pounds by way of composition for the principal and interest of the said loan, and it is expedient to authorise the Commissioners to accept the same: Be it therefore enacted as follows:

The Public Works Loan Commissioners may compound the debt due to them from the parish of Whitchurch, in the county of Southampton, in respect of the said loan for the sum of one thousand pounds, and on the payment of that sum to the Commissioners the said debt shall be extinguished.

Commencement of Act.

4. This Act shall come into operation on the first day of July one thousand eight hundred and seventy-seven.

CHAPTER 20.

An Act to fix the Salaries of the Members of the Royal Irish Constabulary, and to amend the eleventh section of the Constabulary (Ireland) Amendment Act, 1870. [12th July 1877.]

37 & 38 Vict. c. 80.

WHEREAS by section two of the Constabulary (Ireland) Act, 1874, provision was made for the grant of revised salaries to the members of the Constabulary Force in Ireland; and the continuance of the payment of the said revised salaries is now by law limited to the first day of July one thousand eight hundred and seventy-seven, and it is expedient that such limitation should be repealed, and provision should be made for continuing the payment of such revised salaries; and also for amending the eleventh section of the Constabulary (Ireland) Amendment Act, 1870:

33 & 34 Vict. c. 83.

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, as follows:

Continuation of revised salaries.

1. From and after the passing of this Act, so much of the Act passed in the session of Parliament, held in the thirty-eighth and thirty-ninth years of the reign of Her present Majesty, chapter forty-four, as limits to the first day of July one thousand eight hundred and seventy-seven, the time during which the revised salaries therein mentioned shall continue to be paid shall be and the same is hereby repealed; and the said salaries shall continue to be paid from and after the first day of July one thousand eight hundred and seventy-seven from time to time as and when they shall become due respectively.

Amendment of 33 & 34 Vict. c. 83.

2. It shall be lawful for the Lord Lieutenant, by and with the advice of Her Majesty's Privy Council in Ireland, to alter or vary from time to time the numbers of sub-inspectors and head constables fixed by the eleventh section of the Constabulary (Ireland) Amendment Act, 1870, to such numbers as the Lord Lieutenant, by and with such advice as aforesaid, may from time to time consider to be required, not exceeding the numbers fixed by the said section for each of the said ranks respectively.

Short title.

3. This Act may be cited for all purposes as "The Constabulary (Ireland) Amendment Act, 1877."

CHAPTER 21.

An Act to amend the Law relating to Prisons in England. [12th July 1877.]

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, as follows:

Preliminary.

1. This Act may be cited for all purposes as the Prison Act, 1877. Short title of Act.

2. This Act shall, except as is herein-after otherwise provided, and, except in so far as relates to the making of rules by the Secretary of State, in pursuance of any power transferred to or vested in the Secretary of State by this Act, which rules may be made at any time after the passing of this Act, come into operation on the first day of April one thousand eight hundred and seventy-eight, which day is herein-after referred to as the commencement of this Act. Commencement of Act.

3. This Act shall not extend to Scotland or Ireland, but shall apply to all prisons belonging to any prison authority as defined by the Prison Act, 1865. Application of Act. 28 & 29 Vict. c. 126.

PART I.

TRANSFER AND ADMINISTRATION OF PRISONS.

Transfer of Prisons.

4. On and after the commencement of this Act all expenses incurred in respect of the maintenance of prisons to which this Act applies, and of the prisoners therein, shall be defrayed out of moneys provided by Parliament. Maintenance of prisons and prisoners out of public funds.

5. Subject as in this Act mentioned— Prisons to vest in Secretary of State.

(1.) The prisons to which this Act applies, and the furniture and effects belonging thereto; also

(2.) The appointment of all officers, and the control and safe custody of the prisoners in the prisons to which this Act applies; also all powers and jurisdiction at common law or by Act of Parliament or by charter vested in or exerciseable by prison authorities or the justices in sessions assembled, in relation to prisons or prisoners within their jurisdiction,

shall, on and after the commencement of this Act, be transferred to, vested in, and exercised by one of Her Majesty's Principal Secretaries of State, in this Act referred to as the Secretary of State.

ADMINISTRATION OF PRISONS.

Prison Commissioners.

6. For the purpose of aiding the Secretary of State in carrying into effect the provisions of this Act relating to prisons, Her Majesty may, on the recommendation of the Secretary of State, at any time and from time to time after the passing of this Act by warrant under her sign manual appoint any number of persons to be Commissioners during Her Majesty's pleasure, so that the whole number of Commissioners appointed do not at any one time exceed five, and may, on the recommendation of the Secretary of State, on the occasion of any vacancy in the office of any Commissioner by death, resignation, or otherwise, by the like warrant, appoint some other fit person to fill such vacancy. The Commissioners so appointed shall be a body corporate with a common seal, with power to hold land without license in mortmain so far as may be necessary for the purposes of this Act, and shall be styled "The Prison Commissioners." Appointment of Prison Commissioners.

The Secretary of State may from time to time appoint one of the Commissioners to be chairman.

Any act or thing required or authorised to be done by the Prison Commissioners may be done by any one or more of them as the Secretary of State may by general or special rule direct.

7. The Prison Commissioners shall be assisted in the performance of their duties by such number of inspectors, storekeepers, accountants, and other officers and servants as Appointment of inspectors,

officers, and servants.

may, with the sanction of the Treasury as to number, be determined by the Secretary of State. The inspectors shall be appointed by the Secretary of State, the other officers and servants of the Prison Commissioners by the Prison Commissioners themselves, subject to the approval of the Secretary of State.

Salaries.

8. There may be paid, out of moneys provided by Parliament, to all or any one or more of the Prison Commissioners such salary for their or his services as the Secretary of State may, with the consent of the Treasury, determine.

