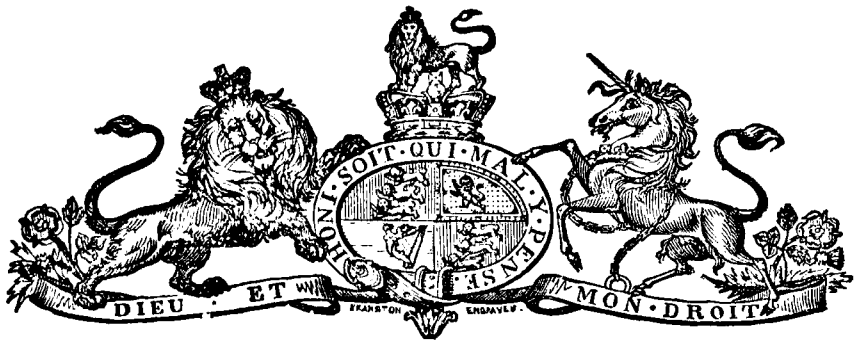


ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

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CAP. LXVII.

An Act for the better Government of Prisons in the *West Indies*. [4th *August* 1838.]

WHEREAS it is expedient to make further Provision for regulating Prisons in Her Majesty's Colonies in the *West Indies*, and for the Superintendence and Care of Prisoners confined therein, and for the due Discharge of their Duties by the Keepers and Officers of such Prisons: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty, with the Advice of Her Privy Council, or, with respect to the Prisons of each Colony, for the Governor and Council of such Colony, to make Rules for the Government of the Prisons in Her Majesty's Colonies in the *West Indies*, and for the Care and Superintendence of the Prisoners, and for the Duties of the Keepers and Officers of such Prisons, and also to amend or annul any such Rules in force at the Time of the Proclamation of this Act, or which shall be made after such Proclamation; and all such Rules so made or amended shall be binding on all Persons within such Colony; and no Rule which shall be made after the Proclamation of this Act in any of the said Colonies for any of the Purposes aforesaid shall be of any Force until it shall have been approved by the Governor and Council of the Colony, or by Her Majesty in Council; and no Rule for any of the Purposes aforesaid which

Her Majesty in Council, or the Governor and Council of any Colony, to make Rules for the Government of the Prisons of each Colony, which shall be binding on all Persons.

which shall be annulled by the Authority aforesaid shall thereafter be of any Force or Validity: Provided always, that it shall be lawful for Her Majesty in Council to amend or annul any such Rule although it may have been approved by the Governor and Council of the Colony.

Her Majesty may amend or annul any Rule.

II. And be it enacted, That whenever the Governor of any of the said Colonies shall, with the Advice of his Council, make, amend, or annul any Rule or Rules for the Government of any Prison, he shall by the earliest convenient Opportunity transmit to One of Her Majesty's Principal Secretaries of State a Copy of the Rule or Rules so made, amended, or annulled, and a Copy of all such Rules shall be laid before Parliament within Forty Days after it shall be so received, if Parliament shall be then sitting; and a Copy of all Rules made, amended, or annulled under the Authority of this Act by Her Majesty in Council shall be laid before Parliament within Forty Days after it shall have been so made, amended, or annulled, if Parliament shall then be sitting; or in either Case, if Parliament shall not be then sitting, such Copy shall be laid before Parliament within Forty Days after the Commencement of the then next Session of Parliament.

Rules made or annulled by any Governor or by the Queen in Council to be laid before Parliament.

III. And be it enacted, That it shall be lawful for Her Majesty from Time to Time to appoint, or authorize the Governor of each of the said Colonies to appoint, a Person or Persons, properly qualified, to be Inspector of Prisons in any such Colony; and every Person so appointed shall have Authority to visit and inspect all Prisons within the Colony for which he shall be appointed, and also to examine any Person holding any Office or receiving any Salary or Emolument in any such Prison within the Limits of his Appointment, and to call for and inspect all Books and Papers relating thereto, and to inquire into all Matters touching such Prison, and to examine every Prisoner or other Person whom he may find in the Prison whom he shall think fit to examine, either alone or in the Presence of such other Persons as to the Inspector shall seem fit; and every such Inspector shall, on or before the Thirty-first Day of *December* in every Year, make a separate and distinct Report in Writing of the State of every Prison visited by him, and shall send the same to the Governor; and a Copy of every such Report shall be sent as soon as conveniently may be to One of Her Majesty's Principal Secretaries of State.

