

884 of '05, S. 1
927 of '07, S. 13



ANNO TRICESIMO TERTIO

VICTORIÆ REGINÆ.

A.D. 1869-70.

No. 12.

An Act to consolidate and amend the Law relating to Prisons.

[Assented to, 9th February, 1870.]

WHEREAS it is expedient to consolidate and amend the Law relating to Prisons in South Australia—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows: Preamble.

1. This Act may be cited for all purposes as the “Prison Act, 1869.” Short Title.

2. This Act shall extend and apply to all prisons in South Australia, except military or naval prisons. Application of Act.

3. In this Act, and in any Act applied or incorporated by this Act, the expressions hereinafter mentioned shall have the meanings hereinafter attached to them, unless there is something in the tenor of the Act inconsistent with such meanings, that is to say—
“Governor” shall mean the Governor in Council: Governor.
“Surgeon” shall mean any duly qualified medical officer appointed to any prison: Surgeon.
“Prison” shall mean gaol, house of correction, labor prison, or penal establishment; it shall also include the airing grounds, or other grounds, buildings, quarries for the use of the prison, and contiguous thereto: Prison.
“Sheriff” shall also mean Comptroller of Labor Prisons: Sheriff.
“Gaoler” shall mean superintendent, keeper, or other chief officer of a prison: Gaoler.
“Criminal prisoner” shall mean any prisoner charged with, or convicted of, a crime. Criminal prisoner.

4. The

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Acts repealed
Schedule.

4. The several Acts, and parts of Acts, mentioned in the First Schedule to this Act, to the extent to which the same are therein expressed to be repealed, shall be, and the same are hereby, repealed; but such repeal shall not affect any proclamation, sentence, rule, or regulation, appointment, order, proceeding, warrant, direction, offence, or other thing heretofore passed, made, done, or committed, nor be construed to revive any Acts or Ordinances by the said hereby repealed Acts or any of them repealed; but any such proclamation, rule, regulation, appointment, or order, or direction, may be rescinded, altered, or otherwise dealt with as if the same had been made or passed under this Act; and all things lawfully done, and all rights conferred or acquired, and all offences committed and penalties incurred under any of the said repealed Acts, or parts of Acts, before the coming into operation of this Act, shall be continued and preserved, and shall be prosecuted and enforced as if this Act had not been passed.

What shall be the
public gaols and labor
prisons of the
Province.

5. All buildings, enclosures, or places now used, occupied and supported out of the revenue of the said Province as public gaols, houses of correction, labor prisons, or penal establishments, and which are specified in the Second Schedule to this Act annexed, shall be and are hereby declared to be respectively until the same shall be duly closed the public gaols, houses of correction, or penal establishments belonging to the said Province respectively, and shall be subject to the several provisions hereinafter made for the regulation, management, care, discipline of the same, and of the prisoners therein respectively confined.

Governor may appoint
places to be used as
public gaols.

6. All buildings, erections, houses, enclosed places, and premises hereafter to be erected, built, enclosed, purchased, enlarged, or maintained at the public expense as and for public gaols, prisons, houses of correction, labor prisons or penal establishments, within the said Province, which are from time to time proclaimed by the Governor, by notice in the *Government Gazette*, as such public gaols, prisons, houses of correction, labor prisons, or penal establishments shall, from and after the publication of such notice, be severally deemed and taken to be the public gaols, prisons, houses of correction, labor prisons, or penal establishments respectively of the place or district where the same are situated; and shall be subject to the several provisions made for the regulation, discipline, management, and care of the public gaols, prisons, houses of correction, labor prisons, or penal establishments already erected, and of the prisoners confined within the same: And the Governor may, by order in Council published in the *Government Gazette*, close any such gaol, prison, house of correction, labor prison, or penal establishment, and direct the removal of the prisoners confined therein to some other gaol, prison, house of correction, labor prison, or penal establishment to be named in such order.

Sheriff to have control
of all gaols, &c., and
custody of all prisoners
confined therein.

7. All the said public gaols, prisons, houses of correction and labor prisons already established or used, and hereby declared to be
the

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the public gaols, prisons, houses of correction, and labor prisons in the said Province, and also such as under the provisions of this Act shall hereafter be notified in manner aforesaid, shall be, and are hereby declared to be, under the charge, care, and direction of the Sheriff of South Australia, subject, however, to the control of the Governor of the said Province; and all prisoners shall be deemed to be in the custody of the said Sheriff.

8. Except where it is otherwise proclaimed by the Governor by notice in the *Government Gazette*, every gaol shall be taken to be a prison for debtors; provided that the Judges of the Supreme Court may make such rules and regulations for the control and management of debtors in any prison as to the said Judges shall seem fit.

Gaols to be also prisons for debtors, unless otherwise proclaimed.

9. The Supreme Court of South Australia, and the several Judges thereof, shall have full power and authority to order and direct the imprisonment of any convicted prisoner to take effect in any particular gaol or labor prison.

Power of Judges to order imprisonment in any gaol.

10. The regulations contained in the Third Schedule, hereto annexed, shall be the rules and regulations for the dieting, safe custody, management, discipline, classification, hours of labor, and mode of employment of any offenders confined in any labor prison or penal establishment, for the remission of any part of the sentence of any such offender, upon certain conditions, and of the class of prisoners who shall be liable to wear irons during imprisonment, for limiting the number of lashes any offender shall be liable to receive for offences committed during imprisonment, under any order of personal correction made by any Visiting Justices, and to direct the separate or solitary confinement of any such offenders; and the Governor may, from time to time, make other rules and regulations for the purposes aforesaid.

Governor, in Executive Council, may make rules for labor prisons.

11. The regulations contained in the Fourth Schedule, hereto annexed, in respect to the government of gaols, shall be binding on all persons, in the same manner as if they were inserted in the body of this Act; and all rules in force in any gaol that are inconsistent with this Act, or the regulations in the Schedule hereto, shall be repealed from and after the commencement of this Act, but all other rules in force in any gaol shall so continue until altered in manner in this Act provided; and the Governor may, from time to time make other rules and regulations relating to the government of gaols, and frame dietary tables, and may from time to time alter any such rules, regulations, or dietary tables.

Regulations as to gaols only.

12. Any rules or regulations made under the provisions of this Act, when published in the *Government Gazette*, shall have the force of law: Provided that a copy of all such rules and regulations shall be laid before Parliament within fourteen days, if Parliament shall be then sitting, and if the Parliament shall not be then sitting, then within fourteen days from its next sitting for the dispatch of business.

Rules and regulations to have the force of law.

To be laid before Parliament.

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Governor may appoint
Visiting Justices.

13. The Governor may appoint fit and proper persons, being Magistrates of the Province, to be Visiting Justices of each gaol or labor prison within the said Province, and may remove and displace any of the said Visiting Justices and appoint others in their stead; and one at least of the Visiting Justices so appointed shall visit any such gaol or labor prison at least once in every week, unless prevented by illness or other sufficient cause, and shall from time to time make such report to the Chief Secretary as may be required by order of the said Governor.

Appointment of
superior officers of
gaols by Governor.

14. The Governor may from time to time appoint for any labor prison or gaol, and from time to time remove such and so many superior officers as he may deem necessary, and the Sheriff, with the approval of the Chief Secretary, may from time to time appoint for any labor prison or gaol, and from time to time, with the like approval, remove such and so many subordinate officers as he may deem necessary for the service and discipline of any labor prison or gaol.

Of inferior by
Sheriffs.