There shall be paid, out of moneys provided by Parliament, to the inspectors and other officers and servants of the Prison Commissioners such salaries as the Secretary of State may, with the consent of the Treasury, determine.

Duties of Prison Commissioners. 28 & 29 Vict. c. 126.

9. The general superintendence of prisons under this Act shall be vested in the Prison Commissioners, subject to the control of the Secretary of State.

Subject as in this Act mentioned, the Prison Commissioners shall appoint all such officers of a prison as are by the Prison Act, 1865, declared to be subordinate officers of a prison, such appointments to be for general prison service. The Prison Commissioners shall also make contracts, and do all other acts necessary for the maintenance of the prisons and prisoners within their jurisdiction.

Subject to the control of the Secretary of State, the Prison Commissioners, by themselves or their officers, shall visit and inspect the prisons within their jurisdiction, and shall examine into the state of the buildings, so as to form a judgment as to the repairs, additions, or alterations which may appear necessary, regard being had to the requisitions of the Prison Act, 1865, as amended by this Act, with respect to the separation of prisoners and enforcement of hard labour, and shall further examine into the conduct of the respective officers and the treatment and conduct of the prisoners, the means of setting them to work, the amount of their earnings, and the expenses attending the prison, and shall inquire into all abuses within the prison, and regulate all matters required to be regulated by them.

Subject to the control of the Secretary of State, the Prison Commissioners, or any one or more of them, may, in addition to any powers otherwise conferred on them by this Act, exercise in relation to any prison under this Act, and the prisoners therein, all powers and jurisdiction by any Act of Parliament or at common law, or by charter, exerciseable by visiting justices, or a visiting justice, of a prison. And any reports, acts, or things required to be made or done to or by or in relation to the visiting justices, or a visiting justice, of a prison, at common law or by any Act of Parliament, or by charter, shall, except in so far as is otherwise provided by this Act, be made or done to or by or in relation to the Prison Commissioners, or any one or more of them, or to or by or in relation to such persons or person as the Secretary of State may from time to time appoint.

The Prison Commissioners shall, in the exercise of their powers and jurisdiction under this Act, conform to any directions which may from time to time be given to them by the Secretary of State.

Reports by Prison Commissioners.

10. The Prison Commissioners shall, at such time or times as the Secretary of State may direct, make a report or reports to the Secretary of State of the condition of the prisons and prisoners within their jurisdiction, and an annual report to be made by them with respect to every prison within their jurisdiction shall be laid before both Houses of Parliament.

Report to contain information as to manufacturing processes in prison.

11. Whereas it is expedient that the expense of maintaining in prison prisoners who have been convicted of crime should in part be defrayed by their labour during the period of their imprisonment, and that, with a view to defraying such expenses, and also of teaching prisoners modes of gaining honest livelihoods, means should be taken for promoting in prison the exercise of and instruction in useful trades and manufactures, so far as may be consistent with a due regard on the one hand to the maintenance of the penal character of prison discipline, and on the other to the avoidance of undue pressure on or competition with any particular trade or industry: Be it enacted, that the annual

report of the Prison Commissioners required by this Act to be laid before both Houses of Parliament shall state the various manufacturing processes carried on in each of the prisons within their jurisdiction, and such statement shall contain such particulars as to the kind and quantities of, and as to the commercial value of the labour on the manufactures, as to the number of prisoners employed, and otherwise, as may, in the opinion of the Secretary of State, be best calculated to afford information to Parliament.

Return of punishments and offences of prisoners to be made yearly.

12. The Prison Commissioners shall make a yearly return to Parliament of all punishments of any kind whatsoever which may have been inflicted within each prison, and the offences for which such punishments were inflicted.

Visiting Committee of Justices.

Repeal of 28 & 29 Vict. c. 126. ss. 53, 54.

13. On and after the commencement of this Act there shall be repealed the fifty-third and fifty-fourth sections of the Prison Act, 1865, relating to the appointment and duties of visiting justices.

Appointment of visiting committee of prisons.

A visiting committee shall be annually appointed for every prison under this Act, consisting of such number of persons being justices of the peace to be appointed at such time and by such court of quarter sessions or such bench or benches of magistrates as the Secretary of State, having regard to the locality of the prison, to the justices heretofore having jurisdiction over such prison, and to the class of prisoners to be confined in such prison, may from time to time by any general or special rule prescribe. In the following manner; namely,

The justices of any county, riding, or liberty of a county having a separate court of quarter sessions shall appoint members of a visiting committee when assembled at such general or quarter sessions as may be prescribed by the Secretary of State.

The justices of a borough shall hold special sessions, at such time as may be prescribed by the Secretary of State, for the purpose of appointing any members of a visiting committee they may be required to appoint.

30 & 31 Vict. c. xxiii.

Provided that in the application of this Act to the Worcester Prison as constituted by the Worcester Prison Act, 1867, so long as the said prison is continued as a prison for the purposes of this Act, the appointment of such number of justices of the city of Worcester as the Secretary of State in pursuance of this section may prescribe to be appointed to serve on the visiting committee in respect of the said prison, shall be vested in the corporation acting by the council of the said city.

Nothing in this Act, or in any rules to be made under this Act, shall restrict any member of the visiting committee for any prison from visiting the prison at any time, and any such member shall at all times have free access to every part of the prison, and to every prisoner therein.

Duties of visiting committee.

14. The Secretary of State shall, on or before the commencement of this Act, make and publish, and may hereafter from time to time repeal, alter, or add to rules with respect to the duties of a visiting committee, and such committee shall conform to any rules so made and for the time being in force, but subject as aforesaid, the members of such committee shall from time to time and at frequent intervals visit the prison for which they are appointed, and hear any complaints which may be made to them by the prisoners, and, if asked, privately. They shall report on any abuses within the prison, and also, on any repairs which may be urgently required in the prison, and shall further take cognizance of any matters of pressing necessity and within the powers of their commission as justices, and do such acts and perform such duties in relation to a prison as they may be required to do or perform by the Secretary of State.

