

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

****

CAP. CIV.

An Act for the Discontinuance of the Queen's Prison, and Removal of the Prisoners to *Whitecross Street* Prison. [7th *August* 1862.]

WHEREAS the Amendment of the Law of Bankruptcy and Imprisonment for Debt has reduced the Number of Prisoners in the Queen's Prison to such an Extent that it is expedient to discontinue the said Prison, and to remove the Prisoners now remaining therein to the Debtors Prison for *London* and *Middlesex* situate in *Whitecross Street*, and herein-after referred to as *Whitecross Street* Prison: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The Queen's Prison Discontinuance Act, 1862."

Prohibition of Committal to Queen's Prison.

2. After the passing of this Act no Person shall be committed to the Queen's Prison, but all Persons now imprisoned in the Queen's Prison may, until their Removal therefrom as herein-after mentioned, be detained in the same Manner as if this Act had not passed.

All Persons who before the passing of this Act might lawfully have been committed to the Keeper of the Queen's Prison may be committed to the Keeper of *Whitecross Street* Prison, subject to this Proviso, that no Person shall be removed by Writ of Habeas corpus from any other Prison to *Whitecross Street* Prison, and *Whitecross Street* Prison shall for all Purposes of Law be deemed and regarded as the Queen's Prison.

Prisoners to be removed by Warrant

3. At such Time after the passing of this Act as may be determined by One of Her Majesty's Principal Secretaries of State the

Keeper

of Lord Chief Justice of Queen's Bench.

Keeper of the Queen's Prison shall certify under his Hand to the Lord Chief Justice of the Court of Queen's Bench a true List of the Names of the Prisoners then in his Custody, with the several Causes and Times of their Commitments, and as soon thereafter as conveniently may be the Lord Chief Justice of the Court of Queen's Bench shall issue his Warrant or Warrants from Time to Time under his Hand directed to the Keeper of the Queen's Prison, requiring him to deliver into the Custody of the Keeper of *Whitecross Street* Prison the Prisoners named in such Warrant, and upon the Receipt of any such Warrant the Keeper of the Queen's Prison shall deliver such Prisoners into the Custody of the Keeper of *Whitecross Street* Prison, with the Processes under which they were respectively committed, and such last-mentioned Keeper shall remove such Prisoners to *Whitecross Street* Prison.

If any Person named in any Warrant of the Lord Chief Justice has been lawfully discharged out of the Custody of the Keeper of the Queen's Prison before the Execution of the Warrant, the Keeper shall certify such Discharge under his Hand to the said Lord Chief Justice.

The Removal of any Prisoner in obedience to the Warrant of the Lord Chief Justice shall not be considered to be an Escape.

Custody of Prisoners committed in pursuance of Act.

4. All Persons removed or committed to *Whitecross Street* Prison in pursuance of this Act shall be in the Custody of the Keeper of that Prison, and be subject to the Rules for the Time being in force for the Regulation of *Whitecross Street* Prison, or to such other special Rules as may from Time to Time be approved by One of Her Majesty's Principal Secretaries of State for the Government of *Whitecross Street* Prison.

Any Part of *Whitecross Street* Prison may from Time to Time be appropriated for the Purposes of the Prisoners removed or committed there in pursuance of this Act, and the Intermixture of the said Prisoners with other Prisoners in the said Prison shall not be construed to be an Escape from the Custody under which the first-mentioned Prisoners are held.

Removal of Lunatic Prisoners.

5. If any Prisoner confined in *Whitecross Street* Prison under the Authority of this Act is reported by the Keeper thereof to One of Her Majesty's Principal Secretaries of State to be of unsound Mind, such Secretary of State may cause such Prisoner to be examined by Two Persons, being either Physicians or Surgeons, and upon their certifying that the Prisoner is of unsound Mind the Secretary of State may, by Warrant under his Hand, directed to the said Keeper, order such Prisoner to be removed to the Royal Hospital at *Bethlehem*, or to some other Asylum named in such Warrant.

The Removal of a Prisoner in pursuance of this Section shall not be deemed to be an Escape, and he shall remain under Confinement in such Hospital or Asylum, or in such other Hospital or Asylum as the Secretary of State may from Time to Time direct, until certified by Two Medical Men to be of sound Mind, in which Case he shall be sent back by Order of the Secretary of State to *Whitecross Street* Prison, if still liable to be confined there, and if not so liable shall be discharged.

Neither

Neither the President, Treasurer, or Governors of *Bethlehem Hospital*, nor the Superintendent of any Asylum to which a Prisoner may be removed under this Act, shall be answerable for the Escape of such Prisoner from such Hospital or Asylum.

Maintenance of Prisoners in new Prison.

6. The Commissioners of the Treasury, on behalf of Her Majesty, Her Heirs and Successors, and the Mayor and Aldermen of the City of *London*, may enter into such Agreements as they think fit with respect to the Contribution to be paid to the said Mayor and Aldermen on account of the Expenses to be incurred by them in the safe-keeping, lodging, Maintenance, and Care of the Prisoners removed or committed to *Whitecross Street* Prison in pursuance of this Act, and the Amount of Contribution so agreed to be paid shall be defrayed out of Monies to be provided by Parliament.

