apply to the Purposes of such Buildings and Repairs the annual Sums provided by the Sixth Section of the Act of the Eighth and Ninth Years of Her present Majesty, Chapter Twenty-five, or any Part of the said Sums. towards Buildings and Repairs.

II. It shall be lawful for the Commissioners of Public Works in *Ireland*, with the like previous Sanction, to advance from Time to Time, and for the said Trustees to borrow on the Security of the said Sums, such Monies as may be necessary for the said Purposes, such Advances to be repaid out of the said Sums at such Periods, and at such Rate of Interest, and by such Instalments as Monies advanced by the said Commissioners under an Act of the Tenth Year of the Reign of Her present Majesty, Chapter Thirty-two, are by the Thirty-seventh Section of that Act made repayable. Commissioners of Public Works to advance Money on Security of Portion of Grant applied towards Buildings and Repairs.

III. Nothing in this Act contained shall authorize any Expenditure to provide Accommodation in the said College for a greater Number of Students than the Number authorized by the said first-mentioned Act. Accommodation for Students.

IV. The Provisons of the Eighth and Ninth Sections of the said first-mentioned Act shall apply to any Buildings to be erected, enlarged, improved, fitted up, or furnished by Monies advanced by the Commissioners under the Provisions of the Second Section of this Act. 8 & 9 Vict. c. 25. ss. 8, 9, to apply to Buildings provided for under this Act.

CAP. CV.

An Act to provide for the Management of the General Prison at *Perth*, and for the Administration of Local Prisons in *Scotland*. [20th *August* 1860.]

'WHEREAS an Act was passed in the Second and Third Year of the Reign of Her present Majesty, intituled *An Act to improve Prisons and Prison Discipline in* Scotland; and another Act was passed in the Seventh and Eighth Year of the Reign of Her present Majesty, intituled *An Act to amend and continue, until the First Day of* September *One thousand eight hundred and sixty-one, and to the End of the then next Session of Parliament, the Law with respect to Prisons and Prison Discipline in* Scotland; and another Act was passed in the Fourteenth and Fifteenth Year of the Reign of Her present Majesty, intituled *An Act to amend certain Acts for the Improvement of Prisons and Prison Discipline in* Scotland: And whereas it is expedient that the Laws for the Administration of Prisons in *Scotland* should be consolidated and amended:' 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: 2 & 3 Vict. c. 42. 7 & 8 Vict. c. 34. 14 & 15 Vict. c. 27.

I. From and after the Thirty-first Day of *December* One thousand eight hundred and sixty, the recited Acts shall be and are hereby repealed, and this Act shall commence and take effect. Recited Acts repealed, and this Act to take effect.

II. The Repeal of the recited Acts shall not be held to repeal or in any way affect the Enactments of an Act passed in the Twentieth and Twenty-first Year of the Reign of Her present Majesty, intituled *An Act for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums in* Scotland; and where in any Enactments of the last-recited Act, or of any other Act which shall continue in force after the Commencement of this Act, any of the Acts hereby repealed is cited or referred to, such Enactments shall be interpreted as if this Act were cited or referred to therein. Repeal not to affect 20 & 21 Vict. c. 71.

III. This Act may be cited for all Purposes as "The Prisons (*Scotland*) Administration Act, 1860." Short Title.

Interpretation of Terms.

IV. The following Words and Expressions used in this Act shall in the Construction thereof be interpreted as follows, except where the Nature of the Provision or the Context shall be repugnant to such Construction:

The Word "Prisons" shall include all legal Prisons under this Act, whether administered by the Managers appointed in Terms of this Act or by County Boards, but shall not include Military Prisons, Police Cells, or other Places of Detention not administered either by such Managers or by a County Board:

"Local Prisons" shall include all legal Prisons under this Act, not administered by the said Managers:

The Expression "Classes of Prisoners for which a Prison is legal" shall include all Descriptions of Civil and Criminal Prisoners, other than such as are excepted in the Declaration, Order, or other Proceeding by which the Prison is rendered legal:

"Burgh" shall include and apply to the Cities, Burghs, and Towns which are Royal Burghs, or which send or contribute as Burghs to send a Member to Parliament:

"Town Councils" shall include the Lord Provost, or Provost or Chief Magistrate, and Magistrates and Council of Burghs:

"Magistrates" shall include the Administrators of the Affairs of a Burgh:

"Sheriff" shall include Sheriff Substitute:

"Landward Part of a County" shall include and apply to a County exclusive of the Burghs situated therein:

"Civil Prisoner" shall include all Persons imprisoned for Civil Debts due to Subjects; Prisoners for Debts or Taxes due to the Crown, not being Fines or Penalties inflicted on Conviction of Offences; Prisoners on Meditatione fugæ Warrants granted at the Instance of Creditors for Performance of Civil Obligations; Prisoners Ad factum præstandum; Prisoners until they find Caution to return to Service; and Prisoners until they find Caution under Writs of Law Burrows:

"Criminal Prisoner" shall include all other Descriptions of Prisoners:

"Administrators of a Prison" shall mean either the Managers of the General Prison or a County Board, as the Case may be:

"Medical Practitioner" shall mean a Person registered in Terms of an Act passed in the Twenty-first and Twenty-second Year of the Reign of Her present Majesty, intituled *An Act to regulate the Qualifications of Practitioners in Medicine and Surgery*, and an Act passed in the Twenty-second Year of the Reign of Her present Majesty, intituled *An Act to amend the Medical Act* (1858).

Appointments, Claims, and Obligations under repealed Acts to continue.

V. All Appointments made under the recited Acts, except in so far as the same are superseded by this Act, shall remain until the same are legally revoked or altered; and all Claims which have been created, and all Obligations and Penalties which have been incurred under the said Acts, and are not superseded by this Act, shall continue to be effectual; and all Orders lawfully made but not fulfilled, and all Matters left incomplete by the Repeal of the said Acts, shall be brought to a Conclusion under this Act, except in so far as the same are superseded thereby.

Rules for Prisons.

Rules as existing to continue until altered.

VI. All Rules for Prisons in *Scotland* which have been certified under the Hand of One of Her Majesty's Principal Secretaries of State, and have not been superseded by other Rules so certified, shall, except in so far as the same are superseded by this Act, be the Rules for Prisons in *Scotland*, and as such shall be binding on all Persons whom they may concern.

Secretary of State to be substituted for General Board of Prisons in Rules.

VII. When the Words "General Board" are used in such Rules, in applying the same to Local Prisons, the Words "One of Her Majesty's Principal Secretaries of State" shall be substituted therefor: Provided that the Intimation required by such Rules to be made of an Escape or of a sudden Death shall be made to the Crown Agent.

VIII. Where

VIII. Where in any Prison any Relaxation or Modification of any of such Rules shall before the Commencement of this Act have been authorized by the General Board of Directors of Prisons, such Rules shall be enforced in such Prison subject to such Relaxation or Modification, until the same are revoked by the Adoption of any new Rules under the Provisions of this Act. Authorized Relaxations or Modifications of Rules to continue.

IX. It shall be lawful at any Time for One of Her Majesty's Principal Secretaries of State to alter, modify, or supersede any Rule applicable at the Time to any Prison in *Scotland*, and all Rules, whether applicable to particular Prisons therein named or applicable to Prisons in *Scotland* generally, issued under the Hand of One of Her Majesty's Principal Secretaries of State, shall be specially communicated to the Administrators of every Prison to which they apply and published in the *Edinburgh Gazette*, and shall thereafter be binding on all Persons whom they may concern. Secretary of State empowered to alter Rules, or make new Rules.

County Prison Boards.