28 & 29 Vict. c. 126.

The visiting committee shall be deemed to be visiting justices for all the purposes of the regulations relating to the punishment of prisoners numbered 58 and 59 in the first schedule annexed to the Prison Act, 1865, or either of such regulations, and any member of a visiting committee may exercise any power, or do any act, or receive any report which any one justice may exercise, do, or receive under the said regulations numbered 58 and 59, or either of them.

Provided that an offender shall not be punished under the said sections 58 and 59, or either of them, by personal correction except in pursuance of the order of two justices of the peace after such inquiry upon oath and determination concerning the matter reported to them as is mentioned in the said regulation numbered 58.

The visiting committee shall report to the Secretary of State any matters with respect to which they may consider it expedient, and shall report to the Secretary of State, as soon as may be and in such manner as he may direct, any matter respecting which they may be required by him to report.

Repeal of 28 & 29 Vict. c. 126. s. 55. Visits to prison by any justice.

15. Section fifty-five of "The Prisons Act, 1865," is hereby repealed, and instead thereof the following enactment shall take effect, viz.:

Any justice of the peace, having jurisdiction in the place in which a prison is situate, or having jurisdiction in the place where the offence in respect of which any prisoner may be confined in prison was committed, may, when he thinks fit, enter into and examine the condition of such prison, and of the prisoners therein, and he may enter any observations he may think fit to make in reference to the condition of the prison or abuses therein in the visitors book to be kept by the gaoler; and it shall be the duty of the gaoler to draw the attention of the visiting committee, at their next visit to the prison, to any entries made in the said book; but he shall not be entitled, in pursuance of this section, to visit any prisoner under sentence of death, or to communicate with any prisoner, except in reference to the treatment in prison of such prisoner, or to some complaint that such prisoner may make as to such treatment.

PART II.

SUPPLEMENTAL PROVISIONS.

As to Obligation to maintain Prisons.

Termination of local obligation to maintain prisons.

16. On and after the commencement of this Act the obligation of any county, riding, division, hundred, liberty, franchise, borough, town, or other place having a separate prison jurisdiction, to maintain a prison or to provide prison accommodation for its prisoners shall cease.

Compensation to be made in place of prison accommodation.

17. Where at the time of the passing of this Act any prison authority has no prison of its own, or has not a prison or prisons of its own, adequate to the accommodation of the prisoners belonging to such authority, it shall pay into the receipt of the Exchequer one hundred and twenty pounds in respect of each prisoner belonging to such prison authority for whom cell accommodation has not at such time as last aforesaid been provided by such authority in a prison of its own.

Any sum payable by a prison authority in pursuance of this section shall be deemed to be a debt due from the prison authority to the Crown, and may be recovered accordingly.

Where one prison authority has contributed a sum of money towards the construction by some other prison authority of cell accommodation for the use of the prisoners of the contributing authority, and such cell accommodation has been constructed accordingly, then in assessing the sum payable into the Exchequer by the contributing authority under this section, the contribution so made shall be taken into consideration, and a proportionate deduction be made accordingly.

For the purposes of this section a prison authority may borrow, and the Public Works Loan Commissioners may advance by way of loan, to bear interest at such rate per cent. as the Treasury may determine to be sufficient to prevent any loss to the Exchequer, such sum as may be required, so that the whole amount so borrowed be discharged within a period not exceeding thirty-five years.

Compensation to be made to prison authority in respect

18. Where before the first day of January one thousand eight hundred and seventy-seven any prison authority, having more than sufficient cell accommodation for the number of prisoners belonging to such prison authority, and which prison authority is in this

section called the receiving authority, has contracted with any other prison authority, in this section called the sending authority, that the receiving authority is to receive into its prisons any prisoners belonging to such sending authority, and such receiving authority has in the performance of such contract provided cell accommodation for the prisoners of the sending authority, there shall be paid to the receiving authority, out of moneys provided by Parliament, any loss it may have so sustained in relation to such contract for cell accommodation by reason of the passing of this Act, so that the expense of providing cell accommodation for any one prisoner shall not in any case be held to have exceeded the sum of one hundred and twenty pounds. of accommodation provided for prisoners of some other authority.

For the purposes of this section any public department of State which has made contracts with respect to prisoners shall be included under the term "prison authority."

Where it appears that any contract under this section is intended to be renewed at the expiration of its subsisting term, the intention of renewal shall be taken into consideration in estimating the loss sustained by the receiving authority.

Where a prison authority has provided a prison or prisons of its own more than adequate for the accommodation of its prisoners, it shall be entitled to receive, out of moneys to be provided by Parliament, compensation to the extent of one hundred and twenty pounds in respect of each cell provided in such prison or prisons over and above the number of cells required for the average maximum number of prisoners maintained at the expense of such authority in its own prison or prisons during the five years immediately preceding the first day of January one thousand eight hundred and seventy-seven: Provided always, that in case the Prison Commissioners shall report to the Secretary of State that the prison accommodation is in excess of the probable requirements of such prison authority for its own prisoners, or that the buildings are dilapidated or unsuitable, it shall be lawful for the Secretary of State to decline to recommend to the Treasury to make such compensation, in whole or in part, as the circumstances of the case may demand.

Provided also, that no compensation shall be payable under such provision as last aforesaid in respect of any prison discontinued within two years after the commencement of this Act.

A prison authority shall not be entitled to receive under this section more than one hundred and twenty pounds in the whole in respect of the same cell.

"Probable requirements" means the probable future requirements of a prison authority calculated as from the passing of this Act.