Chief Secretary may
require security from
officers.

15. The Chief Secretary, if he shall deem it necessary, may require any person employed in any prison to give security for the due performance of his duties, in such sums and with such collateral securities, and in such form as the Chief Secretary shall direct.

For ousting dismissed
officers.

16. If any person appointed to any office or employment in a prison, who shall be removed from his office or employment, shall refuse or neglect to quit any prison, or give up possession of any house, building, or apartment therein, or belonging thereto, within such period as shall be fixed by the Chief Secretary in any order or notice in writing, not being less than forty-eight hours' notice after the delivery to such person of any such order or notice, then it shall be lawful for any Justice of the Peace, on application, by warrant under the hand and seal of such Justice, to direct the Sheriff of the Province to remove such person out of the prison; and the said Sheriff shall thereupon clear the possession thereof, so far as relates to any part of the prison, or any house, building, or apartment therein, or belonging thereto, occupied by or in possession of such person, in like manner as upon a writ of *habere facias possessionem*.

Offenders under
sentence of over six
months, with hard
labor, may be removed
to labor prison.

17. The Governor may direct the removal from any gaol to a labor prison, of any prisoner under sentence of imprisonment with hard labor for any term greater than six calendar months, and who having been examined by the medical officer shall appear to be free from any putrid or infectious distemper, and fit to be removed from the gaol, prison, or place in which such offender may be confined; and the Sheriff or keeper having the custody of any such offender shall, with all convenient speed, after the receipt of any such order, convey, or cause to be conveyed, every such prisoner to the labor prison mentioned in such order, and shall there deliver him, or cause him to be delivered into the custody of the superintendent of such labor prison, with a true copy, duly attested by the Sheriff, of the sentence of every such prisoner; and the superintendent
of

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of such labor prison shall give a receipt in writing for every prisoner received into his custody.

18. Every offender who shall be so removed to any labor prison shall be deemed to be in the custody of the Sheriff as Comptroller of Labor Prisons, and be subject to be kept at such labor prison for the residue of his sentence, or until he shall become entitled to his liberty under the regulations in force as to remission of sentences, or until removed by legal authority.

Term of imprisonment in any labor prison.

19. If any prisoner in any labor prison or gaol shall assault any officer or servant employed therein, such prisoner shall be guilty of a misdemeanor, and upon conviction thereof before the Supreme Court, shall be liable to be imprisoned for any term not exceeding two years, with or without hard labor, in addition to the term for which, at the time of committing such offence he was subject to imprisonment, and shall also be liable to corporal punishment if the Court shall so order.

Assaulting officers.

20. The Governor may, by an instrument in writing under his hand, direct and authorize the Sheriff, whenever he may see fit, to remove any prisoner under sentence of hard labor to any distance without the walls for the purpose of carrying out the labor portion of any sentence, or direct any prisoner to be employed in any place to be set forth in such instrument.

Governor may sanction labor outside gaols.

21. Every person lawfully placed in charge of any prisoner so removed, wilfully or negligently permitting him to escape, shall be subject to all the like fines and penalties to which any constable or police officer is now by law liable for a like offence, and shall, while so in charge as aforesaid, have all the powers and privileges by law appertaining to a constable.

Penalty on officer for neglect or wilful permission to escape.

22. Every prisoner escaping, or attempting to escape, from any person in whose charge he may be placed for the purpose aforesaid, shall be guilty of felony, and may, on conviction, be sentenced to be imprisoned and kept to hard labor, with or without irons, for any period not exceeding five years; and such period shall be in addition to any pending term of punishment at the time of such escape or attempt to escape.

Escape of prisoners to be felony.

23. When persons convicted of offences are sentenced to imprisonment, without being sentenced to hard labor, the Sheriff may order all such persons, except such prisoners as maintain themselves, to be set to some moderate work or labor: Provided that no such prisoner, who has the means of maintaining himself, shall have any claim to be maintained at the public expense.

Persons imprisoned, but not sentenced to hard labor, may be set to work.

24. In order to prevent the contamination arising from the association of prisoners, any prisoner may, by order of the Sheriff, with the concurrence of a Visiting Justice, be separately confined during the whole or any part of his imprisonment, and such separate imprisonment

Separate confinement of prisoners

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prisonment shall not be deemed solitary confinement within the meaning of any Act forbidding the continuance of solitary confinement for more than a limited time: Provided always, that no cell shall be used for separate confinement of any prisoner which is not of such a size, and so ventilated and lighted, that a prisoner may be confined therein without injury to health; and every prisoner so confined shall have the means of taking air and exercise at such times as shall be deemed necessary by the surgeon.

Offenders attempting to escape, guilty of felony.

25. Any person legally imprisoned for any crime, misdemeanor, or offence, by the sentence of any Court of competent jurisdiction, who escapes or attempts to escape from any gaol or labor prison, or from the lands adjacent to and belonging to such gaol or labor prison, or from the custody of any gaoler or other officer in whose custody he may be, shall be guilty of felony, and being lawfully convicted thereof shall be liable to be imprisoned and kept to hard labor, with or without irons, with or without solitary or separate confinement, not exceeding one month at any one time, and not exceeding three months in any one year, for any period not exceeding five years, in addition to the term for which, at the time of committing such offence, he was subject to being confined.

Punishment on persons aiding in escape.

26. Any person who conveys, or causes to be conveyed, or who delivers, or causes to be delivered to any person for the purpose of being conveyed into any gaol or labor prison in which any prisoner is confined, or who secretes, or leaves upon, or about any quarry, public work, gaol, or other place where any such prisoners are usually employed or confined, for the purpose of being found or received by any such prisoner, any article of disguise, instruments, arms, weapon, or any poisonous or deleterious drug, or any other article or thing likely to be used for the purpose of escape, shall be deemed and taken to have delivered the same to aid and assist the escape of a prisoner, even though no escape may have been attempted; and any such person, or any person who in any other manner aids or abets, or assists any prisoner to escape from any such gaol, labor prison, or other place, may be apprehended by any person without warrant, and be by him detained and kept in safe custody until such offender can be brought before two Justices, who may hear and determine the alleged offence; and such offender shall, upon conviction, forfeit and pay a penalty of not less than Fifty Pounds nor more than One Hundred Pounds, and in default of payment, or in the discretion of such Justices, may be imprisoned and kept to hard labor for any period not exceeding two years.

Harboring prisoners illegally at large.

27. Any person who knowingly harbors in or about his house, lands, or otherwise, or who knowingly employs any person under sentence of imprisonment and illegally at large, shall, on conviction thereof, forfeit and pay a sum of not less than One Pound or more than Fifty Pounds.

Penalty for holding communication.

28. Any person who holds or attempts to hold any communication

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tion with any prisoner undergoing sentence, or who delivers, or in any manner whatsoever, endeavors or attempts to deliver, or causes to be delivered to any such prisoner, or introduces, or attempts to introduce into any gaol or labor prison, any money, article of clothing, letter, spirituous or fermented liquor, tobacco, or any other article or thing whatsoever, not allowed by the rules and regulations, or lurks or loiters about any gaol, labor prison, or the lands adjacent and belonging thereto, for any of the purposes aforesaid, or delivers, or causes to be delivered to any other person, any such money, letter, spirituous or fermented liquor, tobacco, article, or thing, for the purpose of being conveyed or introduced as aforesaid, or who secretes or leaves upon or about any place where such prisoner is usually employed, any such money, letter, spirituous or fermented liquor, tobacco, article, or thing, for the purpose of being found or received by such prisoner, may be apprehended by any constable, or by any person in whose custody any such prisoner then is, without warrant, and may be, by such constable or other person, detained and kept in safe custody until he can be brought before a Justice, and such Justice may hear and determine such offence, and upon conviction any such offender shall forfeit and pay a penalty not exceeding Thirty Pounds, and in default of payment, or in the discretion of such Justice, may be imprisoned and kept to hard labor for any period not exceeding six months.