X. There shall be in each County a County Prison Board; provided that for the Purposes of this Act *Orkney* and *Zetland* shall as heretofore be taken to be separate Counties; and the several County Boards in existence at the Commencement of this Act shall continue to be the County Boards under this Act until the First Appointment of County Boards under the Provisions thereof. County Board for each County; and Orkney and Zetland to be separate.

XI. The County Boards shall be chosen by the Commissioners of Supply of the several Counties, and by the Magistrates of certain Burghs, and the Board of each County shall consist of the Number of Members set forth in reference to such County in the Schedule (A.) annexed to this Act, and shall be chosen by the Commissioners of Supply of each County, or by such Commissioners and the Town Council of any Burgh or Burghs situated in the County, according to the Proportion set forth in the said Schedule: Provided that the Sheriff and, in his Absence, One Sheriff Substitute of the County shall, in addition to the Members so chosen, be *ex-officio* Members of the County Board; and where there is more than One, the Sheriff Substitute whose Appointment is the earliest in Date shall be such Member. County Boards to be chosen by Commissioners of Supply and Magistrates of Burghs, and to consist of Numbers set forth in Schedule (A.)

XII. The Commissioners of Supply of each County shall elect such Number of Members of the County Board as they are by this Act authorized to elect, at their Annual Meeting held on the Thirtieth Day of the Month of *April*, or on the first lawful Day thereafter, in the Year One thousand eight hundred and sixty-one, and in every subsequent Year; and the Town Councils of the several Burghs authorized to elect Members of County Boards shall also elect such Number of Members as they are by this Act authorized to elect in the Month of *April* One thousand eight hundred and sixty-one, and in every subsequent Year; and the Members of every County Board shall remain in Office until the First Meeting of the Board elected in the ensuing Year, and at each new Election any Member of such Board may be re-elected. As to Election of County Boards.

XIII. Each County Board shall hold their First Meeting at such Place within the County as may be fixed by the Sheriff, and on such Day not earlier than the Day on which the Commissioners of Supply hold their Annual Meeting in *April*, and not later than the Month of *May*, as the Sheriff shall fix; and of the Day and Place of such Meeting due Notice shall be given in Two Newspapers in general Circulation in the County; and such Meeting may be adjourned; and at such Meeting each County Board shall elect One of their own Number to be their Chairman and Convener; provided that until such Chairman is elected the Sheriff of the County, or in his Absence the Sheriff Substitute, shall be Chairman, and the Chairman shall, in case of an Equality of Votes, have a Double or Casting Vote; and each County Board shall from Time to Time hold their Meetings at some Place within the County, and shall from Time to Time fix the Rules by which their Proceedings shall be governed; and each County Board may appoint Committees of their own Number for the Management of the several Prisons within the County, or for the Performance of the several Duties required to be performed by such Board, and fix the Quorum thereof, and may delegate to such Committees such Powers as they may think fit, the same being expressed in Meetings of County Boards. Chairman. Committees and Quorum of County Boards.

in the Minute of their Appointment; and Three shall be a Quorum of such County Boards.

Lists of County Boards to be transmitted to Secretary of State.

XIV. On or before the Day of the First Meeting of each County Board the Clerk thereof shall transmit to One of Her Majesty's Principal Secretaries of State, a Statement of the Name and Place of Abode of each Member of such County Board.

Powers and Duties of County Boards.

XV. In every County the County Board shall have the immediate Superintendence and Management of the Local Prisons therein, in Terms of this Act and of the Rules in force for the Time being in virtue of the same; and such Superintendence and Management shall include the building, altering, and repairing the said Prisons, the transferring the Site of any Prison to be rebuilt from One Part of the County to another, providing Food and all other Articles of Consumption used therein, furnishing Instruction and Employment to the Prisoners, and the Appointment of Keepers, Chaplains, Medical Officers, Clerks, and Teachers, and all other Persons proper to be employed in the Prisons under their Administration: Provided always, that the Chaplains to be so appointed to the General Prison and Local Prisons aforesaid shall be Ministers or Licentiates of the Church of *Scotland.*

Appointment of Clerks and Treasurer.

XVI. Each County Board shall appoint a Clerk of the Board, and may when necessary appoint Assistant Clerks, and appoint a Treasurer; and the Persons so appointed shall perform all such Duties connected with their respective Offices as they may be directed by the County Board to perform with a view to carrying this Act into effect.

Offices under County Boards to be held at pleasure.

XVII. Each County Board shall from Time to Time fix the Salaries and Allowances of the several Persons in their Employment; and all Persons in their Employment shall hold their Appointments at the Pleasure of the Board, and shall be liable to be at any Time dismissed by the Board, and on such Dismissal shall be bound immediately to vacate any Premises belonging to the Board occupied by them.

Power to County Boards to grant retiring Allowances as prescribed in 22 Vict c. 26.

XVIII. It shall be lawful for any County Board, if they think fit, to pay to any Officer or other Person in the Employment of the Board, who by reason of Age, Infirmity, or Disease has become unable properly to discharge his Duties, a retiring Allowance not exceeding the Scale prescribed in Section Two of an Act of the Twenty-second Year of Her present Majesty, intituled *An Act to amend the Laws concerning Superannuations and other Allowances to Persons having held Civil Offices in the Public Service,* and such Allowance, when granted, shall be a Charge on the Assessment for current Expenses: Provided always, that it shall not be lawful to grant such retiring Allowance to any Person under Sixty Years of Age, unless upon Medical Certificate, on Soul and Conscience, under the Hands of Two Medical Practitioners, that such Person is incapable from Infirmity of Mind or Body to discharge the Duties of his Office, and that such Infirmity is likely to be permanent.

Secretary of State may dismiss Persons employed by County Boards, or in Prisons.

XIX. Any Person in the Employment of any County Board or employed in any Prison in *Scotland* may at any Time be dismissed by an Order in Writing under the Hand of One of Her Majesty's Principal Secretaries of State, after such Inquiry as to him may seem proper, and it shall not be lawful to pay a retiring Allowance to any Person who has been so dismissed.

Prisons and other Property of existing Boards vested in County Boards under this Act.

XX. All Local Prisons, all Heritable and Moveable Property, all Monies, Goods, and Effects, and all Rights of Action possessed by County Boards at the Commencement of this Act, shall be vested in and be possessed by the County Boards respectively under this Act, until such Possession shall be altered by due Course of Law; and all Local Prisons hereafter built, and all Lands and Tenements acquired by County Boards for the Purposes of such Local Prisons, shall be the Property of the Prison Board of the County within which the same are situated.

County Boards may acquire Property, sue and be sued, &c.

XXI. The several County Prison Boards may acquire and hold Heritable and Moveable Property, Monies, Goods, and Effects; and all Titles, Securities, and Investments and Evidences taken for the same may be taken to the said Boards by the Name and Description of the Prison Board of the County wherein the same shall be established without further Description;

Description; and all Property, Monies, Goods, and Effects which shall have been or may be so vested, and the Titles and Securities thereof, shall be deemed to be held for the Use of such Boards for the Time being, and shall pass and be transmitted to such Boards for the Time being, without the Necessity of any Conveyance or Assignation from One Board to another; and every County Board may, for all Purposes of Civil or Criminal Action or Diligence, or Reference or Arbitration, institute, defend, or enter into Civil or Criminal Proceedings in the Name of the Board or of their Clerk for the Time being; and no such Proceeding shall discontinue or abate by reason of any Vacancy in any of the said Offices, but may be insisted in, to all Intents and Purposes, in the Name of the Board or of their Clerk for the Time being.

Members of County Boards to derive no Profit from Office.