The average maximum number of prisoners of a prison authority maintained in any prison in any period of five years shall be calculated by finding the greatest number of such prisoners confined therein on the day on which such prison contained most of such prisoners as aforesaid in each of the said five years, and dividing the aggregate so found by five, excluding fractions.

19. Where at the time of the passing of this Act a prison authority has contracted to construct a building to be used as a prison, but such building has not at the commencement of this Act been completed or become a prison within the meaning of this Act, the Secretary of State may, if he thinks fit so to do, allow the prison authority time to complete such building as a prison, and when so completed it shall pass over to and vest in the Secretary of State as a prison completed at the commencement of this Act, but if the Secretary of State does not think fit to allow time for the completion of such prison as aforesaid, he shall, nevertheless, in assessing the amount of compensation payable in respect of cell accommodation, make with the consent of the Treasury, from the compensation payable as aforesaid, such deduction as, having regard to all the circumstances of the case, may be agreed upon or as may, in the event of disagreement between the Secretary of State and the prison authority, be determined by arbitration. Allowance to be made to prison authority in respect of uncompleted prison.

As to Contracts and Debts.

20. Nothing in this Act contained shall (save as in this Act mentioned with respect to contracts and obligations between prison authorities) affect any right or claim of any General saving of rights of creditors.

creditor of a prison authority under any contract legally made or in respect of any dealing legally had before the commencement of this Act, and between such creditor and the prison authority of which he is a creditor such contract may be enforced in the same manner in all respects as if this Act had not passed.

Determination of contracts between prison authorities.

21. Any contract made or obligation undertaken by any prison authority with any other prison authority for or in relation to the maintenance of any prison or prisoners, or any matter relating to such maintenance, shall be deemed to be determined on and after the commencement of this Act, without prejudice nevertheless to any moneys which may have accrued due under or in respect of such contract or obligation at or before the commencement of this Act.

Existing debts to be defrayed by prison authorities.

22. There shall be defrayed by a prison authority in the same manner as if this Act had not passed:

(1.) All debts due and sums of money payable in respect of contracts performed, dealings completed, or any matter or thing done before the commencement of this Act; and,

(2.) All mortgage debts (together with interest from time to time accruing thereon) contracted in respect of any prison.

A mortgage debt in this section shall include any moneys which at the commencement of this Act have been borrowed or contracted to be borrowed by a prison authority on the security of any prison, or on the security of any rate applicable to the payment of the expenses of a prison, also any debt or liability contracted before the commencement of this Act, for the payment of which debt or liability money is authorised to be borrowed in pursuance of section twenty-three of the Prison Act, 1865.

28 & 29 Vict. c. 126. s. 23.

Provision as to continuing contracts.

23. Where any contract or dealing, in which any prison authority is concerned, is a continuous contract or dealing, to be performed partly before and partly after the commencement of this Act, and is not a contract or dealing which is declared by this Act to have determined, and is not a mortgage debt as defined by the previous section, such contract or dealing shall be deemed to be divisible, and as to so much thereof as is performable before the commencement of this Act, shall create a debt or obligation to be discharged or performed by the prison authority concerned therein, and as to so much thereof as is performable after the commencement of this Act, shall create a debt or obligation to be discharged or performed out of moneys provided by Parliament.

As to Classification and Commitment of Prisoners.

Confinement of prisoners before and during trial.

24. The Secretary of State may from time to time by any general or special rule appoint in any county a convenient prison or prisons in which prisoners are to be confined before and during trial, or at either of such times, and any prisoner who might, if this Act had not passed, have been lawfully confined in a prison situate within the area of such county may be lawfully confined in any prison or prisons so appointed: Moreover, the Secretary of State may by any general or special rule from time to time appoint any convenient prison or prisons in any adjoining county to which prisoners may be committed for trial, safe custody, or otherwise, and any prisoners may be committed to such prison accordingly.

Confinement of prisoners after conviction.

25. The Secretary of State may from time to time by any general or special rule appropriate either wholly or partially particular prisons within his jurisdiction to particular classes of convicted criminal prisoners, and may remove any convicted criminal prisoner from any one prison to any other prison within his jurisdiction for the purpose of his undergoing the whole or any portion of his punishment in such prison; provided that a prisoner who is confined in a prison situate beyond the limits of the county, borough, or place in which he was convicted of his offence shall, at the time of his discharge, be taken back at the public expense to the county, borough, or place in which he was so convicted.

Confinement of debtors and prisoners who are not criminal prisoners.

26. The Secretary of State may from time to time by any general or special rule appoint in any county a prison or prisons in which debtors and prisoners who are not criminal prisoners are to be confined during the period of their imprisonment, and it shall be lawful to confine in any prison so appointed during the period of his imprisonment any debtor or prisoner who is not a criminal prisoner who might, if this Act had not passed, have been confined during such period in any prison situate within the area of the county.

Saving as to commitment of prisoners.

27. Subject to this Act, and any rules made in pursuance thereof, prisoners may be committed to the same prison to which they might have been committed if this Act had not passed.

The committal or imprisonment of a prisoner to or in a prison, if otherwise valid, shall not be illegal by reason only that such prisoner ought, according to the law for the time being in force, to have been committed to or imprisoned in some other prison, but any such prisoner as is mentioned in this section shall, on application made on his behalf in a summary manner to any judge of the High Court of Justice, be entitled to be removed at the public expense to such other prison as aforesaid.

Legal custody of prisoner.

28. A prisoner shall be deemed to be in legal custody whenever he is being taken to or from, or whenever he is confined in, any prison in which he may be lawfully confined, or whenever he is working outside or is otherwise beyond the walls of any such prison in the custody or under the control of a prison officer belonging to such prison, and any constable or other officer acting under the order of any justice of the peace or magistrate having power to commit a prisoner to prison may convey a prisoner to or from any prison to or from which he may be legally committed or removed, notwithstanding such prison may be beyond the constablewick or other jurisdiction of such constable or officer in the same manner and with the same incidents as if such prison were within such constablewick or other jurisdiction.