29. Any person loitering about any such gaol, labor prison, or lands belonging thereto, who refuses or neglects to depart therefrom upon being duly warned so to do by any constable or authorized person, shall be deemed and taken to be lurking or loitering about such place for the purposes aforesaid. Unlawful purposes.

30. If any prisoner under sentence of hard labor, in order to evade labor, shall wilfully disable himself, or shall designedly prevent or protract the cure of any disease or complaint which he may have contracted, every such offender, being convicted of such offence before any Justice of the Peace, shall be liable to serve for such further time as such person shall have been so disabled or delayed from labor as aforesaid, and in every such case a certificate under the hand of the surgeon, who shall be in care of and be attending upon such person, that he had so wilfully disabled himself, or had designedly prevented or protracted the cure of such disease or complaint as aforesaid, shall be deemed sufficient proof of such offence. Prisoners wilfully disabling themselves.

31. Excepting under special circumstances, and as permitted by the prison rules, the superintendent of any labor prison shall not allow any person, except the Judges of the Supreme Court and Visiting Justices to enter the prison or converse with a prisoner, without a written order from the Chief Secretary or the Comptroller of Labor Prisons. Strangers not permitted to see the labor prison without an order from the Chief Secretary, &c.

32. Any prisoner confined in a prison whose term of imprisonment would according to his sentence expire on any Sunday, shall be entitled Discharge of prisoners.

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titled to his discharge, at noon, on the Saturday next preceding such Sunday, and all sentences of imprisonment on any offenders, convicted at any Criminal Sittings of the Supreme Court or Circuit Courts, shall date from the first day of holding such sittings; and all other sentences of imprisonment from the date of signing any warrant of commitment under which any offender is detained in custody, unless such prisoner was at large at the time of signing such warrant, in which case the sentence shall date from the time of arrest of the prisoner.

Inquests on prisoners.

33. An inquest shall be held on the body of every prisoner who may die within any prison; and where it is practicable one clear day shall intervene between the day of the death and the day of the holding of the inquest; and in no case shall any officer of the prison, or any prisoner confined in the prison, be a juror on such inquest.

Acts to be deemed offences if committed by prisoners in any gaol or labor prison.

34. No prisoner of any class shall disobey the orders of the gaoler, superintendent, or any other officer, or treat any of the officers of the prison, or any person who may visit the prison, or may be employed therein, with disrespect, or be idle or negligent in his work, or wilfully damage the same, or absent himself without leave from Divine Service, or behave irreverently thereat, or be guilty of swearing or any indecent or immoral expression or conduct, or of any assault, quarrel, or provoking, or abusive language, or converse, or hold intercourse with any other prisoner, except as authorized by the prison rules, or cause annoyance or disturbance by singing, whistling, or making unnecessary noise, or pass, or attempt to pass without permission out of his cell, or beyond the bounds of the ward or other place to which he may belong, or when at work go without leave beyond the limits assigned for such work, or be idle at his work, or disfigure the walls or other part of the prison by writing on them or otherwise, or deface, destroy, or pull down any paper or notice hung up by authority in or about any part of the prison, or wilfully injure any bedding or other article, or commit any nuisance, or have in his cell or possession any article not furnished by the establishment, or allowed to be in the possession of a prisoner, or smoke at unauthorized times, or shall give or lend to, or borrow from any other prisoner any food, book, or other article without leave, or refuse or neglect to conform to the rules, regulations, or orders of the prison, or otherwise offend.

How to be punished.

35. The Sheriff or a Visiting Justice may examine any prisoners touching such offences, and may order any prisoner so offending to be punished by being closely or otherwise confined in a dark or light cell, or by being fed on bread and water only, or by both such punishments for any term not exceeding seven days, and by forfeiture in addition of any number of marks earned by such prisoner, not exceeding the number necessary to earn one month's remission of sentence, should such Sheriff or Visiting Justice see fit so to order.

Repeated and other offences.

36. If any prisoner be guilty of an offence for which the punishment

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ment hereinbefore authorized to be inflicted shall be deemed by the Sheriff to be insufficient, on account of the enormity of the offence, or the repetition thereof, the Sheriff shall, without loss of time, report the same to a Visiting Justice who, with the assistance of any other Justice of the Peace, may inquire, upon oath, in a summary way, into any such repeated offence or any charge, including an attempt to abscond, grossly offensive or abusive language, refusal to work, insubordination, assault upon, or attempt to do any bodily injury to, any officer or prisoner, or any riot or tumult, or any wilful and malicious destruction or injury of any part of the prison or any furniture thereof, brought against any prisoner, and such Justices may, in their discretion, sentence such prisoner, upon conviction, to be kept at hard labor, with or without irons, for any term not exceeding one year, and, in their discretion, to be kept in solitary confinement for any portion of such time, not exceeding three months, in periods, none of which shall exceed one month, and which shall be at intervals of at least one month, and may direct, that during such confinement such prisoner shall be deprived of any particular portion of the ordinary diet of the prisoners, or forfeit the whole or any number of marks earned by such prisoners, or that the offender be punished by corporal punishment: Provided that such period of imprisonment or solitary confinement as aforesaid shall not be deemed or taken as a portion of the period of imprisonment or hard labor to which such prisoner shall have been previously sentenced.

37. Except where forming part of the sentence of any prisoner, no corporal punishment shall in any case be inflicted until after inquiry upon oath into the circumstances of the case, in the presence of the prisoner, and before two or more Justices of the Peace, of whom the Visiting Justice may or may not be one.

Corporal punishment.

38. Any gaol may be visited by any Justice of the Peace between the hours of nine o'clock in the forenoon and five o'clock in the afternoon, for the purpose of examining into the treatment, behaviour, and condition of the several persons confined therein; and if it shall appear to any Justice so visiting, as aforesaid, that any alterations in the regulations or in the treatment, condition, or behaviour of the persons confined therein would be desirable, then such Justice shall cause a minute of such alteration to be entered in the book to be for that purpose kept at such gaol and shall sign such minute, and report the special circumstance for the consideration of the Governor, through the Sheriff, who shall cause a true copy of such minute to be laid before the Chief Secretary, together with the report of such Justice; and no Justice shall have power to interfere with any regulation or order touching the treatment, behaviour, or condition of any person confined in any gaol, but may see such person and hear or receive any representations as to the treatment of such person in such gaol, with a view to making any report thereon, as hereinbefore mentioned.

Powers of Justices of Peace to visit all places used as gaols.

39. The Governor may remit in whole or in part any sum of money which

Penalties for offence may be remitted by the Governor

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although payable to parties other than Her Majesty.

which under any Act now in force or hereafter to be passed, may be imposed as a penalty or forfeiture on any person although such money may be in whole or in part payable to some party other than Her Majesty, and to extend the Royal mercy to any person who may be imprisoned for non-payment of any sum of money so imposed, although the same may be in whole or part payable to some party other than Her Majesty.

As to removal of prisoners to allow of the repairs or enlargement of prisons, or in consequence of infectious diseases.