XXII. No Member of any County Board shall derive any Profit or Emolument, directly or indirectly, for himself or any Partner, from his Office, or from the Expenditure made by the Board of which he shall be a Member in the Execution of this Act, nor shall he be personally liable for anything done by him *bonâ fide* in virtue of his Office in the Execution of this Act or in the Exercise of the Powers hereby conferred; and no Sheriff or other Judge shall be disqualified from acting as such in any Civil or Criminal Proceedings which may be brought before him by reason of being a Member of any such Board.

Sheriffs, &c. not disqualified.

Power to supply Vacancies in County Boards from Time to Time.

XXIII. The Commissioners of Supply and the Town Councils of Burghs authorized to appoint Members of County Boards shall severally have Power from Time to Time to supply any Vacancies which may occur in their Appointment of Persons to form a County Board; and it shall be lawful for each County Board from Time to Time to supply any Vacancy which may occur in the Office of their Chairman and Convener; and it shall not be held to invalidate the Acts of any County Board that any Commissioners of Supply or Town Councils of Burghs have failed duly to appoint the several Numbers of Persons authorized to be appointed by them as Members of County Boards, and each County Board may act if Three Members thereof shall assemble.

Provision for Refusal or Neglect by Commissioners of Supply, Town Councils, &c., and Failure of County Board.

XXIV. In case any Convener or Commissioners of Supply of Counties, or Persons appointed or directed by them, or any Town Councils of Burghs, or Persons appointed or directed by them, or any County Board, or Persons appointed or directed by them, shall refuse or neglect to do what is herein required of such Persons respectively, or in Case in any County there shall be no County Board, or in case a County Board shall refuse or neglect to carry this Act into effect, or in case any Obstruction shall arise in the Execution of this Act, it shall be lawful for the Lord Advocate of *Scotland* to apply by Summary Petition to the Court of Session, or during the Vacation of the said Court to the Lord Ordinary on the Bills, and the said Court and Lord Ordinary are hereby authorized and directed in such Case to do therein as to such Court or Lord Ordinary shall seem just and necessary for the Execution of the Purposes of this Act.

Local Prisons.

Legal Prisons to continue for the Purposes for which they were legalized.

XXV. The several Prisons which under the Powers of the recited Acts have heretofore been administered by County Boards, and shall exist as legal Prisons at the Commencement of this Act shall, for the several Purposes and for the several Classes of Prisoners for which they were legal at the Commencement of this Act, continue to be legal Prisons until their Condition as such shall be altered under the Provisions of this Act; and every Declaration by the General Board of Directors of Prisons, or other Procedure rendering a Prison legal which shall be effectual at the Commencement of this Act, shall continue to be effectual, and shall be binding on all Persons concerned, as if the same formed Part of this Act, until such Declaration or other Procedure shall be revoked or altered under the Provisions of this Act.

No material Alteration to be made without Consent of Secretary of State.

XXVI. No Transference of a Prison to a new Site shall be competent, and no Addition shall be made to the Accommodation of any Prison, and no Part of any Prison shall be taken down to the Effect of altering the Accommodation thereof, unless with the Consent in Writing of One of Her Majesty's Principal Secretaries of State.

XXVII. It

Secretary of State may alter legal Condition of a Prison, or legalize new Prison.

XXVII. It shall be lawful for One of Her Majesty's Principal Secretaries of State, by an Order under his Hand, to render any Local Prison no longer a legal Prison, or to alter the Classes of Prisoners for which any Local Prison is a legal Prison, or to render any new Building a legal Prison for the Classes of Prisoners included in such Order; and every such Order shall be published in the *Edinburgh Gazette*, and in Two Newspapers circulating in the District to which it applies, and shall be effectual on and after a Day named therein subsequent to such Publication.

Procedure when there is no Prison for all Descriptions of Prisoners in any County.

XXVIII. When the Terms of any Order affecting the Classes of Prisoners for which a Prison is legal are such that when it comes in force there shall cease to be in the County to which it applies a legal Prison for all Descriptions of Civil and Criminal Prisoners, a Prison in some neighbouring County shall be named in such Order to which all Prisoners who would otherwise be confined in such first-mentioned Prison, but cannot be so by reason of the Change in the Classes of Prisoners for which it is legal, shall be removed, and all such Prisoners shall be removed in Terms of such Order by the Prison Board of the County from which they are removed as if the Removal were to another Prison in the same County; and the Expense of the Removal of such Prisoners, and of their Maintenance and Detention in the Prisons to which they are removed, shall be a Charge on the Assessment for current Expenses of Prisons in the County from which they are removed; and in case of Dispute the Amount of such Charge shall be fixed by the Crown Agent.

Procedure when Prisoners are committed to Prisons legalized for short Periods.

XXIX. When a Prisoner, having been convicted of an Offence, shall be committed until he pay a Penalty or perform any other Act, to a Prison which is only legal for the carrying out of Sentences of certain short fixed Periods, it shall be lawful for the County Board to remove him to another Prison, as if he had been committed under a Sentence for a Period beyond that which could be lawfully carried out in the Prison to which he is committed.

Procedure where there is no Prison, or only a Prison for limited Purposes within a Burgh or other Jurisdiction.

XXX. When any Judge or Magistrate having Jurisdiction within any Burgh, Town, or Place forming Part of a County shall in the legal Exercise of his Jurisdiction grant a Warrant for the Imprisonment of any Person, and within the Bounds over which his Jurisdiction extends there is either no Prison or only a Prison in which, by reason of the Classes of Prisoners for which it is legal, such a Warrant cannot be carried into effect, it shall be lawful for such Judge or Magistrate to direct that the same shall be carried into effect in any other Prison within the County, and the Warrant shall thereupon be as effectual as if the Prison named therein were within the Bounds of such Judge or Magistrate's Jurisdiction.

Disposal of Premises ceasing to be Prisons or not necessary for Prison Purposes.

XXXI. In case any Local Prison or a Part thereof shall be discontinued by ceasing to be a legal Place of Confinement under this Act, the County Board may sell the same for such Price as they may obtain therefor and convey the same to the Purchaser: Provided always, that when the Building so discontinued as a Prison forms Part of any Building used for other Purposes, the First Offer of the same shall be made to the Persons having Right to the other Parts of the Building at such Price as may be agreed on, or in case of Disagreement as may be fixed by Valuators appointed by the Sheriff of the County; Provided also, that the County Board may give up any Building so discontinued as a Prison, or any Part of the Ground or Buildings belonging to them, which may not be required for their Prisons, without receiving any Price therefor, if the same is to be used for the Purposes of Court Buildings or of a Reformatory of a Police Office Station House or Lock-up.

ASSESSMENTS.

Assessment for current Expenses.

XXXII. The Salaries of the several Persons in the Employment of the County Board, the Expense of the Maintenance of Prisoners in the Local Prisons within the County, and generally the current Expenses of the Administration of such Prisons, shall be defrayed by Assessment upon the County and the Burghs situated therein; and such Assessment shall be of such Amount as the County Board shall from Year to Year fix and determine at a Meeting to be held for that Purpose, which may be either at any Meeting to be held for that Purpose in the Month of *March* or *April*, or at any other Meeting held not later than the Month of *September* in every Year; and such Assessment shall be called the Assessment

Assessment for current Expenses: Provided that where a Prisoner shall be confined in the Prison of any County not being the County in which the Crime for which the Prisoner has been so confined was committed, such County shall be paid by the County within which the Crime was committed the Expense of maintaining such Prisoner during such Confinement, and in case of Dispute the Amount of such Payment shall be fixed by the Crown Agent.

Building Assessment.