Allowance to discharged prisoners.

29. Where any prisoner is discharged from prison, the Prison Commissioners may, on the recommendation of the visiting committee or otherwise, order a sum of money, not exceeding two pounds, to be paid by the gaoler to the prisoner himself or to the treasurer of a certified prisoners aid society or refuge, on the gaoler receiving from such society an undertaking in writing, signed by the secretary thereof, to apply the same for the benefit of the prisoner.

As to Jurisdiction.

Jurisdiction of sheriff, coroner, and other officers.

30. The Secretary of State may from time to time, if he think it expedient so to do, for the purpose of any enactment, law, or custom, descriptive of or dependent on the circumstance of a prison being the prison of any county, riding, county of a city, county of a town, liberty, borough, or other place having a separate prison jurisdiction, by any general or special rule direct that for such purpose as aforesaid any prison locally situate within the county in which such riding, county of a city, county of a town, liberty, borough, or place is situate, or any prison which he may in pursuance of this Act have appointed as a prison to which prisoners may be committed, is to be considered to be the prison of such county, riding, county of a city, county of a town, liberty, borough, or other place, but subject to any such rule as in this section mentioned, and until the same be made the transfer under this Act of the prisons to which this Act applies, and of the powers and jurisdiction of prison authorities, and of justices in sessions assembled, and of visiting justices, shall not affect the jurisdiction of any sheriff or coroner, or save as provided by this Act, of any justice of the peace or other officer having at the commencement of this Act jurisdiction in, over, or in respect of such prison.

Sheriff not liable for escape.

31. On and after the commencement of this Act the sheriff of any sheriffdom shall not be liable for the escape of any prisoner.

Prisoners under sentence of death.

32. Nothing in this Act contained shall affect the jurisdiction or responsibility of the sheriff in respect of prisoners under sentence of death, and confined in any prison

within his jurisdiction, or his jurisdiction or control over the prison where such prisoners are confined, and the officers thereof, so far as may be necessary for the purpose of carrying into effect the sentence of death, or for any purpose relating thereto; and in any prison in which sentence of death is required or authorised to be carried into effect on any prisoner, the sheriff of the county in which the prison is situate shall, for the purposes of carrying that sentence into execution, be deemed to have the same jurisdiction with respect to such prison as he would by law have had with respect to the common gaol of his county if this Act had not passed, and such prison were the common gaol of his county.

As to Discontinuance of Prisons.

Power of Secretary of State to discontinue prisons.

33. The Secretary of State may by order from time to time discontinue any prison or prisons which are vested in him by this Act, provided that in every county there remain at least one prison, unless the Secretary of State otherwise order for special reasons to be stated in his order, and any order made by the Secretary of State in pursuance of this section shall be laid before both Houses of Parliament forthwith if Parliament be sitting at the time of the order being made, or, if not then sitting, within one month after the commencement of the then next session of Parliament.

Effect of discontinuance of prison.

34. When a prison to which this Act applies is discontinued, the Secretary of State shall serve notice on the prison authority to which such prison originally belonged that he will, at any time within a period not less than six months, to be prescribed by the Secretary of State, from the date of the service of such notice, cause such prison, but without any furniture or effects belonging thereto, to be reconveyed to such authority on payment by such authority into the Exchequer, for the public use, of one hundred and twenty pounds in respect of each prisoner belonging to such prison authority for whom cell accommodation was provided in such discontinued prison at the time of the passing of this Act, and on repayment by such authority of any compensation it may have received out of moneys provided by Parliament in respect of its having provided a prison of its own more than adequate for the accommodation of the prisoners belonging to such authority.

A prison authority to whom a prison is reconveyed in pursuance of this section may sell or otherwise dispose of the same in such manner as they think fit.

If a prison authority declines to accept the offer of the reconveyance of the prison so made by the Secretary of State, or fail to pay or to secure to the satisfaction of the Secretary of State the payment of such sum into the Exchequer as is required to be paid by them in pursuance of this section, the prison shall be sold by the Secretary of State; and the Secretary of State, after paying the expenses of such sale, and paying into the Exchequer the amount so required to be paid as aforesaid, shall render the overplus (if any) to the prison authority to which the prison originally belonged.

Any sum payable by a prison authority in pursuance of this section shall be deemed to be a debt due from the prison authority to the Crown, and may be recovered accordingly.

For the purposes of this section a prison authority may borrow, and the Public Works Loan Commissioners may advance by way of loan, to bear interest at such rate per cent. as the Treasury may determine to be sufficient to prevent any loss to the Exchequer, such sum as may be required, so that the whole amount so borrowed be discharged within a period not exceeding thirty-five years.

For the purposes of this section the cell accommodation provided by a prison authority in all its prisons may be calculated, and if it appears from such calculation that sufficient accommodation has been provided by such authority in any one prison or prisons belonging to such authority no sum shall be payable under this section by such prison authority in respect of the discontinued prison, and a proportionate deduction shall be made in the sum payable under this section by a prison authority in the event of any partial accommodation in excess of the necessary accommodation having been provided in such other prisons belonging to that authority.

Status of Prison Officers.

Position and duties of existing officers of prisons.

35. The officers attached to prisons at the time of the commencement of this Act (in this Act referred to as existing officers of a prison) shall hold their offices by the same tenure, and upon like terms and conditions, as if this Act had not passed, and shall receive salaries of not less amount than those which they have hitherto received.

Such existing officers as aforesaid may be distributed amongst the several prisons to which this Act applies in such manner as may be directed by the Secretary of State, and they shall perform such duties as they may be required to perform by the said Secretary of State, so that such duties are the same or analogous to those they performed previously to the commencement of this Act, and, subject as aforesaid, they shall perform the same duties as nearly as may be as they are performing at the time of the commencement of this Act.

