



ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

C A P. LXVII.

An Act for the better regulating the Number of
Prisoners admitted to the General Prison at
Perth. [30th July 1842.]

WHEREAS by an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act to improve Prisons and Prison Discipline in Scotland*, Provision is made for the erecting of a General Prison at *Perth*, and other Prisons, to be so constructed, fitted up, and regulated as to afford the best Means for training the Prisoners therein confined in good and industrious Habits, by effecting their complete Separation from vicious Society, and by affording them religious and moral Instruction, and employing them in useful Labour; and Provision is also made for the Appointment of a General Board of Directors of Prisons in *Scotland*, and local Boards to carry into effect the Purposes of the said Act: And whereas it is by the said Act enacted, "that after the said General Prison shall be declared by the said General Board to be ready to receive Prisoners, it shall be lawful for the said General Board to cause all Prisoners sentenced to Imprisonment, the Expiry of whose Sentences shall not occur for a Period of not less than Six Months, to be conveyed to the said General Prison, and when any Criminal Court shall, after such Declaration, sentence

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any Person tried by such Court to a Period of Imprisonment for One Year or upwards, such Court shall insert in the Sentence a special Order that the Prisoner shall be forthwith conveyed to the said General Prison at *Perth*; and where such Sentence shall award Imprisonment for a Period of less than a Year, but not less than Six Months, such Court may either order the Prisoner to be conveyed to the said General Prison, or to any other lawful Prison which the Court shall think fit, and it shall also in such Case be competent to the said General Board to order the Prisoner to be conveyed to the said General Prison at *Perth*, if they shall think fit:” And whereas by virtue of the said Act a General Prison has been erected at *Perth*, and was declared by the said General Board to be ready to receive Prisoners from and after the Thirtieth Day of *March* in the present Year, and many Prisoners who were then under Sentences were removed thereto, and since then many Persons have been sentenced to be confined therein, and have been removed thereto and confined therein: And whereas, from the great Number of Prisoners who were under Sentence at the Time when the said General Prison was declared to be ready to receive Prisoners, and also from the great Number who have since been sentenced, there is great Danger that the said General Prison may be overcrowded, and that the important Purposes of the said recited Act will be frustrated, unless the Provisions above recited for sentencing Prisoners to be confined in the said General Prison be modified and suspended: 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, That from and after the passing of this Act so much of the said recited Act as enacts, “that when any Criminal Court shall sentence any Person tried by such Court to a Period of Imprisonment for One Year or upwards, such Court shall insert in the Sentence a special Order that the Prisoner shall be forthwith conveyed to the said General Prison at *Perth*, and where such Sentence shall award Imprisonment for a Period of less than a Year, but not less than Six Months, such Court may either order the Prisoner to be conveyed to the said General Prison, or to any other lawful Prison which the Court shall think fit,” shall be and the same is hereby suspended.

Peremptory Orders for Commitments to Perth Prison suspended.

No Sentence to contain a special Order for Commitment to Perth Prison.

II. And be it enacted, That it shall not be lawful for any Criminal Court after the passing of this Act to insert in any Sentence of Imprisonment a special Order that the Prisoner shall be conveyed to or confined in the said General Prison at *Perth*, or to order any Prisoner to be conveyed to or confined in the said General Prison; and any Sentence containing such an Order shall only be effectual to the Extent of confining the Prisoner in the local Prison in which he would have been legally confined if no such special Order had been inserted in his Sentence of Imprisonment.

Prison Board to have Power to remove Prisoners to the General Prison;

III. And be it enacted, That it shall and may be lawful for the said General Board of Directors of Prisons, during the Continuance of this Act, and such Board is hereby required, to order and cause to be removed, from Time to Time, to the said General Prison at *Perth*, such Number of Prisoners sentenced to Imprisonment in any other Prison,

Prison, the Expiry of whose Sentences shall not occur for a Period of not less than Six Months, as the said General Prison may be capable of containing, but in no ways to overcrowd the same.

IV. Provided always, and be it enacted, That the said General Board of Directors shall, as far as may be practicable, select for the Purpose of such Removal as aforesaid those Prisoners whose Sentences of Imprisonment shall then have the longest Time to run before their Expiration; and no such Order for the Removal of any Prisoner to the said General Prison shall be valid unless the same be signed either by the Lord Justice General of *Scotland* or by the Lord Justice Clerk of *Scotland*.

and shall select those sentenced to long Terms of Imprisonment.

V. And be it enacted, That during the Continuance of this Act nothing contained in the said recited Act or this Act shall be held to preclude any Criminal Court of competent Jurisdiction from sentencing to Imprisonment for One Year or upwards, in any lawful Prison other than the said General Prison, any Prisoner for whose Crime such Imprisonment shall be held to form a suitable Punishment.

Prisoners may be confined for One Year or upwards in any other lawful Prison.

VI. And be it enacted, That during the Continuance of this Act it shall be lawful for the said General Board of Directors of Prisons, at any Time or Times when they may deem it necessary for the proper Accommodation of Prisoners in the said General Prison at *Perth*, to order and cause to be removed from the said General Prison to the several local Prisons from which they may have been removed such Number of Prisoners as to the said General Board of Directors shall appear to be expedient; and such Removal shall be made under similar Regulations and conducted in the same Manner in which the Removal of Prisoners previous to the Expiration of their Sentences from the said General Prison to the Prison nearest their Residence, or in the County where their Crimes may have been committed, is by the said recited Act directed to be made.

Prison Board may remove Prisoners from the General Prison to the local Prisons.

VII. And be it enacted, That during the Continuance of this Act, when any Criminal shall have been sentenced to Imprisonment for any Period not less than Six Months, 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 Sheriffdom if such Sentence shall have been pronounced by a Sheriff, shall, within Ten Days after such Sentence shall have been pronounced, make a Return thereof to the Secretary of the General Board of Directors of Prisons in *Scotland*, which Return shall be in the Form of the Schedule hereto annexed.

Return of Sentences of Imprisonment to be transmitted to the General Board.

VIII. And be it enacted, That all Orders made by the said General Board, in regard to any of the Matters aforesaid, shall be subject to the Directions and Control of any One of Her Majesty's Principal Secretaries of State.

Orders of Prison Board subject to Control of Secretary of State.

IX. And

Term of Act. IX. And be it enacted, That this Act shall continue in force until the First Day of *December* in the Year One thousand eight hundred and forty-three, and from thence to the End of the then next Session of Parliament.

Act may be amended. X. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

SCHEDULE to which the foregoing Act refers.

NAME.	Age.	Place of Birth.		Offence.	County in which Offence was committed.	Place where sentenced.	Court by whom sentenced.	Date of Sentence.	Period of Imprisonment awarded.	Place of present Confinement.
		Parish.	County.							

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