XXXIII. At any Meeting to be held for that Purpose, which may be either the First Meeting of the Board after their Appointment or any other Meeting held not later than the Month of *September* thereafter, the County Board may also impose an Assessment for the Year for the Purpose of defraying the Expenses of Building, altering, or repairing any Local Prison within the County, or of acquiring Lands for such Purpose; and such Assessment shall be called the Building Assessment: Provided that no such Building Assessment shall exceed the Amount which, as set forth in the Twenty-first Annual Report of the General Board of Directors of Prisons, presented to both Houses of Parliament, was or might legally have been estimated for as a Building Fund before the Commencement of this Act for such County, unless the same shall in Terms of any Agreement or Minute to that Effect laid before the County Board be consented to by the Commissioners of Supply of such County on behalf of the Landward Part thereof, and by the Town Councils of Burghs situated therein entitled to choose Members of the County Prison Board on behalf of their respective Burghs, and it shall appear that the Persons on whose Behalf such Consent has been given shall have contributed or been liable to contribute not less than Three Fourths of the Assessments imposed on such County and the Burghs situated therein.

Clerk of the Peace to apportion the total Amount of Assessment between the Landward Part of County and the Burghs therein.

XXXIV. When any Assessment has been imposed by a County Board, the Clerk of the Board shall forthwith divide and apportion the total Amount thereof between the Landward Part of the County and the Burghs situated therein, according to the total Value of Lands and Heritages on which the immediately preceding Assessment for Prison Purposes was levied or leviable in such Landward Part and in each such Burgh; and within Eight Days after such Assessment has been imposed he shall transmit to the Conveners of the Commissioners of Supply of the County, and to the Chief Magistrate of each Burgh situated therein, a Notification of the total Amount imposed, and of the Proportion of such total Amount to be paid by the Landward Part and by each Burgh respectively, to the County Board.

Court of Session to order Building Assessment to be raised when County Board fails to impose it.

XXXV. If a Building Assessment for any Year appear to be necessary for any County, and the County Board shall fail to impose the same previous to the First Day of *October*, it shall be lawful for the Court of Session, or either Division thereof, on a summary Petition presented at the Instance of the Lord Advocate or of any Member of the County Board, to give such Directions and Orders to the County Board in regard to the imposing or levying of a Building Assessment as to them may seem fit.

Assessment to be levied on Lands and Heritages according to yearly Value, as established by 17 & 18 Vict. c. 91. and 20 & 21 Vict. c. 58.

XXXVI. Every Assessment under this Act shall be levied upon the Lands and Heritages within the County for which it is imposed, and the Burghs situated therein, according to the yearly Value of such Lands and Heritages as established by the Valuation Rolls in force for the Year of Assessment under an Act passed in the Seventeenth and Eighteenth Year of the Reign of Her present Majesty, intituled *An Act for the Valuation of Lands and Heritages in* Scotland, and an Act passed in the Twentieth and Twenty-first Year of the Reign of Her present Majesty, intituled *An Act to amend the Act Seventeenth and Eighteenth of* Victoria *for the Valuation of Lands in* Scotland, or either of the said Acts.

Assessments payable for the Period from Whitsunday to Whitsunday.

XXXVII. Every Assessment under this Act shall be payable for the Period from *Whitsunday* of the Year in which the same is imposed to the ensuing Term of *Whitsunday*: Provided that if there shall be any Deficiency in the Funds available during any Year for current Expenses, the same may be made good in imposing any subsequent Assessment; and if there be any Surplus of Funds for current Expenses at the Term of *Whitsunday*, the same may be applied to the current Expenses of the ensuing Year.

Assessments to be remitted to County Boards.

XXXVIII. The Persons charged with the levying and collecting of the Assessments as herein-after provided shall remit the same to the County Board free of all Expense and at the Risk of the Remitters; and any Portion of an Assessment which shall not be so remitted within Eight Months from the Date of the Notification shall bear Interest from and after such Term.

Commissioners of Supply to levy Assessments in Landward Part of County.

XXXIX. The Commissioners of Supply of each County are hereby charged with the levying and collecting of all Assessments under this Act, in so far as the same are leviable on Lands and Heritages in the Landward Part of the County; and the said Commissioners are hereby authorized and required, as soon as conveniently may be after Notice as aforesaid to the Convener of the County, to assess and levy and collect or direct the levying and collecting of the same, together with such further Sum as may be necessary to cover Expenses of Assessment, Collection, and Remittance, and any Arrears, with Interest thereon, of preceding Years, and any Deficiency on account of Exemption from Assessment; and the said Commissioners shall proceed in such Manner, and by means of such Collectors or other Persons as they shall from Time to Time appoint.

Assessments may be levied on Proprietor or Tenant, and when of small Amount may be postponed for Two or more Years.

XL. Assessments on Lands and Heritages in the Landward Parts of Counties may be levied either on the Proprietor or the Tenant; but the Tenant, in case of his paying such Assessment, shall be entitled to deduct the Amount thereof from the Rent payable by him: Provided always, that where such Assessment on Houses shall be of small Amount, it shall be competent to the said Commissioners to postpone the Collection of the same, to the Effect of collecting Two or more Years Assessment on Houses at One Time, as they may think proper: Provided also, that it shall be lawful to exempt from the annual Assessment to be levied on Lands and Heritages in the Landward Part of any County any Property the annual Value of which shall not exceed Two Pounds Sterling, on account of the Property of the Owner thereof.

Magistrates to levy Assessments in Burghs.

XLI. The Magistrates of each Burgh are hereby charged with the levying and collecting of all Assessments under this Act, in so far as the same are leviable on Lands and Heritages within their respective Burghs; and the Magistrates of each Burgh are hereby authorized and required, as soon as conveniently may be after Notice as aforesaid by the County Board to the Chief Magistrate, to levy and collect, or direct the levying and collecting of the same, together with such further Sum as may be necessary to cover Expenses of Assessment, Collection, and Remittance, and any Arrears, with Interest thereon, of preceding Years, and any Deficiency on account of Exemption from Assessment; and they may proceed in like Manner and with the same Powers and Right of Action and Diligence, and of using Summary Warrants and Proceedings for the Recovery of the same, as may be competent with respect to any Municipal or Police or general Assessment with which the said Magistrates may deem it most expedient that the Sum apportioned as aforesaid should be laid on and collected; and any Board or other Public Body which may be directed by the Magistrates of any Burgh to levy and collect the said Assessment are hereby empowered and required to do so: Provided that in any Burgh or Part thereof in which there may be no Municipal or Police or other general Assessment, or in any Burgh in which it may appear to the Magistrates to be inexpedient to levy the Assessment hereby authorized along with any other existing Assessment, they shall collect the same in such Manner, and by means of such Collectors or other Persons as they shall from Time to Time appoint.

Common Good and Revenues of Burghs may be applied in Payment of Assessments.

XLII. Provided always, That in any Burgh in which the free yearly Proceeds of the Common Good Property and Revenues thereof may be judged by the Magistrates thereof to be sufficient to pay the Sum, or any Part thereof, annually apportioned on such Burgh as aforesaid, after defraying the ordinary Municipal and Police Charges and Expenses and other annual Burdens chargeable on such Common Good Property or Revenues, including the Interest of Debts due by such Burgh, it shall be competent to the Magistrates thereof to pay so much of the Sum so apportioned on such Burgh as is due by that Part of the Burgh entitled to such Common Good Property and Revenues.

Assessment within Burghs to be divided

XLIII. Assessments within Burghs shall be payable by the Tenant or Occupier of the Lands and Heritages assessed; but the Tenant or Occupier by whom such Assessment shall be

be paid shall be entitled to deduct One Half of such Assessment from the Rent payable to the Proprietor or Person by whom such Property was let: Provided always, that One Half of such Assessment may be levied directly from the Proprietor of Lands and Heritages assessed within the Burgh: Provided also, that where the Rent is under Five Pounds the Magistrates of any Burgh may remit, on account of Poverty, the whole or any Part of the Assessment authorized by this Act to be levied from any Tenant or Occupier of Lands and Heritages within Burgh.

between Proprietor and Tenant.