40. Whenever it shall appear to the Governor that it is necessary that the debtors or other prisoners, or any of them confined in any public gaol or prison within the said Province, should be removed therefrom, in order that the same may be closed, repaired, improved, enlarged, or rebuilt, on account of any contagious or infectious disease therein, or of the overcrowded state of such gaol or prison, or for any of the purposes of this Act; and due and sufficient notice thereof, in writing, shall, by order of the said Governor, be given to the Sheriff of the said Province, the said Sheriff may remove such debtors or other prisoners, or any of them, to such other gaol or prison, or other place of confinement within his jurisdiction, as the said Governor shall appoint, and consign them to, during the time, such gaol or prison shall be repairing, improving, or rebuilding, or during the continuance of such contagious disease on account of which the said prisoners were removed, or during such time as may be requisite for any purpose of this Act; and when such gaol or prison shall be made fit for the reception and safe-keeping of such debtors and other prisoners, the said Sheriff may remove back thereto all such prisoners as shall then be in his custody; and further, in case any newly-erected gaol or building previously used for other purposes shall, by Proclamation notified in the *Government Gazette*, be declared to be adapted and directed to be thenceforth appropriated and used as a public gaol or labor prison for any particular place or district, the said Sheriff, on the day of the publication of such Proclamation, or at any time thereafter, may remove all prisoners in his custody, in such place or district, to such gaol or labor prison, according to the sentences of the respective prisoners.

As to the removal of prisoners in any place or district to newly proclaimed gaol or prison for same.

As to the removal of prisoners from one gaol to another, or to hospital, if necessary.

41. The Sheriff may, by leave of a Judge of the Supreme Court, on application made to him for that purpose, remove any prisoner whatever from any gaol under his control to any other gaol being also under his control; or, in case of illness, to any hospital or infirmary as occasion shall seem from time to time to require.

Removal of prisoners for trial.

42. A prisoner may be brought up for trial, and may be removed by, or under, the direction of the Sheriff from one prison to another, or from one place of confinement to another, to which such prisoner may be legally removed for the purpose of being tried or undergoing his sentence, and no prisoner, whilst in the custody of a gaoler, constable, or other person duly authorized to take charge of such prisoner, shall be deemed to have escaped, although he may be taken to different places of confinement for such purposes as aforesaid.

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43. The Governor, by an order under his hand, may direct any person in prison in South Australia, under sentence of any Court, or of any competent authority, for any offence committed by him, to be removed from the prison in which he is confined to any other of Her Majesty's prisons in South Australia, and there to be imprisoned during the term of imprisonment.

Governor may order prisoners to be removed from one prison to another.

44. If the keeper or any other officer of or belonging to any building used as a gaol, house of correction, penitentiary, or watchhouse shall sell, lend, or give away, or knowingly suffer any wine or spirituous liquors to be sold, lent, or given away, or to be brought into any such building, except the same shall have been prescribed in writing by the medical officer attending such gaol, house of correction, penitentiary, or watchhouse, as aforesaid, or shall be allowed by the regulations, such keeper or officer shall forfeit and pay a penalty of not less than Five Pounds nor more than One Hundred Pounds.

Keepers, &c., of gaols or other places of confinement not to sell wine or spirits therein.

45. If any person shall take, or endeavor to take or pass liquors into any such buildings as mentioned in the last preceding section, except the same shall have been prescribed as aforesaid, the keeper, or any of his officers, or any constable, either alone, or with the assistance of any other person, is and are hereby authorized and empowered immediately to apprehend and carry every such offender before any Special Magistrate or two Justices, who shall and may without any written information exhibited for that purpose, hear and determine such offence in a summary way, and if by the oath of one credible witness, or otherwise, such person or persons shall be convicted of such offence, he shall forfeit and pay for every such offence a penalty of not less than Ten Pounds nor more than Fifty Pounds: Provided always, that nothing hereinbefore contained shall extend to or affect any keeper or deputy keeper in respect to liquors brought into any such building, and kept there for the use and consumption of, and which shall in fact be used and consumed by, such keeper or deputy keeper at his own residence within the said building, nor shall it be taken to extend to the introduction of the ration of spirits issued for the use of the guard stationed within such gaol, house of correction, penitentiary, or watchhouse as aforesaid.

Persons taking or attempting to introduce liquor without authority into gaols, &c., to pay a penalty.

46. On information upon oath by any credible person, that he knows, or suspects and believes that liquors are illegally kept or disposed of in any such building, and shall set forth reasonable grounds for such belief and suspicion, any Justice may personally search for, and seize and detain, or by warrant authorize the Commissioner or other officer of police to search for, and seize and detain, all such liquors as shall be found therein, and to bring the same before any Special Magistrate or two Justices, and if it shall appear to him or them after due examination that such liquors were illegally taken or kept there for the purpose of being sold or disposed of, then such Magistrate or Justices shall adjudge the said liquors to be condemned, and the same shall be forthwith sold, and

Upon information, gaols, &c., may be searched for such liquors.

Liquors found to be condemned and sold.

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one-half of the net proceeds thereof paid to the use of Her Majesty, and the other half to the party informing, otherwise such liquors shall be restored to the owners thereof.

A copy of the last four sections to be hung up in each gaol, &c.

47. The keeper of every such building shall cause the last three preceding sections to be printed or fairly written and affixed to one of the most public parts of the inside of the said building, and keep the same fair and legible under a penalty of Forty Shillings.

Recovery and application of the penalties, &c.

48. All fines, forfeitures, and penalties imposed by this Act, or which shall be imposed by virtue of any rule to be made in pursuance thereof, shall, on conviction of the offender, be levied by distress and sale of the offender's goods and chattels by warrant, under the hand and seal of the Justice or Justices before whom such conviction shall be had; and for want of sufficient distress, such offender shall be committed to gaol, with or without hard labor, for such term not exceeding three calendar months, as such Justice or Justices shall think proper; and all such fines, forfeitures, and penalties, the application whereof is not hereinbefore particularly directed, shall be paid to the Treasurer for the public uses of the said Province and support of the Government thereof.

Form of conviction.

49. The Justice or Justices before whom any person shall be convicted of any offence against this Act may cause the conviction to be drawn up in the following form of words, or in any other form of words to the same effect, which the case shall require, that is to say:

Be it remembered that on the _____ day of _____
in the year of our Lord 18____, A.B. is convicted before me, C.D., Justice of the Peace for the Province of South Australia, for that the said A.B. did (specify the offence and the time and place when and where the same was committed, as the case shall be), and the said A.B. is for his said offence adjudged by me, the said Justice, to forfeit and pay the sum of _____ pounds, or to be imprisoned in _____ for the space of _____ (with or without hard labor, as the case may be).

Given under my hand and seal the day and year first above written.

In the name and on behalf of the Queen I hereby assent to this Act.

JAMES FERGUSSON, Governor.

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SCHEDULES REFERRED TO.

FIRST SCHEDULE.

List of Acts repealed.

Date.	Title of Act.	Extent of Repeal.
No. 4, 6 Vict.	An Act for the regulation of Gaols, Prisons, and Houses of Correction in South Australia	The whole Act.
No. 11, 1844.	An Ordinance to provide for the employment and Instruction of Aboriginal Prisoners.	The whole Act.
No. 3 of 1854	An Act to repeal "An Act to provide for the Commutation of Sentences of Transportation, and to substitute Imprisonment with hard labor as a punishment in lieu of Transportation, and for the employment of Prisoners sentenced to hard labor," and to substitute other provisions in lieu thereof.	The whole Act.
No. 17, 1855-6	An Act to provide for the punishment, custody, and employment of Prisoners sentenced to hard labor and penal servitude.	The whole Act, except Sec. 4.