Payment for Maintenance of Prisoners.

7. And in the meantime, and until such Agreement shall be made, the Commissioners of the Treasury shall pay to the said Mayor and Aldermen, for the safe-keeping, lodging, Maintenance, and Care of Prisoners committed to *Whitecross Street* Prison under the Authority of this Act, a Sum bearing the same Proportion to the total Cost of the safe-keeping, lodging, Maintenance, and Care of the whole of the Prisoners as the daily average Number of Prisoners committed to the Custody of the Keeper under the Authority of this Act shall from Time to Time bear to the total Number of Prisoners in his Custody during the Period embraced in such Account.

Removal of Record.

8. As soon as all the Prisoners confined in the Queen's Prison have been discharged or been removed under this Act to *Whitecross Street* Prison, all Records, Books, and Papers in the Custody of any Officer of the Queen's Prison relating to the Business of the said Prison shall be delivered to such Person as One of Her Majesty's Principal Secretaries of State may direct, and the Office of Keeper of the Queen's Prison and all other Offices in the said Prison shall be abolished.

Discontinued Prison vested in the Crown.

9. Upon the Abolition of the Office of Keeper of the Queen's Prison, that Prison, with all the Messuages, Lands, and Tenements, Furniture and Fixtures, thereunto belonging, shall vest absolutely in the Commissioners of Public Works, upon Trust to be sold, conveyed, disposed of, or applied in such Manner as the Commissioners of the Treasury shall direct.

Appointment of Tipstaffs.

10. After the passing of this Act the Lord Chancellor, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer shall severally continue to appoint the Tipstaffs formerly appointed by the Warden of the *Fleet* Prison to act in the Courts of Chancery, Common Pleas, and Exchequer respectively, and the Lord Chief Justice of the Court of Queen's Bench shall severally continue to appoint the Tipstaffs formerly appointed by the Marshal of the Queen's Bench Prison to act in the Court of Queen's Bench, and the Tipstaffs so appointed shall perform the same Duties, so far as is consistent with the Provisions of this Act, and be entitled to the same Emoluments respectively, as the Tipstaffs heretofore appointed by the said Warden and Marshal respectively.

11. Every

Tipstaffs of Court of Chancery, &c. to give Security to Keeper for faithful Discharge of Duties.

11. Every Tipstaff of the High Court of Chancery, and of the Courts of Queen's Bench, Common Pleas, and Exchequer, shall give such Security by Bond or otherwise to the Keeper of *Whitecross Street* Prison for the Time being as the Commissioners of Her Majesty's Treasury, or any Three or more of them, direct, for the faithful Discharge of the Duties entrusted to them as such Tipstaffs of the said Courts respectively, in regard to any Prisoners confined in the *Whitecross Street* Prison, and the said Tipstaffs shall obey all such Directions and Instructions as they or either of them may from Time to Time receive from the said Keeper of the *Whitecross Street* Prison in respect of such Prisoners; and every Tipstaff of the said Courts, neglecting or refusing to give such Security when required so to do, or not obeying the Directions and Instructions of the Keeper of the *Whitecross Street* Prison, or his Deputy, in respect of such Prisoners as aforesaid, shall for every such Default incur a Penalty not exceeding One hundred Pounds, to be recovered in any of Her Majesty's Courts of Law in such Manner as the said Commissioners of Her Majesty's Treasury may direct.

Power to build new Prison.

12. If at any Time hereafter the Mayor, Aldermen, and Commons of the City of *London* provide such Prison Accommodation as may in the Opinion of One of Her Majesty's Principal Secretaries of State be properly substituted for *Whitecross Street* Prison, it shall be lawful for the said Secretary, by Writing under his Hand, to direct all the Prisoners confined in *Whitecross Street* Prison to be removed to the Prison so substituted, and upon such Removal being effected the said Prison at *Whitecross Street* shall be discontinued, and may be disposed of as the said Mayor, Aldermen, and Commons think fit; and the Prison so substituted shall for all Purposes be deemed to be in the Place of the Prison for which it is substituted.

Any Part of the substituted Prison may from Time to Time be appropriated for any of the Purposes of the discontinued Prison, and the Removal of the Prisoners from any Part of the substituted Prison to another Part of such Prison, or the Intermixture in such substituted Prison of Prisoners in different Custodies, shall not be construed to be an Escape from the Custodies under which such Prisoners are respectively held.

Appropriation of Charitable Gifts.

13. The Keeper of the Queen's Prison shall make out and deliver to One of Her Majesty's Principal Secretaries of State a true List of all Charitable Gifts and Bequests applicable to the Relief of the poor Debtors or other Prisoners in the Queen's Prison, and such Gifts and Bequests shall be applied for the Relief of discharged or other Prisoners in *England* in such Manner as may be settled by a Judge of the Court of Chancery in Chambers.

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