An existing officer of a prison who is at the commencement of this Act in the receipt of military or naval half-pay, or who has, at or before such commencement as aforesaid, commuted his pension in pursuance of the Pensions Commutation Act, 1871, or is in receipt of any pension payable out of public moneys, shall not be subject to any deduction from his salary, or to be deprived of any portion of his half-pay, or of his pension, by reason of his salary being thenceforward paid out of public moneys, or of his employment becoming a public employment, or an employment of profit under Her Majesty, within the meaning of the Acts of Parliament providing for such deduction of salary or deprivation of half-pay, nor be disqualified from receiving such half-pay or pension by reason of his becoming by virtue of this Act a civil servant of Her Majesty.

34 & 35 Vict. c. 36.

Superannuation of officers and abolition of office.

36. If at any time after the commencement of this Act it appears to the Treasury that any existing officer of a prison has been in the prison service for not less than twenty years, and is not less than sixty years of age, or that any existing officer of a prison has become incapable, from confirmed sickness, age, or infirmity, or injury received in actual execution of his duty, of executing his office in person, and such sickness, age, infirmity, or injury is certified by a medical certificate, and there shall be a report of the Prison Commissioners testifying to his good conduct during his period of service under them, and recommending a grant to be made to him, the Treasury may grant to such officer, having regard to his length of prison service, an annuity, by way of superannuation allowance, not exceeding two thirds of his salary and emoluments, or a gratuity not exceeding the amount of his salary and emoluments for one year.

If any office in any prison to which this Act applies is abolished or any officer is retired or removed, any existing officer of a prison who by reason of such abolition, retirement, or removal is deprived of any salary or emoluments, shall be dealt with in manner provided by the Superannuation Act, 1859, with respect to a person retiring or removed from the public service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organization of the department to which he belongs.

22 Vict. c. 26.

"Prison service," for the purposes of this section, means, as respects the period before the commencement of this Act, service in a particular prison, or in the prisons of the same authority, transferred to the Secretary of State, and as respects the period after the commencement of this Act, service in any such prison or in any other prison transferred to the Secretary of State under this Act.

Any annuity by way of superannuation allowance or gratuity granted under this section shall be apportioned between the period of service before the commencement of this Act, and the period of service after the commencement of this Act; and so much of such annuity or allowance as is payable in respect of service before the commencement of this Act, regard being had to the amount of salary then paid, but without taking into account any number of years added to the officer's service on account of abolition of office or for facilitating the organization of the department, shall be paid by the prison authority of the prison in which the officer to whom such annuity or allowance is granted was serving at the date of the commencement of this Act out of rates which at or immediately before the commencement of this Act were applicable to the payment of the salary of such officer, and the residue shall be paid out of moneys provided by Parliament.

As to Miscellaneous Matters.

Relaxation of the law relating to hard labour. 28 & 29 Vict. c. 126.

37. Whereas in pursuance of the 34th regulation of the first schedule annexed to the Prison Act, 1865, a male person of sixteen years and upwards sentenced to hard labour is directed to be kept to hard labour of the first class during the whole of his sentence where it does not exceed three months, and during the first three months of his sentence where it exceeds three months; and whereas it is expedient to amend the said regulation: Be it enacted, that the Secretary of State may in either of such cases substitute hard labour of the second class for hard labour of the first class during the last two of such three months as aforesaid, or any part of such last two months, and he may make such substitution either by a general or special regulation, and either conditionally or unconditionally, and may from time to time vary any regulation so made. In making any regulations in pursuance of this section, the Secretary of State shall have regard to the previous convictions, the industry, and the conduct of the prisoners.

Rules as to treatment of prisoners confined for non-payment of sums in the nature of debts. 28 & 29 Vict. c. 126.

38. The Secretary of State may from time to time make, and when made repeal, alter, or add to rules with respect to the classification and treatment of prisoners imprisoned for non-compliance with the order of a justice or justices to pay a sum of money, or imprisoned in respect of the default of a distress to satisfy a sum of money adjudged to be paid by order of a justice or justices, so that such rules are in mitigation and not in increase of the effect of such imprisonment, as regulated by the Prison Act, 1865.

Special rules as to treatment of unconvicted prisoners and certain other prisoners.

39. Whereas it is expedient that a clear difference shall be made between the treatment of persons unconvicted of crime and in law presumably innocent during the period of their detention in prison for safe custody only, and the treatment of prisoners who have been convicted of crime during the period of their detention in prison for the purpose of punishment, and that, in order to secure the observance of such difference there shall be in force in every place in which prisoners are confined for safe custody only, special rules regulating their confinement in such manner as to make it as little as possible oppressive, due regard only being had to their safe custody, to the necessity of preserving order and good government in the place in which they are confined, and to the physical and moral well-being of the prisoners themselves: Therefore, be it enacted, that the Secretary of State shall make, and when made may from time to time repeal, alter, or add to, special rules—

(1.) With respect to the retention by a prisoner of the possession of any books, papers, or documents in his possession at the time of his arrest, and which may not be required for evidence against him, and are not reasonably suspected of forming part of property improperly acquired by him, or are not for some special reason required to be taken from him for the purposes of justice;

(2.) With respect to communications between a prisoner, his solicitor, and friends, so as to secure to such prisoner as unrestricted and private communication between him, his solicitor, and his friends as may be possible, having regard only to the necessity of preventing any tampering with evidence, and any plans for escape, or other like considerations; and

(3.) With respect to arrangements whereby prisoners may provide themselves with articles of diet, or may be furnished with a sufficient quantity of wholesome food, and may be protected from being called upon to perform any unaccustomed tasks or offices; also any matter which the Secretary of State may think conducive to the amelioration of the condition of a prisoner who has not been convicted of crime, regard being had to such matters as are in this section directed to be regarded.