SECOND SCHEDULE.

Prisons.	Legal character of.
Yatala—Labor Prison	Penal establishment for male Prisoners only, sentenced to imprisonment with hard labor for periods over six months.
Adelaide	Gaol and House of Correction, also Prison for Debtors.
Redruth	Gaol and House of Correction, also Prison for Debtors.
Mount Gambier	Gaol and House of Correction, also Prison for Debtors.
Wallaroo	Gaol and House of Correction, also Prison for Debtors.
Port Augusta	Gaol and House of Correction, also Prison for Debtors.
Robe	Gaol and House of Correction, also Prison for Debtors.
Port Lincoln	Gaol and House of Correction, also Prison for Debtors.

THIRD SCHEDULE.

Labor Prison Regulations.

SUPERINTENDENT.

1. It is the duty of the Superintendent to enforce the whole of the regulations. He is responsible to the Comptroller for the discipline, management, and safe custody of the prisoners. The Superintendent shall, within one month after his appointment, give the security of a Guarantee Society for £500, under the regulations existing in the Service, for all moneys, goods, materials, and other property entrusted to his care.

2. The Comptroller shall, with the approbation of the Chief Secretary, appoint an officer of the prison to act as Deputy-Superintendent whenever the Superintendent shall be necessarily absent from the prison; and during such necessary absence of the Superintendent, the Deputy-Superintendent shall have all the power and duties of the Superintendent of the prison. Before leaving the prison the Superintendent shall personally give over the charge of the prison to the Deputy-Superintendent.

3. He

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3. He shall be supplied with copies of all Acts of Parliament in force which relate to any part of his duties, or to the management of the prisoners, or the treatment of prisoners, and with a copy of the rules in force in the prison. He shall acquaint himself with such Acts of Parliament and with the prison rules, and shall strictly adhere to them himself and enforce the due observance of them upon others. He shall observe the conduct of his subordinate officers, and enforce on each of them the due execution of their duties as laid down by the rules, restricting them entirely to the performance of their public duties, and not permitting any of them to be employed in any other capacity either for himself or for any other officer of the prison.

4. He shall reside in the prison, and he shall not be absent from it for a night, or after the time fixed for locking the outside gates, without permission, in writing, from the Comptroller, and his leave of absence, with the date and time for which granted, shall be entered in his journal; but if necessarily absent without leave for a night he shall state the fact, and cause of it, in his journal.

5. He shall not permit any person to sleep in the apartments of any other officer in the prison without permission from the Comptroller; nor shall he permit any servant of an officer, nor any person (not an officer of the prison) to have any intercourse or communion with a prisoner, except as permitted by the prison rules.

6. He shall exercise his authority with firmness, temper, and humanity; abstain from all irritating language, and not strike a prisoner, except in self defence. He shall enforce similar conduct on the subordinate officers.

7. He shall enter in a book, to be called "The Superintendent's Order Book," all his orders relating to the discipline of the prison.

8. He shall, in case of misconduct, have power to suspend any subordinate officer; but shall report the particulars without delay to the Comptroller.

9. He shall attend Divine Service in the prison chapel whenever it is performed, unless engaged in some duty, inserting in his journal the omission and the cause thereof. He shall see that the subordinate officers and prisoners attend, unless prevented by illness, or excused by leave of absence, or by prison regulation.

10. He shall keep a journal for recording all occurrences of importance within the prison, particularly such as relate to the health, discipline, or employment of the prisoners, or to the infringement (from whatever cause) of any of the prison rules. He shall also record therein all punishments inflicted, the day when such punishments shall have taken place, and the cause thereof. His journal shall be laid before the Comptroller on his visits to the prison.

11. He shall direct that each officer in charge of a department or ward of the prison shall daily report to him, in writing, the condition of his department or ward or of the working gang assigned to his charge. In all cases of emergency, however, the officer shall report verbally without delay, subsequently making an entry in his report book.

12. He shall visit and inspect every ward, cell, yard, working gangs in the quarries, and division of the prison, and see every prisoner once at least in every twenty-four hours; and, in default of such daily visits and inspection, he shall state in his journal how far he has omitted them, and the cause thereof. He shall, at least once during the week, go through the prison at an uncertain hour of the night, which visit, with the hour, and the state of the prison at the time, he shall record in his journal.

13. He shall at all reasonable times be ready to receive any complaint or application of a prisoner.

14. He shall take every precaution necessary for preventing escape, and give orders for the daily examination of the cells, bars, bolts, locks, &c. He shall also adopt proper precautions against fire.

15. He shall direct that the prison be locked at nine o'clock each night, and that the keys shall, at or before the hour of half-past nine, be delivered to him by the principal officer on duty, who shall then report to him whether the officers who sleep in the prison were all present at nine o'clock and the regulations of the prison complied with. He shall keep the keys from the hour of half-past nine at night till the hour of unlocking in the morning, and shall suffer no ingress or egress between those hours, except in such special cases as may, from time to time, be sanctioned in writing by the Comptroller, and except in any cases of emergency which may arise, and which must be entered in his journal.

16. He shall direct that all prisoners, on admission, be placed in a reception cell, that they be strictly searched, and all knives, or other sharp instruments, or dangerous weapons, or articles calculated to facilitate escape, be taken from them, but in no case shall any prisoner be searched in the presence of any other prisoner.

17. He

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17. He or some other officer shall, as soon as possible after the admission of a prisoner, note down in the prison register the prisoner's name, age, height, features, &c. ; he shall take charge of, and enter, or cause to be entered in the prisoner's property book, an inventory of all money, clothes, and other effects which the prisoner may have on his admission ; he shall take charge of them for safe custody only, and for the purpose of being restored as directed by the Comptroller.

18. He shall cause copies of such of the rules as relate to the treatment and conduct of prisoners (printed in legible characters) to be fixed up in conspicuous parts of the prison, so that every prisoner may have access thereto.

19. He shall strictly enforce order and silence, and shall prohibit all damage to gaol property, exchange of food, and other dealing among the prisoners ; he shall also enforce a high degree of cleanliness in the prison, as well as respects every part of the building and yards, as the persons of the prisoners, their clothes and bedding, and everything in use.

20. He shall direct that every prisoner wash himself thoroughly at least once every day, and his feet at least once each week ; and he shall see that there is a sufficient supply of soap, towels, and combs.

21. He shall direct that the hair of prisoners be close cut once a month, except in the case of prisoners whose sentences are about to expire. He shall see that the prisoners be shaved at least twice a week.

22. He shall carry into effect the written directions of the medical officer for separating prisoners laboring under infectious or contagious complaints, or suspected thereof ; and for cleansing, disinfecting, and limewashing any apartments occupied by such prisoners, and for washing, disinfecting, fumigating, or destroying any foul or suspected apparel or bedding.

23. He shall direct that all prisoners be supplied with a complete prison dress, viz. :—Two cotton shirts, one pair of trousers, one blue serge shirt, one pair boots, one hat or cap, one rug, and two blankets, the whole of which are to be marked and numbered with the prisoner's number, and the Government brand, the broad arrow, and letter G. No prisoner will be allowed to wear any private clothing whatever except underclothing, by order of the medical officer—the same to be marked as above. Each pair of trousers and boots and each cotton shirt must last six months ; each serge shirt and hat or cap twelve months.