XLIV. The whole Powers and Right of issuing Summary Warrant and Proceedings, and all Remedies and Provisions enacted for collecting, levying, and recovering the Land and Assessed Taxes, or any of them, and other Public Taxes, shall be applicable to the collecting, levying, and recovering the Assessments under this Act; and all Sheriffs, Magistrates, Justices of the Peace, and other Judges may grant the like Warrants for Recovery of all such Assessments in the same Form and under the same Penalties as is provided in regard to such Land and Assessed Taxes and other Public Taxes; and all Assessments imposed in virtue of this Act shall in the Case of Bankruptcy or Insolvency, be paid out of the First Proceeds of the Estate, and shall be preferable to all other Debts of a private Nature due by the Persons assessed; and Interest may be charged on any Assessment, and Proceedings taken for the Recovery thereof, on any Day either before or after the said ensuing Term of *Whitsunday*, provided that if such Day be before the Term, a Notice of the Amount payable shall have been delivered to or left at the Dwelling House or Place of Business of the Person liable in Payment Two Calendar Months before such Day.

Warrant and Proceedings for Recovery of Land and Assessed Taxes applicable to Assessments under this Act.

XLV. The Boundaries of Burghs for the Purposes of this Act shall be the Boundaries thereof as the same are ascertained and fixed under the Provisions to that Effect contained in the following Acts; viz., (1) an Act passed in the Seventeenth and Eighteenth Year of the Reign of Her present Majesty, intituled *An Act for the Valuation of Lands and Heritages in* Scotland; (2) an Act passed in the Twentieth and Twenty-first Year of the Reign of Her present Majesty, intituled *An Act to amend the Act Seventeenth and Eighteenth of* Victoria, *for the Valuation of Lands in* Scotland; (3) an Act passed in the Twentieth and Twenty-first Year of the Reign of Her present Majesty, intituled *An Act to provide for the Extension of the Boundaries of Burghs in* Scotland, *and to remove Doubts as to the Right of certain Persons holding Offices to be registered as Voters for Municipal Purposes.*

Boundaries of Burghs for Purposes of this Act shall be as fixed by 17 & 18 Vict. c. 91., 20 & 21 Vict. c. 58., and 20 & 21 Vict. c. 70.

XLVI. Any Dispute which may arise in adjusting the Boundaries of any Burgh, and any Dispute which may arise in imposing or levying the Assessments authorized by this Act between the Commissioners of Supply of Counties or the Magistrates of Burghs, or the Assessors, Collectors, or others acting under them, on the one Part, and any Person aggrieved on the other Part, for the Settlement of which Dispute no Provision shall be made under the Authority of this Act, and in case it shall not be convenient to raise and determine the same in the Sheriff's Small Debt Court, shall be determined in a summary Manner by the Sheriff of the County in which such Dispute shall arise, who shall on a written Petition being presented to him by the Procurator Fiscal, or by any of the aforesaid Parties, appoint the Parties to appear before him, when he shall hear them, investigate the Matter in dispute in such Manner as he may think proper, and decide the same summarily; and the Decision of such Sheriff shall be final, and shall not be liable to Appeal or to Suspension, Advocation, or Reduction, or any other Form of Review.

Disputes arising as to Assessments may be summarily settled by the Sheriff.

XLVII. The County Board of each County shall before the End of every financial Year publish detailed Accounts of their Receipts and Expenditure under and for the Purposes of this Act, which Accounts shall be printed, and a Copy thereof shall be furnished to the Commissioners of Supply of the County and to the Town Council of every Burgh situated therein.

Accounts to be published.

XLVIII. For the Purpose of erecting and maintaining Local Prisons, and paying the Expenses thereof, the Commissioners of Supply of Two or more Counties, and the Town Councils of the Burghs situated therein, shall have Power to form a Union of their respective

Counties may unite for erecting and maintaining Local Prisons.

tive Counties in manner following: The Proportion in which each County is to contribute to the Expense of such Prison, the Method of Management thereof, which may be by a Committee jointly appointed by the County Boards interested, and all other necessary Particulars, shall be set forth in a Minute or Agreement certified under the Hand of the Sheriff or Sheriffs of the respective Counties, and such Minute or Agreement on being published in the *Edinburgh Gazette* and in Two Newspapers circulated in the Counties so united, shall be binding on all Persons as if the same were Part of this Act; and when any such Union shall be formed, and when an Order under the Hand of One of Her Majesty's Principal Secretaries of State, fixing the Classes of Prisoners for which such Prison shall be legal, shall take effect as herein provided, it shall be lawful for the Sheriffs and other Magistrates of the Counties forming the Union to exercise the same Jurisdiction with respect to such common Prison, and the Removal of Prisoners to and from the same, as if it were locally situated within their respective Counties, and the Provisions of this Act shall apply to the Removal of Prisoners to and from such Prison, as if the Counties so united were One County: Provided that the Prison of *Fort William* shall continue to be, to the Purport and Intent to which the same shall at the Commencement of this Act be, a Prison for the Use of the Counties of *Argyle* and *Inverness* respectively.

As to Arrears of Assessment in Orkney.

XLIX. 'Whereas Arrears of Assessment for Prison Purposes have long been due by the 'Landward Part of the County of *Orkney*, and it is doubtful whether any considerable Por-'tion thereof could now be recovered from the Parties originally liable therefor, or their 'Representatives:' It shall be lawful for the Commissioners of Supply of the said County, along with any Assessment to be imposed and levied by them under the Authority of this Act, to impose, levy, and collect on and from the Proprietors and Tenants of Lands and Heritages in the Landward Part of the said County, such additional Sum as they shall think fit towards Payment of such Arrears; and such additional Sum shall be apportioned on the Lands and Heritages in such Landward Part in the same Manner as the Assessments authorized by this Act; and all the Provisions of this Act applicable to Assessments and the Recovery of the Sums assessed shall be applicable to such additional Sum.

Special local Arrangements in Ross and Cromarty, and Nairn.

L. The Commissioners of Supply for the Counties of *Ross* and *Cromarty*, and also for that Portion of the County of *Nairn* which is locally situated in the County of *Ross*, shall meet together for the Purposes of this Act at the usual Place of Meeting of the Commissioners of Supply of the County of *Ross*, and shall exercise the Powers conferred by this Act on Commissioners of Supply with respect to the said Counties of *Ross* and *Cromarty* and the said Portion of the County of *Nairn*.

Reformatories.

County Boards may contribute to Reformatories.

LI. A County Board may, with the Consent of the Commissioners of Supply of such County, resolve to contribute to any Reformatory in any Part of *Scotland* which has been certified by One of Her Majesty's Principal Secretaries of State, in Terms of an Act passed in the Seventeenth and Eighteenth Year of Her present Majesty, intituled *An Act for the better Care and Reformation of Youthful Offenders in* Great Britain, and on such Resolution, stating the Name of the Reformatory to which they propose to contribute, being transmitted to the Secretary of State for the Home Department, being One of Her Majesty's Principal Secretaries of State, he shall intimate whether he approves or disapproves of such Resolution, and if he intimate that he approves thereof, such County Board may from Time to Time pay over such Sum as they may think fit to the Directors and Managers of such Reformatory, and such Sum shall be a Charge on the Assessment for current Expenses: Provided, that if at any Time such Secretary of State shall notify his Withdrawal of such his Approval, it shall no longer be lawful for the County Board to contribute to such Reformatory.