Treatment of prisoners convicted of sedition, &c. 28 & 29 Vict. c. 126. s. 67.

40. The Prison Commissioners shall see that any prisoner under sentence inflicted on conviction for sedition or seditious libel shall be treated as a misdemeanant of the first division within the meaning of section sixty-seven of "The Prisons Act, 1865," notwithstanding any statute, provision, or rule to the contrary.

Treatment of persons committed for contempt of court.

41. Any person who shall be imprisoned under any rule, order, or attachment for contempt of any court shall be in like manner treated as a misdemeanant of the first division within the meaning of the said section of the said Act.

Test of malingering.

42. That where the prison medical officer considers it necessary to apply any painful test to a prisoner to detect malingering or otherwise, such test shall only be applied by authority of an order from the visiting committee of justices, or a Prison Commissioner.

Limitation of time of confinement in punishment cells.

43. It shall not be lawful for the gaoler to order any prisoner to be confined in a punishment cell for any term exceeding twenty-four hours; nor shall it be lawful for the visiting committee of justices to order any prisoner to be punished by confinement in a punishment cell for any term exceeding fourteen days.

As to inquests on the bodies of prisoners.

44. In no case, where an inquest is held on the body of a prisoner who dies within the prison, shall any person engaged in any sort of trade or dealing with the prison be a juror on such inquest.

Transfer of duties of existing inspectors of prisons.

45. On and after the commencement of this Act, any duties required by Act of Parliament or otherwise to be performed by an inspector of prisons, appointed in pursuance of the Act of the session of the fifth and sixth years of King William the Fourth, chapter thirty-eight, may, subject to any directions to be given by the Secretary of State, be performed by any Prison Commissioner or inspector appointed under this Act.

The persons who at the commencement of this Act hold the offices of Inspectors of Prisons, under such last-mentioned Act, shall become inspectors under this Act, in the same manner and liable to the performance of the same duties as if they had been appointed inspectors in pursuance of this Act, subject to the following qualifications, namely:—

(1.) Every such inspector shall hold his office by the same tenure, and upon like terms and conditions, as if this Act had not passed, and shall receive a salary of not less amount than that which he has hitherto received; and

(2.) Any duties they may be required to perform in pursuance of this Act shall be the same or analogous duties to those which they performed previously to the commencement of this Act.

The seventh section of the Act of the session of the fifth and sixth years of William the Fourth, chapter thirty-eight, shall be repealed from and after the commencement of this Act, in so far as respects England.

Power of prison authority to borrow on rate. 38 & 39 Vict. c. 83.

46. A prison authority may borrow any moneys authorised to be borrowed by them under this Act as one loan or as several loans in manner provided by the Local Loans Act, 1875, on the security of any rate or property which would, if this Act had not passed, have been applicable to the maintenance of the prisons within the jurisdiction of such authority, and such prison authority may levy such rate or apply such property in the same manner in all respects as if this Act had not passed.

The period for the discharge of a loan under this Act shall be deemed to begin at the date of the first advance of money made on account of any such loan or loans.

Power of Public Works Loan Commissioners to lend.

47. The Public Works Loan Commissioners may advance to any prison authority, on the security of such rate or property as aforesaid, any moneys authorised to be borrowed by the prison authority for the purposes of this Act.

The Public Works Loan Commissioners shall take, in respect of any loan advanced by them under this Act, in preference to any other securities, all or such one or more of the securities issuable under the Local Loans Act, 1875, as they may prefer; and for the purposes of any loan so made, and so far as relates to the securities taken and to the recovery of the moneys due on such securities, the Local Loans Act, 1875, shall be deemed to be substituted for the Public Works Loans Act, 1875.

38 & 39 Vict. c. 83.

38 & 39 Vict. c. 58.

Legal estate in prison.

48. The legal estate in every prison to which this Act applies, and in the site and land belonging thereto, and in the furniture and effects, shall, on and after the commencement of this Act, be deemed to be vested in the Prison Commissioners and not in the Secretary of State, but shall from time to time be disposed of by such Commissioners in such mode as the Secretary of State, with the consent of the Treasury, may direct.

Appropriation of court-houses situate within the precincts of a prison.

49. Town halls, court-houses, or other rooms situate within the curtilage of a prison or forming part of a prison as defined by this Act, and which town halls, court-houses, or other rooms are used for the holding assizes or petty sessions, or for purposes other than those connected with the management of a prison, shall not be transferred to or vested in the Secretary of State under this Act, but it shall be lawful for the Secretary of State, with the consent of the Treasury, if he thinks it desirable to purchase such town halls, court-houses, or other rooms so situate as aforesaid from the local authority to whom the same belong, and for the purposes of such purchase the Lands Clauses Consolidation Acts, 1845, 1860, and 1869 shall be incorporated with this section, and in the construction of the said incorporated Acts this Act shall be deemed to be the special Act, and the Secretary of State shall be deemed to be the promoter of the undertaking.

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.

Protection of prisons in the nature of national monuments.

50. Any buildings which being in the nature of national monuments are as to certain portions thereof used as prisons shall, as to the portions so used during such time as they are used by the Secretary of State, be maintained in such manner as to prevent their being defaced or injured in their character of national monuments.

Rules of Secretary of State, and repeal of inconsistent enactments.

31 & 32 Vict. c. 37.