24. He shall direct that the bedclothes be frequently aired, and that, when the weather permits, this be done in the open air.

25. He shall direct and be responsible for the correct issue of stores, and the distribution of food according to the prescribed scales of diet, and shall attend, or take care that the principal officer attends, at each distribution of food to the prisoners ; and he shall cause any article of food to be weighed or measured, if so required by a prisoner. He will enforce a strict adherence to contract in all supplies received for the service of the Labor Prison.

26. He shall carry into effect the written directions of the medical officer for the supply of any additional articles which the medical officer may deem necessary in any particular case, and he shall report the same, in writing, to the Comptroller.

27. He shall see that thermometers are placed in different parts of the prison, and that a daily record is kept of the degree of temperature.

28. He shall, without delay, call the attention of the medical officer to any prisoner whose state of mind or body appears to require his attention, and shall cause a strict watch to be kept on such prisoner ; and if it appear that the mind or body of any prisoner is injuriously affected by the discipline or treatment, he shall make such change therein as he may think necessary, and report the same, in writing, to the Comptroller for directions thereon, entering such report in his journal.

29. He shall see that all insane prisoners are removed from the prison as speedily as the law will allow.

30. He shall carry into effect the written directions of the medical officer respecting alterations of the discipline or treatment of any prisoner whose mind or body appears to the medical officer injuriously affected by prison discipline, and he shall report the same, in writing, to the Comptroller.

31. He shall notify to the medical officer without delay the illness of any prisoner, and shall deliver to him daily a list of such prisoners as complain of illness, or are removed to the infirmary, or are confined to their cells by illness ; he shall deliver to the medical officer lists of such prisoners as are placed in solitary or separate confinement, and of those under punishment.

32. Upon the death of a prisoner he shall give immediate notice to the Comptroller, to a Coroner, and, when practicable, to the nearest relative of the deceased. He shall

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see that no officer of the prison or prisoner is a juror on any inquest which may be held on the body of any prisoner who shall have died in the prison.

33. No punishments or privations of any kind shall be awarded except by the Comptroller or a Visiting Justice. The Superintendent shall have power to place refractory prisoners in separate confinement until the next visit of the Comptroller, and in the absence of the Comptroller shall report to a Visiting Justice at his first subsequent visit.

34. Prisoners convicted of offences against the person, and offences against property, with violence, malicious offences against property, and prisoners sentenced to periods of over four years, or a second time convicted at the Supreme Court, shall be liable, at the discretion of the Comptroller or Visiting Justice, to serve any portion of the sentence passed upon them in irons. Handcuffs or any other description of irons shall not be put on any other class of prisoners, except in cases of absolute necessity, full particulars of which the Superintendent shall enter in his journal. He shall not continue handcuffs or any other irons on such last-mentioned prisoners longer than twenty-four hours without an order in writing from the Comptroller, specifying the cause thereof and the time during which the prisoner is to be ironed.

35. He shall keep a "Misconduct Book," in which shall be entered any case of misconduct which is reported, or which is followed by punishment, together with the date, the name of the prisoner, the offence, and the punishment awarded. The Comptroller shall, once in each quarter, forward to the Chief Secretary a report of the prison, and of any punishments or insubordination which have happened during that time.

36. He shall attend all corporal punishments inflicted within the prison, and he shall enter in his journal the hour at which the punishment is inflicted, the number of lashes, and any orders which the Medical Officer may have given on the occasion.

37. All prisoners whose terms of imprisonment expire on a Sunday, are to be discharged on the Saturday next preceding.

38. Employment in the necessary services of the prison may, in the case of a limited number of prisoners, to be recommended by the Superintendent and approved by the Comptroller, as a reward for industry and good behaviour, be deemed to be hard labor, to entitle such prisoners to credit time.

39. When any prisoner is discharged from prison, the Comptroller may order a sum of money not exceeding two pounds, to be paid to him, out of any moneys under his control, and applicable to the payment of the expenses of the prison; or in lieu of the above, when a prisoner is discharged from prison, the Comptroller may provide such prisoner out of any moneys under his control, and applicable to the payment of the expenses of the prison, with the means of returning to his home, by causing his fare to be paid by rail or coach, or in any other convenient manner.

40. On the discharge of a prisoner his own clothes shall be returned to him, unless it has been found necessary to destroy them, in which case he shall be provided with clothing.

41. Prisoners shall be allowed to see their relations or friends once in two months, on Wednesdays, between the hours of one and two o'clock, or on Saturdays, after four o'clock in the afternoon until five. All visits to be made in the presence of an officer. The prisoner and visitor to be separated by a division or barrier. In case of sickness or other special circumstances, however, he shall allow prisoners to see their relations and friends; such special circumstances to be entered in his journal.

42. He shall allow prisoners to send and receive one letter in the course of every two months, and shall inspect every letter; and, in every case, where he shall deem it necessary to withhold a letter either to or from a prisoner, he shall record the fact in his journal, and shall, without delay, lay such letter before the Comptroller for his decision; and any letter which the Comptroller may consider improper to be sent shall be forwarded at once to the Chief Secretary. Any guard or other officer conveying letters to or from prisoners in violation of this rule will subject themselves to immediate dismissal, and loss of all salary due.

43. Every prisoner will be compelled to break one cubic yard of hard metal to a two and a-half inch gauge as the standard day's work. Any work beyond this will enable a prisoner to earn by industry and good conduct an abridgment of part of his punishment. The amount of punishment to be remitted will be regulated by allowing one day's remission for every six marks earned by the prisoner. A prisoner will be allowed to earn daily one, two, or three marks, by a greater or less degree of industry. Three marks will be the greatest number that can be earned in a day's work, and will be allowed for breaking an additional half-yard of hard metal; and for less quantity than half-a-yard, a proportionate smaller number of marks. The same task will

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will be exacted and remission allowed for other labor of equivalent value. Marks earned by industry will be liable to forfeiture by fines for misconduct. A credit time book to be kept, and read over to the prisoners once a week.

44. The Superintendent shall keep an inventory of all the furniture and moveable property belonging to the prison. He shall also keep a catalogue of all books and printed papers allowed to be brought into the prison.

45. He shall examine all bills for supplies for the prison and certify as to their correctness previous to submitting the same to the Comptroller.

46. He shall duly keep and make the proper entries in the several books, journals, and accounts required of him.

47. He shall keep all official letters addressed to him, and shall keep a "Letter Book" in which shall be entered copies of all official letters written by him or under his direction.

48. He shall be responsible for the safe custody of the journals, registers, account books, and all other documents confided to his care, and see that they are preserved un-mutilated and unaltered; and shall, when required, produce such books and documents for inspection.

49. He shall frequently inspect the provisions furnished for the prisoners; and, in case any complaint shall be made to him respecting the quantity or quality of any article delivered for the use of the prison, he shall survey the same if he sees fit, with the aid of the Surgeon, or such other person or persons as he may think proper to call in for the purpose of assisting his judgment, and shall give such directions as may appear to him, upon such survey, to be necessary, entering the complaint and proceedings therein in his journal.

MEDICAL OFFICER.

1. The Medical Officer shall make himself thoroughly acquainted with the regulations of the prison and its various details.

2. He shall visit the prison daily, and oftener, if necessary; and thrice each week he shall see every prisoner confined therein.

3. He shall keep a journal in which he shall enter the date of every visit, with any observations which may occur to him in the performance of his duty.

4. He shall examine every prisoner on being brought to the prison, and he shall record the prisoner's name, age, state of health on admission, and any disease of importance to which he may have been subject. He shall also record the state of his health on discharge.