Managers of the General Prison.

Managers of the General Prison at Perth.

LII. The following Persons shall be and are hereby appointed Managers of the General Prison at *Perth*, any Two of whom shall be a Quorum; viz., the Sheriff Principal of the County of *Perth*, the Inspector of Prisons for *Scotland* appointed under an Act passed in the

the Fifth and Sixth Year of the Reign of His late Majesty King *William* the Fourth, 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, the Crown Agent in *Scotland* for the Time being, and One Person who shall be appointed and may be removed by Her Majesty, and shall receive such Salary as shall be fixed by the Commissioners of Her Majesty's Treasury, not exceeding Seven hundred Pounds a Year; and such last-mentioned Person shall also discharge all the Duties of Secretary to the Managers; and, except as herein-provided, the Managers shall not derive any Profit or Emolument for the Performance of any Duties under this Act, nor shall they be personally responsible for anything done *bonâ fide* in the Execution of this Act, or in the Exercise of the Powers herein contained. 5 & 6 W. 4. c. 38.

LIII. The Managers shall have such Office Accommodation, and such Assistance of Clerks, Office Keepers, or Messengers, as One of Her Majesty's Principal Secretaries of State may from Time to Time direct. Office Accommodation of Managers.

LIV. The Managers shall defray the Expenses incurred in the Performance of the various Duties and Functions hereby committed to them out of such Moneys as may be voted by Parliament for such Purposes respectively, and shall render their Accounts for such Expenditure to the Commissioners of Audit, in such Manner and at such Periods as the Commissioners of Her Majesty's Treasury may direct. Expenses of Managers, how to be paid.

LV. From and after the Commencement of this Act the General Prison at *Perth* as at the said Date belonging to and vested in the General Board of Directors of Prisons, and all Rights of Property, Action, or Recovery relative thereto, and all other Lands and Heritages at the said Date belonging to and vested in the said General Board shall be and are hereby transferred to and vested in the Commissioners of Her Majesty's Works and Public Buildings for the Purposes and subject to the Provisions of this Act: Provided that it shall be lawful for the Managers to sue for, recover, and discharge all Debts or Sums of Money due to the said General Board at the Commencement of this Act, and to receive from the said General Board all Moveable Property, Records, and Documents belonging thereto, and to hold and dispose of the same for the Purposes and subject to the Provisions of this Act and to any Directions to be given relative thereto by One of Her Majesty's Principal Secretaries of State. General Prison at Perth, and Rights, &c. belonging thereto, vested in the Commissioners of Works and Public Buildings.

LVI. It shall be the Duty of the Managers, and they are hereby authorized and empowered to bring to Completion all Matters and Proceedings left by the General Board of Directors of Prisons uncompleted at the Commencement of this Act; and they shall receive from the said General Board, and remit to the several County Boards any Balances of Moneys raised within such Counties by Assessment in the Possession of, or at the Order, or under the Control of the said General Board at the Commencement of this Act. Managers to complete Matters left unfinished by General Board, and transmit Balances of Assessments to County Boards.

LVII. 'Whereas it is expedient that the Statistics regarding Prisons and Prisoners in 'Scotland should continue, as heretofore, to be collected and digested, and laid before Par- 'liament in a tabular Form:' The Clerks of the several County Boards shall and they are hereby required to transmit to the Managers such Returns as One of Her Majesty's Principal Secretaries of State shall from Time to Time direct, applicable to the Amount of Prison Accommodation in the County, the Number of Prisoners, their Ages, Sentences, Educational Condition, Health, Conduct, Casualties, Prison Punishments, the Receipts and Expenditure connected with the several Prisons, the Observance of the Rules, and other similar Matters. Provision for collecting, arranging, and reporting Prison Statistics.

LVIII. The Managers, or any One or more of them, may, with the Authority in Writing of such Secretary of State, proceed to any Prison and inquire into the Condition and Management thereof, and may require Access to all Documents therein or in reference thereto, and may require the Attendance of any Witness, by Service by any Sheriff-Officer Provision for Inquiries into Condition and Management of Prisons.

Officer or Constable of a written Intimation to such Witness personally or at his usual Place of Residence, and may examine such Witness on Oath; and any Person interrupting such Inquiry, or failing, when required, to produce any Document, or to attend or give Evidence, shall, on summary Complaint and Conviction before the Sheriff, be liable to a Penalty not exceeding Ten Pounds, or to be imprisoned for any Period not exceeding Thirty Days.

Return of Sentences of Imprisonment to be made to Managers, as in Sched. (B.)

LIX. When any Criminal shall have been sentenced the Clerk of the High Court of Justiciary, if such Sentence shall have been pronounced by the said High Court, or the Clerk of the Circuit Court of Justiciary, if such Sentence shall have been pronounced by the Circuit Court of Justiciary, or the Sheriff Clerk of the County, if such Sentence shall have been pronounced by the Sheriff, shall within Eight Days after such Sentence shall have been pronounced make a Return thereof to the Managers, which Return shall be in the Form of the Schedule (B.) hereunto annexed.

Annual Report to be made to Secretary of State by Managers.

LX. The Managers shall, on or before the Fifteenth Day of *February* in every Year, make and transmit to One of Her Majesty's Principal Secretaries of State a full Report of their whole Proceedings during the Year ending on the Thirty-first Day of *December* preceding, and an Abstract of their whole Receipts and Expenditure, classifying the separate Articles thereof; and in the said Report, or in the Appendix thereto, there shall be set forth all new Rules or Alterations of Rules for Prisons which shall have been made by such Secretary of State as aforesaid, any Orders issued by such Secretary of State constituting a new Prison or altering the Classes of Prisoners for which a Prison is legal, and such Information and Statistics regarding Prisons in *Scotland* as such Secretary of State may require; and a Copy of every such Report shall be laid before both Houses of Parliament within Fourteen Days after the Fifteenth Day of *February*, if then assembled, or if Parliament shall not be then assembled within Fourteen Days after the next Meeting thereof.

General Prison and Custody of Convicts.

Managers, subject to Instructions of Secretary of State, to have the Administration of the General Prison.

LXI. The Managers, subject to the Provisions of this Act, and the Rules in force in Terms thereof, and also subject to such Instructions as they may from Time to Time receive from One of Her Majesty's Principal Secretaries of State, shall have the Administration and Government of the General Prison at *Perth*, and shall from Time to Time visit the said Prison: Provided that One or more of the Managers shall once at least in every Month see and communicate with each Prisoner, shall examine the Books, Accounts, and Documents kept in the Prison, shall inspect the Prison Premises and Stores, shall examine into the Conduct of the several Officers, shall investigate all Complaints and alleged or apparent Abuses, or Deviations from the Rules, shall inquire into the Cause and Nature of every Punishment that has been administered, shall ascertain how far the Health, Education, and Industrial Training of the Prisoners are in a satisfactory Condition, and shall make a Report in Writing, under these Heads, which shall be laid before and specially considered by the Managers and Visitors.

Rules to be made for the Staff of the General Prison.

LXII. Besides such Rules for the Government of the General Prison, and for the Custody, Discipline, and Dietaries of the several Classes of Prisoners therein, as may exist at the Commencement of this Act, or may thereafter be adopted, Provision shall be made by further Rules for the Method in which the Establishment of Officers in the said Prison shall from Time to Time be adjusted, and for the Appointment and Dismissal of such Officers, and the fixing of their Salaries; and until such Rules come into force no Appointment or Dismissal of an Officer, and no Alteration of an Officer's Salary in the said Prison, shall take effect unless the same be approved by One of Her Majesty's Principal Secretaries of State.