51. Any rule made by a Secretary of State, in pursuance of this Act, may be proved in manner in which regulations made under the authority of one of Her Majesty's Principal Secretaries of State are capable of being proved in pursuance of the Documentary Evidence Act, 1868, and all enactments inconsistent with this Act are hereby repealed: Provided always, that all rules and regulations made under or in pursuance of this Act shall be forthwith laid in a complete form, after the same shall have been settled and approved by such Secretary of State before both Houses of Parliament, if Parliament be sitting, or if not, then within three weeks after the beginning of the next ensuing session of Parliament; and if any such rules or regulations shall be disapproved by either House of Parliament within forty days after the same shall have been so laid before Parliament, such rules or regulations, or such parts thereof as shall be so disapproved of, shall be void and of no effect: Provided also, that no such rules or regulations shall come into force or operation until the same shall have been so laid before Parliament for forty days.

Saving clause as to reformatory and industrial schools.

29 & 30 Vict. c. 117.
29 & 30 Vict. c. 118.

52. Nothing in this Act contained shall affect the powers or jurisdiction of a prison authority in relation to any reformatory school or to any industrial school under the Reformatory Schools Act, 1866, and the Industrial Schools Act, 1866, or either of such Acts, or any Act amending the said Acts, or either of them.

Saving clause as to pensions.

28 & 29 Vict. c. 126.

53. Nothing in this Act contained shall entitle any existing officer of a prison to any superannuation or other allowance, the conditions of whose office would not have entitled him to superannuation or other allowance under the Prison Act, 1865.

Commutation of payment by University of Oxford to the city of Oxford.

31 & 32 Vict. c. lix.

54. The chancellor, masters, and scholars of the University of Oxford shall, in consideration of their being relieved from their obligation under the Oxford Police Act of 1868 to contribute to gaol expenses, pay to the mayor, aldermen, and citizens of the city of Oxford, on or before the first day of April one thousand eight hundred and seventy-eight, the sum of four hundred pounds; and the said chancellor, masters, and scholars shall, from that date, be discharged from all liability under the said Act in respect of gaol expenses.

Arrangement and Arbitration.

Power for Secretary of State and prison authority to compromise and refer to arbitration.

17 & 18 Vict. c. 125.

55. The Secretary of State on the one hand (with the assent of the Treasury so far as any public moneys are concerned) and a prison authority on the other may, with a view to carry into effect the purposes of this Act, compromise any matter, or settle any difference, or refer to arbitration any matter or difference.

A reference to arbitration under this Act shall be to a single arbitrator, and the provisions of the Common Law Procedure Act, 1854, shall apply accordingly.

Definitions.

Definition of "furniture and

56. The expression "furniture and effects belonging to a prison" includes all furniture, beds, bedding, clothes, linen, implements, machinery, and stores, except goods manufactured

for sale, and materials in store for the purposes of such manufacture, also all books, papers, registers, and documents whatsoever relating to such prison or to the prisoners therein, also all articles whatsoever, whether or not of the same kind as those previously described, belonging at the commencement of this Act to the prison authority of any prison for the purposes of such prison. effects belonging to a prison."

57. A "prisoner" for the purposes of this Act means any person committed to prison on remand or for trial, safe custody, punishment, or otherwise, and "the maintenance of a prisoner" includes all such necessary expenses incurred in respect of a prisoner for food, clothing, custody, safe conduct, and removal from one place of confinement to another, or otherwise, from the period of his committal to prison until his death or discharge from prison, as would if this Act had not passed have been payable by a prison authority with this proviso, that nothing in this Act shall exempt a prisoner from payment of any costs or expenses in respect of his conveyance to prison or otherwise which he would have been liable to pay if this Act had not passed. Definition of "prisoner" and "the maintenance of a prisoner."

For the purposes of this Act, sufficient accommodation for the prisoners belonging to a prison authority shall, as nearly as can be ascertained, be deemed to be the average daily number of prisoners maintained at the expense of such authority, whether in its own prison or in a prison belonging to some other prison authority during the five years immediately preceding the first day of January one thousand eight hundred and seventy-seven.

"Cell accommodation for a prisoner" means a cell for the separate confinement of such prisoner certified in pursuance of "The Prison Act, 1865." "Cell accommodation for a prisoner." 28 & 29 Vict. c. 126.

58. In the construction of this Act, unless there is something inconsistent in the context,— Definition of "county" and "riding."

"County" means a county at large, inclusive of any riding, division, or parts of a county having a separate court of quarter sessions:

"Riding" means any riding, division, or parts of a county having a separate court of quarter sessions.

The city of London shall be deemed to be a county, and any prison belonging to the city of London to be situate within the limits of that city.

Save as aforesaid, all counties of cities, counties of towns, liberties and franchises of counties, shall be considered as forming part of the county by which they are surrounded, or if partly surrounded by two or more counties, then as forming part of that county with which they have the longest common boundary.

59. "Borough" means a place which is for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth (chapter seventy-six), "to provide for the regulation of municipal corporations in England and Wales," inclusive of any county of a city or county of a town. Definition of "borough."

60. "Prison," in addition to the meaning attached to it by the Prison Act, 1865, includes any land or building bought or contracted to be bought before the commencement of this Act by a prison authority, for the purpose of enlarging or altering any prison, or adding to the appurtenances of any prison, subject to this proviso, that if the Secretary of State is of opinion that any portion of the lands so bought or contracted to be bought, whether included or not within the walls of the prison, was not at the time of the passing of this Act necessary for the then subsisting purposes of such prison, he shall either direct that such portion shall be reconveyed to the prison authority, or retain such portion, or any part of such portion, on payment out of moneys provided by Parliament of such sum as may be agreed upon, or, in the event of difference, may be determined by arbitration in manner provided by this Act, on the transfer of any such prison to him, and the vesting thereof in him as by this Act provided. Definition of "prison." 28 & 29 Vict. c. 126.

61. In this Act the expressions "prison authorities," "justices in sessions assembled," and "visiting justices" shall respectively have the same meaning in relation to any prison as they have in "The Prison Act, 1865," and expressions defined in that Act have the same meaning also in this Act. Definition of "prison authorities," "justices in sessions assembled," "visiting justices."