5. He shall on each visit see such of the prisoners as are sick or complain of illness, and, when necessary, shall direct them to be removed to the infirmary; and he shall report to the Superintendent any case that may arise for varying the diet or treatment of prisoners not removed to the infirmary.

6. He shall on each visit see the prisoners in separate or solitary confinement, or in close confinement for prison offences.

7. He shall occasionally inspect every part of the prison, and shall enter in his journal the result of each inspection, recording any want of cleanliness, drainage, warmth, or ventilation, any bad quality of the provisions, any insufficiency of clothing or bedding, or any other cause which may affect the health of the prisoners. He shall frequently examine the state of the thermometers and the daily record of the degree of temperature. He shall also ascertain that the water is pure and wholesome, and that there is an abundant supply.

8. He shall enter, in the English language, in a register to be kept in the prison, an account of the state of every sick prisoner, the name of his disease, a description of the medicines and diet, and any other treatment which he may order for such prisoner. No medicines shall be issued except by the immediate direction of the medical officer in each particular case.

9. His attention shall be directed to the scale of diet on which each prisoner is placed, and he shall have a discretionary power to increase or diminish the quantity of food with reference to the constitution and state of health of the particular prisoner; and he shall have the same discretionary power with reference to the diet of prisoners in youth and old age. He shall also see that no prisoner under punishment is subjected to such a reduction of diet as can tend to the injury of health.

10. He shall direct the supply of flannel in cases in which he may consider it desirable, and the supply of such other articles to prisoners in general as he may deem necessary in particular cases.

11. He shall direct that every prisoner take daily as much exercise in the open air as he may deem necessary for health.

12. He

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12. He shall give directions in writing for separating prisoners having infectious complaints, or being suspected thereof; for cleansing, disinfecting, and whitewashing any apartments occupied by such prisoners, and for washing, disinfecting, or destroying any infected apparel or bedding.

13. Whenever he shall have reason to believe that either the mind or body of a prisoner is likely to be injuriously affected by the discipline or treatment, he shall report the case in writing to the Comptroller, together with such directions as he may think proper.

14. He shall, in any case of danger or difficulty which appears to him to require it, call in additional medical assistance, and no capital operation shall be performed without a previous consultation being held with another medical practitioner, except under very urgent circumstances, not admitting of delay—such circumstances to be recorded in his journal.

15. No prisoner shall be discharged from prison if labouring under any acute or dangerous distemper, nor until, in the opinion of the medical officer, such discharge is safe, unless such prisoner shall require to be discharged.

16. He shall attend all corporal punishments within the prison, and shall give such orders for preventing injury to health as he may deem necessary.

17. He shall, after the death of any prisoner, insert in his journal, and deliver to the Comptroller a written report containing the following particulars, viz.—at what time the deceased was taken ill; when the fact was first communicated to him; when the complaint assumed a dangerous character; when the prisoner died; an account of the appearance after death (in cases where an anatomical examination was made); his opinion before the Coroner, and the verdict of the jury.

18. He shall professionally attend all the officers within the prison when they are unwell, and shall report the nature of their illness to the Comptroller.

19. In cases of sickness, necessary engagement, or leave of absence, he shall appoint a substitute, to be approved by the Chief Secretary.

20. He shall, once a year, deliver to the Comptroller a report, in writing, specifying, with reference to the past year, the general state of health of the prisoners, the disorders which have been most prevalent, whether any connexion may be traced between the diseases which have occurred and the locality or state of the building, or the diet, employment, or other circumstances; also the number of deaths, any case of insanity, the number of infirmary cases, the number of prisoners placed on extra diet, and the proportion of sick to the average number of prisoners during the year, which shall be immediately forwarded by the Comptroller to the Chief Secretary.

GENERAL INSTRUCTIONS.

1. All officers will be held responsible for being fully acquainted with the rules and orders relating to their respective duties. They shall assist the Superintendent and each other in maintaining order and discipline among the prisoners.

2. It is the duty of all officers to treat the prisoners with kindness and humanity, and to listen patiently to and report their complaints and grievances, being firm at the same time in maintaining order and discipline, and enforcing complete observance of the rules and regulations of the prison.

3. No officer shall strike a prisoner except compelled to do so in self defence, or in case of attempted escape, or violence on the part of such prisoner towards any other person.

4. The officers shall carefully observe the character, habits, and industry of the prisoners under their charge; and it being of the utmost importance that the Comptroller and Superintendent should be fully informed on these points, the several officers shall carefully and impartially keep up such records as may be ordered, and shall consider it to be their duty to afford at all times unreserved information on such subjects.

5. No subordinate officer shall, on any pretence, fail to make an immediate report to his superior officer of any misconduct or breach of the prison regulations.

6. No subordinate officer shall take upon himself to punish any prisoner. The subordinate officers are strictly forbidden to entertain applications without the prison gates from the friends or relations of prisoners.

7. The prisoners, when in association, shall be placed under the control and superintendence of officers whose duty it shall be to enforce silence in all cases. They shall carefully watch the prisoners in their various movements and employments, and use the utmost alacrity and vigilance, not only to prevent escape, but to enforce strict discipline and subordination, and complete observance of the regulations of the prison.

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8. No subordinate officer of the prison shall unnecessarily converse with a prisoner, nor allow any familiarity on the part of prisoners towards himself or any other officer of the prison.

9. On proceeding with prisoners to their labor, the officer in charge of each party will count the number of prisoners therein as they are told off, and repeat the number aloud to the chief guard or other appointed officer, after which the officer in charge shall be held responsible for the safe custody and regular conduct of their prisoners whilst at work, and especially that they do not straggle or hold communication with unauthorized persons, or in any way get possession of prohibited articles. Officers shall also see that the prisoners on their return to the prison have no improper articles in their possession.

10. All officers must maintain the strictest sobriety, and abstain from improper language.

11. All officers, when off duty, are strictly forbidden to enter into conversation referring to the discipline and regulations of the prison, particularly with strangers; and when on duty they are to avoid as much as possible speaking about their duties or the regulations of the prison in the hearing of the prisoners.

12. All officers of the prison shall punctually attend Divine Service, unless on duty or excused by the Superintendent or superior authority.

13. The officers of the prison shall at all times treat their superiors with proper respect.

14. All officers shall pay strict attention to cleanliness of person and dress, and shall at all times, within the prison, wear the uniform.

15. Subordinate officers shall confine themselves, while within the walls, to their respective departments, unless otherwise ordered by a superior officer, or required to do so in the performance of any duty.

16. No officer of the prison shall have any pecuniary or other dealing whatsoever with any prisoner, or employ any prisoner, on his private account, or in any way not in conformity with the established rules of the prison.

17. No officer of the prison shall, directly or indirectly, have any interest in any contract or agreement for the supply of the prison, nor shall receive, directly or indirectly, under any pretence whatsoever, any fee, gratuity, or present from any person whatsoever.

18. No subordinate officer shall use tobacco or spirituous liquors within the prison walls, except under such restrictions as to time and place as may be laid down by the Superintendent.

19. The subordinate officers shall take their meals at such times as the Superintendent shall direct.

20. All disputes about points of duty between the officers are strictly prohibited. Any question of this kind must be referred at a convenient time for the decision of the Superintendent; and all complaints by one subordinate officer against another must be forthwith made, in writing, through the chief warder to the Superintendent for his decision; such reports and his decision thereon being entered in the "General Report Book," to be kept for the information of the Comptroller.