Classes of Prisoners to be confined in

LXIII. The General Prison at *Perth* shall be a Prison for the Reception and Detention of Prisoners sentenced to Imprisonment by the Courts of Law in *Scotland*, and also for the Reception

Reception and Detention of such Convicts under Sentence or Order of Transportation or of Penal Servitude, as Her Majesty may please to direct to be removed to such General Prison under the Powers contained in an Act of the Tenth and Eleventh Year of the Reign of Her present Majesty, intituled *An Act to amend the Law as to the Custody of Offenders;* and of an Act of the Sixteenth and Seventeenth Year of the Reign of Her present Majesty, intituled *An Act to substitute in certain Cases other Punishments in lieu of Transportation;* and of an Act of the Twentieth and Twenty-first Year of the Reign of Her present Majesty, intituled *An Act to amend the Act of the Sixteenth and Seventeenth Years of Her Majesty, to substitute in certain Cases other Punishments in lieu of Transportation.* the General Prison. 10 & 11 Vict. c. 67. 16 & 17 Vict. c. 99. 20 & 21 Vict. c. 3.

LXIV. From and after the Commencement of this Act, when a Sentence is pronounced by any Court of competent Jurisdiction adjudging any Person to Imprisonment for a Period of Nine Months or upwards, such Sentence, whether the General Prison at *Perth* be mentioned therein or not, or whether the Name of any other Prison be mentioned therein or not, shall be deemed to be and is hereby declared to be a Sentence which may be carried into effect in the said General Prison, unless such Sentence contains a Clause especially declaring that the Prisoner shall not be removed to such General Prison; and any Person undergoing a Sentence which may be so carried into effect in the General Prison may be removed thereto at any Time in Terms of the Provisions of this Act for the Removal of Prisoners; and if such Sentence adjudge the Prisoner to Hard Labour for any Period, Effect shall be given to such Adjudgment in the General Prison, so far as the same has not been carried into effect in a Local Prison. Sentences of Nine Months and upwards to be carried out in the General Prison.

LXV 'Whereas by an Act of the Fifth Year of the Reign of His Majesty King *George* 'the Fourth, intituled *An Act for the Transportation of Offenders from* Great Britain, Her 'Majesty is empowered to appoint Places of Confinement within *England* and *Wales* for Male 'Convicts under Sentence or Order of Transportation; and by the herein-before recited 'Act of the Twentieth and Twenty-first Year of the Reign of Her present Majesty, to 'substitute in certain Cases other Punishments in lieu of Transportation, it is provided that 'the Power to appoint such Places of Confinement, and other Provisions of the foresaid 'Act, shall extend and be applicable to and for the Appointment by Her Majesty of like 'Places of Confinement in any Part of the United Kingdom for Offenders, whether Male 'or Female, sentenced under the Provisions of such last-mentioned Act:' If at any Time Her Majesty shall be pleased to appoint such Place of Confinement in *Scotland*, the same shall be a lawful Place of Confinement for such Offenders, whether Male or Female, under Sentence or Order of Transportation or Penal Servitude, as Her Majesty, under the Powers of the herein-before recited Act to that effect, may be pleased to direct to be removed thereto; and all the Provisions of the before-recited Acts relating to such Places of Confinement, and to the Persons confined therein, shall be in force in any Place so appointed in *Scotland*, so far as the same shall be applicable thereto and are not superseded by the Provisions of this Act; and such Place of Confinement shall be deemed a Prison for the Purposes of this Act, and all the Provisions herein contained relative to the General Prison, so far as the same are applicable to Persons under Sentence or Order of Transportation or of Penal Servitude, shall apply to such Place of Confinement. Provisions for the Administration of Convict Establishments appointed under existing Statutes.

Removals of Prisoners.

LXVI. When, by the Order, Declaration, or other Proceeding by which a Prison is rendered legal, certain Prisoners other than the Class for which it is legal are appointed to be removed to another Prison within the same County, such Removal, as well as all Removals of Prisoners from One Local Prison to another within the same County, shall be carried out by or under the Direction of the County Board; and all Persons employed in such Removals shall obey the Instructions received by them from the County Board, so far as the same are consistent with the Provisions of this Act; and the Expense of such Removals shall be a Charge on the Assessment for current Expenses. As to Removals of Prisoners by County Boards.

LXVII. Save

As to Removals of Prisoners by Managers.

LXVII. Save as herein excepted, all Removals of Prisoners from one Prison in *Scotland* to another Prison in *Scotland*, and all Removals of Convicts sentenced to Transportation or to Penal Servitude from any Prison in *Scotland* to any One of Her Majesty's Prisons or Penitentiaries in *England*, in virtue of Warrants granted by One of Her Majesty's Principal Secretaries of State under the Provisions of the Statutes to that Effect, shall be carried out by or under the Direction of the Managers, who may issue Regulations or Instructions for carrying out such Removals, and fix from Time to Time the Remuneration and Allowances to be paid to the Persons employed therein; and such Regulations and Instructions shall, so far as the same are not inconsistent with the existing Laws or Statutes, be binding on the Persons to whom any such Warrants by Order of Her Majesty's Principal Secretaries of State are addressed, and all other Persons employed in carrying into effect such Removals of Prisoners.

As to Removals under Order of Secretary of State.

LXVIII. It shall be lawful in virtue of an Order under the Hand of One of Her Majesty's Principal Secretaries of State, to remove any Prisoner from any Prison in *Scotland* to any other Prison in *Scotland*, being a legal Prison for the Class of Prisoners to which such Prisoner belongs, and the Sentence or Warrant under which he is committed shall be as effectual in the Prison to which he is so removed as in the Prison named therein.

Prisoners removed to General Prison may be taken back to Local Prison.

LXIX. Any Prisoner sentenced to a Period of Imprisonment who has been removed from a Local Prison to the General Prison may, at any Time before the Expiry of his Sentence, be removed back to the Local Prison whence he was brought, under the Provisions of this Act relating to the Removal of Prisoners.

Not to interfere with Removal by Court of Law.

LXX. Nothing in this Act contained relating to the Removal of Prisoners shall affect the Power possessed by any Court of Law to direct the Removal of any Prisoner to be carried out by any Officer of such Court or other Officer of the Law.

MISCELLANEOUS.

Persons who are entitled to visit Prisons.

LXXI. The following Persons shall be entitled to visit the several Prisons in *Scotland*; namely, Her Majesty's Principal Secretaries of State or any Persons appointed by them or any of them, the Lords Lieutenant of Counties in *Scotland*, the Members of Her Majesty's Privy Council, the Judges of the Court of Session, the Lord Advocate and Solicitor General of *Scotland*, and the Managers appointed by or under the Authority of this Act: The following Persons shall also be entitled to visit the Local Prisons within their respective Counties and Burghs, namely, Sheriffs, Conveners of Commissioners of Supply, Members of County Prison Boards, Justices of the Peace, and Magistrates of Burghs; and any Person visiting a Prison which he is hereby empowered to visit shall have Access, if he desire it, to every Prisoner confined therein, or otherwise to such Prisoners as he may desire to see, and may report his Observations on the Discipline and Management of such Prison to the Administrators thereof, or to One of Her Majesty's Principal Secretaries of State: Provided that in any Rules for Prisons adopted under this Act Provision may be made for authorizing other Persons to visit any Prisons under such Restrictions as the Rules may contain; and that the Administrators of any Prison may by an Order in Writing grant special Permission to any Person to visit the same.

Removal of Prisoners diseased or in Danger of Life to Hospitals, &c.

