whereupon, if the Time for which such Convict was sentenced to be imprisoned shall not have expired, the

Secretary of State shall issue his Warrant to the Governor or other Person having the Care of such Asylum, ordering that such Convict be remanded to the *Pentonville* Prison, or, if the Period of Imprisonment of such Convict shall have expired, that he be discharged.

Punishment of Convicts for breaking Prison.

XXIV. And be it enacted, That every Convict who shall be ordered to be imprisoned in the *Pentonville* Prison, who at any Time during the Term of such Imprisonment shall break Prison, or who, while being conveyed to such Prison, shall escape from the Person or Persons having the lawful Custody of such Convict, shall be punished by an Addition not exceeding Three Years to the Term of his Imprisonment, and if afterwards convicted of a Second Escape or Breach of Prison shall be adjudged guilty of Felony; and every Convict in the *Pentonville* Prison who at any Time during the Term of his Imprisonment shall attempt to break Prison, or who shall forcibly break out of his Cell, or make any Breach therein with Intent to escape therefrom, shall be punished by an Addition not exceeding Twelve Calendar Months to the Term of his Imprisonment.

Punishment of Persons rescuing or attempting to rescue Prisoners.

XXV. And be it enacted, That every Person who shall rescue any Convict who shall be ordered to be imprisoned within the *Pentonville* Prison, either during the Time of his Conveyance to the said Prison or of his Imprisonment therein, 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 Convict as aforesaid, or being employed by the Person having such Custody as a Keeper, Under Keeper, Turnkey, Assistant, or Guard, who shall knowingly and wilfully allow such Convict to escape, and also every Person who, by supplying Arms, Tools, or Instruments of Disguise, or otherwise, shall in any Manner aid any such Convict in any Escape, though no Escape be actually made, and every Person who shall attempt to rescue any such Convict, or aid in any such Attempt, though no Rescue be actually made, shall be guilty of Felony; and every Person having such Custody as aforesaid who shall carelessly allow any such Convict to escape shall be guilty of a Misdemeanor, and being lawfully convicted of such Misdemeanor shall be liable to Fine or Imprisonment, or to both, at the Discretion of the Court.

Punishing Officers, &c. for furnishing Convicts with prohibited Articles.

XXVI. And be it enacted, That every Officer or Servant of the *Pentonville* Prison who shall bring or carry out, or endeavour to bring or carry out, or knowingly allow to be brought or carried out, to or for any such Convict, any Money, Clothing, Provisions, Tobacco, Letters, Papers, or other Articles whatsoever not allowed by the Rules of the Prison, shall be forthwith suspended from his Office by the Governor of the Prison, who shall report the Offence to the Commissioners at their next Meeting, and the Commissioners shall inquire thereof upon Oath, which they shall be empowered to administer, and upon Proof of the Offence shall dismiss such Officer or Servant, and may also, if they shall think fit, cause the Offender to be apprehended, and carried before a Justice of the Peace, who shall be empowered to hear and determine any such Offence in a summary Way; and every such Officer or Servant, upon Conviction of such Offence before a Justice of the Peace, shall be liable to pay a Penalty not exceeding Fifty Pounds, or, in the Discretion of the Justice, to be

be imprisoned in the Common Gaol or House of Correction, there to be kept, with or without hard Labour, for any Time not exceeding Six Calendar Months.

Penalty for false Evidence.

XXVII. And be it declared and enacted, That every Person who upon Examination on Oath or Affirmation before the said Commissioners shall wilfully give false Evidence shall be liable to the Pains and Penalties of Perjury.

Mode of Trial and Conviction.

XXVIII. And be it enacted, That every Convict or other Person who shall commit any Offence mentioned in this Act, or in any way relating to the *Pentonville* Prison, for which he is not liable to be summarily convicted, may be tried before the Justices of Oyer and Terminer, either at the Central Criminal Court or for the County in which the Offender shall be taken; and in any Case of any Prosecution for any such Offence, either against a Convict or against any other Person or Persons concerned therein or accessory thereunto, a Copy, properly attested, of the Order of Commitment to such Prison, with Proof that the Person then in question before the Court is the same who was delivered with such Order, and Production of the Register of the said Prison, shall be sufficient Evidence of all the Facts entered in such Register as to such Convict, without the Production of any Record of Conviction or other Proof that such Convict had been convicted of Felony, and legally ordered to be imprisoned in the *Pentonville* Prison.

Expences of executing this Act to be laid before Parliament.

XXIX. And be it enacted, That an Account of the Expences of carrying this Act into execution shall be annually laid before both Houses of Parliament, and after deducting therefrom such Profit as may have arisen from the Earnings of the Convicts over and above the Expences occasioned by their Labour, the Remainder shall be provided for by Parliament.

For Protection of the Commissioners and Governor.

XXX. And be it enacted, That the Provisions of all Acts of Parliament for rendering Justices of the Peace safe in the Execution of their Offices shall extend to the said Commissioners and to the Governor of the *Pentonville* Prison.

Limitation of Actions.

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

Act may be altered this Session.

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

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