Power to appoint Inspectors of Prisons.

IV. And be it enacted, That it shall be lawful for the Governor at any Time to visit and inspect, or to authorize in Writing any Person or Persons to visit and inspect, any Prison within the Limits of his Government, and to examine the Officers and Prisoners therein in such Manner as he or they may think fit.

Governor may visit or authorize any Person to visit Prisons.

V. And be it enacted, That every Person who shall wilfully obstruct any such Inspector of Prisons, or any Person duly authorized by the Governor to inspect any Prison, in the Execution of the Powers intrusted to him by this Act, may be summoned before a Justice of the Peace to answer for the same, and being convicted thereof before a Justice of the Peace shall forfeit and pay for every

Penalty for obstructing Inspectors or other authorized Persons.

such Offence any Sum not exceeding Twenty Pounds Sterling, and in default of Payment of any Penalty so adjudged, immediately or within such Time as the Justice shall appoint, shall be committed to Prison for any Period not exceeding One Calendar Month.

Governor may suspend or dismiss Officers of Prisons.

VI. And be it enacted, That the Governor shall have Authority to suspend for such Time as to him shall seem fit, or to dismiss, all or any of the Officers of any Prison within the Limits of his Government; and no Person who shall have been so dismissed by the Governor shall be thereafter eligible to be appointed to any Office in any Prison within such Limits without the Approval of the Governor in Writing under his Hand; and in the event of the Vacancy in any Office occasioned by such Dismissal as aforesaid not being filled up within Fourteen Days, by the Appointment by the Person or Persons authorized by Law to appoint to such Office of a fit Person to the Satisfaction of the Governor, it shall then be lawful for the Governor to appoint a fit Person to such Office.

Periodical Returns to be made to the Governor.

VII. And be it enacted, That the Justices or other Persons having Authority over any of the said Prisons shall from Time to Time, as may be required by the Governor, send a Return of the State of the Prison, and the Condition of the Prisoners confined therein, in such Form as shall from Time to Time be directed by Her Majesty, with the Advice of Her Privy Council, and a Statement of the Establishment of Officers and Servants employed therein, specifying the Number and Description of such Officers and Servants, the Salaries and Emoluments of each, and by whom such Officers and Servants respectively are appointed.

Plans of Prisons to be sent to the Governor.

VIII. And be it enacted, That the Justices or other Persons having Authority over any such Prison shall send to the Governor a Plan of the Prison, drawn upon a Scale of not less than One Sixteenth of an Inch to a Foot; and it shall not be lawful to enlarge, build, or rebuild any such Prison until a Plan upon the same Scale shall have been sent to the Governor showing the intended Buildings and Additions, or until the Governor shall have subscribed a Certificate approving such Plan.

No Persons to be imprisoned in any Prison which the Governor shall have certified to be unfit.

IX. And be it enacted, That it shall not be lawful to imprison any Person in any of the said Prisons which the Governor shall certify by any Writing under his Hand directed to the Justices or other Persons having Authority over such Prison to be unfit to be used as a Prison; provided that in every such Certificate the Grounds of the Unfitness shall be fully set forth, and that the Governor shall not issue any such Certificate until after he shall have given Notice of his Intention to the said Justices or other Persons aforesaid, and shall have required them to cause such Prison to be amended in those Particulars, and shall have allowed a reasonable Time for making such Amendments.

Meaning of the Words "Prison" and "Prisoner" in this Act.

X. And be it enacted, That in the Construction of this Act the Word "Prison" shall be taken to comprise every Gaol, House of Correction, Hospital, Asylum, Workhouse, and every other Place, however

however called, which shall be used in any of the said Colonies or Plantations for the Confinement of Persons charged with or convicted of any Offence; and the Word "Prisoner" shall be taken to comprise every Inmate of any such Prison detained therein; and the Word "Governor" shall mean every Person lawfully charged with the Administration of the Government of any such Colony.

Act shall be proclaimed.

XI. And be it enacted, That this Act shall be proclaimed by the Governor of each of the said Colonies, and shall take effect in each of the said Colonies from the Proclamation thereof in that Colony.

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