LXXII. When in reference to any Person confined in a Prison it is certified by Two Medical Practitioners who have visited and carefully examined him, that he is afflicted with any contagious or infectious Disease which renders his Removal necessary for the Health of the other Inmates of the Prison, or that he is afflicted with any Disease which threatens immediate Danger to Life and cannot be treated in Prison, or that from his Condition continued Confinement would cause his Death, it shall be lawful for the Sheriff, on summary Application at the Instance of the Administrators of the Prison, accompanied by such Certificate, to order the Prisoner to be removed to an Hospital or other fit Place, under such Precautions as to the Sheriff may seem necessary and proper.

LXXIII. When

As to Prisoners sentenced to Hard Labour.

LXXIII. When any Sentence awarded by any Court of competent Jurisdiction for any Crime or Offence is a Sentence to a Period of Imprisonment, to be accompanied, during either the whole or a Portion of such Period, with Hard Labour, such Hard Labour shall be exacted and performed in the Manner set forth in the Rules applicable to the Prison for the Time being under this Act; and in any Rules which may be hereafter made in Terms of this Act, it shall be competent to include Rules for carrying out Sentences of Hard Labour.

Power to order Male Juvenile Offenders to be punished by private Whipping.

LXXIV. In every Case where it is competent for any Judge or Magistrate to award Sentence of Imprisonment, or of Fine with the Alternative of Imprisonment, it shall be lawful for such Judge or Magistrate, in the Case of any Juvenile Offender, being a Male, whose Age in the Opinion of such Judge or Magistrate shall not exceed Fourteen Years, to adjudge such Offender, instead of Imprisonment or of Imprisonment and Hard Labour, or in addition to Imprisonment or Imprisonment and Hard Labour, to be punished by private Whipping, in such Manner and according to such Regulations as have been or shall be made by the Lord Advocate of *Scotland* in that Behalf, and approved by One of Her Majesty's Principal Secretaries of State.

Penalty for introducing prohibited Articles into Prisons.

LXXV. If any Person shall carry or bring, or attempt or endeavour, by throwing over the Walls or by any other Means, to introduce into any Prison in *Scotland* any Letters, Tobacco, Spirits, or other Articles not allowed by the Rules of such Prison, it shall be lawful for any Person to apprehend such Offender, and to carry him before the Sheriff, or any Two Justices of the Peace of the County, or any Magistrate of a Burgh in which such Prison is situated, who are hereby empowered to hear and determine such Offence in a summary Way; and if the Person complained of shall be lawfully convicted of such Offence, the Sheriff, Justices, or Magistrate shall forthwith sentence such Offender to Imprisonment, with or without Hard Labour, for any Period not exceeding One Month, unless such Offender shall immediately pay such Penalty, not exceeding Five Pounds nor less than Forty Shillings, as such Sheriff, Justices, or Magistrate shall impose; and such Penalty shall be applied towards the Expense of such Prosecution, and the Surplus, if any, towards the Maintenance of such Prison.

Laws as to Aliment and Liberation, and Responsibility for safe Custody continued.

LXXVI. The Sheriff shall continue to exercise the Powers and Jurisdiction at present possessed by him with respect to Applications and Proceedings for Aliment and for Liberation of Civil Prisoners, and nothing herein contained shall be held to alter the Law with respect to the Aliment of Prisoners, or Responsibility for the safe Custody of Prisoners.

8 & 9 Vict. c. 19. incorporated with this Act for Acquisition of Lands.

LXXVII. For enabling the said Commissioners of Her Majesty's Works and Public Buildings, and any County Board to purchase, take, and acquire Lands for the Purposes of this Act, "The Lands Clauses Consolidation (*Scotland*) Act, 1845," shall be incorporated with and form Part of this Act: Provided that the Clauses of the said Lands Clauses Consolidation Act with respect to the Purchase and taking of Lands otherwise than by Agreement shall not be incorporated herewith, except for the Purpose of acquiring Lands adjoining to a Prison for the Purpose of enlarging such Prison; and the Expression "the Special Act" in the said Lands Clauses Consolidation Act shall mean this Act; and the Expression "the Promoters of the Undertaking" in the said Act shall mean and include the said Commissioners of Her Majesty's Works and Public Buildings, and any County Board seeking to acquire Lands under this Act.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

TABLE of COUNTY PRISON BOARDS, containing the Number of Members to be appointed for the Landward Part of each County by the Commissioners of Supply thereof; for the Burghs situated in each County by the Magistrates thereof.

COUNTY.	Landward Part of County and Burghs.	No. of Members to be appointed.
1.	2.	3.
1. Aberdeen - -	Landward Part	15
	Aberdeen -	7
	Peterhead -	1
		23
2. Argyle - -	Landward Part	11
	Campbeltown -	1
		12
3. Ayr - -	Landward Part	15
	Ayr - -	1
	Irvine - -	1
	Kilmarnock -	2
		19
4. Banff - - -	Landward Part	7
	Banff - -	1
		8
5. Berwick - -	Landward Part	9
6. Bute - - -	Landward Part	4
	Rothesay -	3
		7
7. Caithness - -	Landward Part	7
	Wick - -	1
		8
8. Clackmannan -	Landward Part	6
9. Dumbarton -	Landward Part	7
	Dumbarton -	1
		8
10. Dumfries - -	Landward Part	14
	Dumfries -	2
		16
11. Edinburgh - -	Landward Part	6
	Edinburgh -	9
	Leith - -	2
	Musselburgh -	1
	Portobello -	1
		19
12. Elgin - - -	Landward Part	7
	Elgin - -	1
		8
13. Fife - - -	Landward Part	13
	Cupar - -	1
	Dunfermline -	2
	Dysart - -	1
	Kirkcaldy -	1
	St. Andrews -	1
		19
14. Forfar - -	Landward Part	11
	Arbroath -	1
	Brechin - -	1
	Dundee - -	7
	Forfar - -	1
	Montrose -	1
		22
15. Haddington -	Landward Part	8
	Dunbar - -	1
	Haddington -	1
		10
16. Inverness - -	Landward Part	13
	Inverness -	2
		15
17. Kincardine - -	Landward Part	6

COUNTY.	Landward Part of County and Burghs.	No. of Members to be appointed.
1.	2.	3.
18. Kinross - -	Landward Part	6
19. Kirkcudbright -	Landward Part	8
20. Lanark - -	Landward Part	10
	Airdrie - -	1
	Glasgow -	14
	Hamilton -	1
	Lanark - -	1
	Rutherglen -	1
		28
21. Linlithgow - -	Landward Part	6
	Linlithgow -	1
		7
22. Nairn - -	Landward Part	5
	Nairn - -	2
		7
23. Orkney - -	Landward Part	7
24. Peebles - -	Landward Part	6
	Peebles - -	1
		7
25. Perth - - -	Landward Part	16
	Perth - -	3
		19
26. Renfrew - -	Landward Part	10
	Greenock -	5
	Paisley - -	5
	Port-Glasgow -	1
	Renfrew - -	1
		22
27. Ross and Cromarty	Landward Part	15
28. Roxburgh - -	Landward Part	11
	Jedburgh -	1
		12
29. Selkirk - -	Landward Part	4
	Selkirk - -	2
		6
30. Stirling - -	Landward Part	9
	Stirling - -	2
	Falkirk - -	1
		12
31. Sutherland - -	Landward Part	6
32. Wigtown - -	Landward Part	12
	Stranraer -	2
		14
33. Zetland - -	Landward Part	8

SCHEDULE (B.)

Name.	Sex.	Age.	Occupation.	Married or unmarried.	Offence.	County where Offence committed	Date of Offence.	Number of previous Convictions and from what Courts.	Sentence. *	Date of Sentence.

* The Period for which the Prisoner is sentenced to be imprisoned, and the Prison in which he is sentenced to be confined, are to be inserted under this Head.