21. Subordinate officers will be deemed for the first month on probation, and those whose services are discontinued (except such as are temporarily engaged, or who have not completed their probation, or are at weekly wages, or shall be dismissed for misconduct) shall be entitled to a month's pay or a month's notice. Officers, whose probation is not completed, are entitled only to a week's notice or a week's pay.

22. Any subordinate officer disabled from the regular performance of duty by sickness must give or send immediate notice to the Superintendent and to the medical officer. The Superintendent shall have power to grant sick leave, upon the report of the medical officer, for any time not exceeding one week, but if at the end of that period the officer has not resumed his duty, his case shall be laid before the Comptroller, who may, if he think fit, place him under such stoppages of pay as he may deem necessary.

23. Subordinate officers (except those on temporary employment, or on probation) leaving without a month's previous notice, in writing, shall forfeit all wages due, unless the Comptroller shall otherwise direct.

24. No officer shall on any account enter a prisoner's cell at night, unless accompanied by another officer, and then only in case of the prisoner's sickness, or other emergency.

25. Any prisoner leaving his allotted place whilst at work, or making the slightest movement, at any time, indicative of an attempt to escape, or to commit an assault on

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on any officer, or any other prisoner or person, with any instrument, or any other weapon, will render himself liable to be shot by the Guard, or other person in whose charge he may be. And each prisoner is hereby cautioned, that if he infringes this rule, he does so at his own risk and peril.

26. Guards, when on duty, not to allow any prisoner to approach nearer than ten paces to them; nor to permit any prisoner to go beyond the prescribed limits, without the Overseer's order.

27. On any prisoner passing, or attempting to pass, the prescribed bounds, it is the duty of the officer to challenge him, by calling aloud, "Stand, prisoner," with the prisoner's name or number. On this challenge *being repeated twice*, and the prisoner neglecting or refusing to stand, then it shall be lawful for the officer to use his weapons; and, in case of inability to prevent escape by other means, to fire on the prisoner, to prevent his escape.

28. On the escape of any prisoner, the officer *shall fire* (immediately reloading) his piece, to give an alarm; but on no account shall he leave the gang under his charge without the orders of an officer.

29. On an alarm being heard, the Military or other Guard in Barracks and every officer of the prison shall turn out fully armed, to await the orders of the officer in charge. Officers are justified in using their arms to prevent prisoners from assaulting each other, any officer, or other person.

Minor Offences.

30. It is by the most exemplary conduct alone that prisoners will be allowed the slightest indulgence. Any irregularity, disobedience of orders, want of cleanliness, insolence, idleness, refusal to work, making use of indecent, abusive, or improper language; damaging, defacing, or destroying Government property, or other misconduct, will not only subject a prisoner to immediate punishment, but may issue in the loss of the whole of any credit time he may have previously earned.

Hours of Labor.

31. In summer, from 6 a.m. to 6 p.m.; one hour's cessation for breakfast, and one hour for dinner. In winter, from 7 a.m. to 5 p.m., with half-hour for breakfast, and one hour for dinner. Fifteen minutes allowed for smoking during the morning and afternoon, and at no other time whatever during work hours.

32. Prisoners are invariably to be called and made to rise at day-light, and to be locked up before dark. The bell for silence to be rung at nine o'clock p.m. in summer, and eight o'clock p.m. in winter.

Ration Scale.

33. Ration scale—

No. 1. Full Ration, per man daily—Bread, 1lb. 8ozs.; meat, 1lb.; potatoes or other vegetables, 1lb.—bread, in lieu thereof, 8oz.; tea, $\frac{1}{2}$ oz.; sugar, 2ozs.; salt, $\frac{1}{2}$ oz.; rice, 2ozs.; soap, 1oz.; together with tobacco, $\frac{1}{4}$ oz., to those earning credit only, or for special good behaviour in those to whom credit may not apply.

No. 1 Ration is allowed only to such prisoners as perform the required amount of labor, unless ordered by the Medical Officer.

No. 2. Solitary Ration—Bread, 1 $\frac{1}{2}$ lbs.

No. 3. Sick and Light Labor Ration—Bread, 12ozs.; meat, 8ozs.; potatoes or other vegetables, 8ozs.—bread in lieu thereof, 4ozs.; tea, $\frac{1}{2}$ oz.; sugar, 2ozs.; rice, 2ozs.; salt, $\frac{1}{2}$ oz.; soap, $\frac{1}{2}$ oz.

VISITING JUSTICES.

1. Personal correction shall be flogging with a cat-o-nine tails, to an extent not exceeding, in any case, 150 lashes.

2. No personal correction shall be inflicted, except in the presence of the Medical Officer and a Visiting Justice; and the Visiting Justice awarding such correction is expected to attend.

FOURTH SCHEDULE.

Regulations for Government of Gaols.

GENERAL.

Cleanliness of prison.

1. The prison shall be kept in a cleanly state, and the walls and ceilings of the wards,

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wards, cells, rooms, and passages used by the prisoners throughout every prison shall either be painted with oil or be lime-washed, or partly painted and partly lime-washed. Where painted with oil, the painting shall be washed with hot water and soap once at least in every six months; where lime-washed, the lime-washing shall be renewed once at least in every six months. The day-rooms, work-rooms, passages, and sleeping-cells shall be washed or cleansed once a week, or oftener, if requisite.

2. Nothing shall be allowed to grow against the outer walls of the prison, nor any rubbish or other articles to be laid against them, nor shall any tools or implements of any kind likely to facilitate escape be left unnecessarily exposed. Trees, &c., not allowed against walls.
3. Thermometers shall be placed in different parts of the prison. Temperature of prison.
4. No person shall be permitted to sleep in the apartments of any subordinate officer of the prison without permission from the gaoler, such permission to be reported to the Sheriff. Visitors not to sleep within prison.
5. A report shall be made to the gaoler at nine o'clock each night whether the officers resident in the prison are all present, and no ingress or egress shall be allowed into or out of the prison between the hours of nine o'clock at night and six o'clock in the morning except to the gaoler and his family, the surgeon, or in special cases, which shall be entered in the journal of the gaoler. Hours of locking and unlocking the prison.

ADMISSION AND DISCHARGE OF PRISONERS.

6. Prisoners on admission shall be searched, and all dangerous weapons, articles calculated to facilitate escape, and prohibited articles, shall be taken from them. Search of prisoners on admission.
7. No prisoner shall be searched in the presence of any other prisoner. Prisoner to be alone when searched.
8. All money or other effects brought into the prison by any prisoner, or sent to the prison for his use, which he is not allowed to retain, shall be placed in the custody of the gaoler, who shall keep an inventory of them in a separate book. Effects retained by gaoler.
9. The name, age, height, weight, features, particular marks, and general appearance of a criminal prisoner, shall, upon his admission, be noted in a record of prisoners, to be kept by the gaoler. Every criminal prisoner shall also as soon as possible be examined by the surgeon, who shall enter in a book to be kept by the gaoler a record of the state of health of the prisoner, and any observations he may deem it expedient to add. Register of certain particulars relating to prisoner.
10. All prisoners, previous to being removed to any other prison, or being discharged from prison, shall be examined by the surgeon, and no prisoner shall be removed to any other prison unless the surgeon certifies by an entry in the record, that the prisoner is free from any illness that renders him unfit for removal; and no prisoner shall be discharged from prison if laboring under any acute or dangerous distemper, nor until in the opinion of the surgeon such discharge is safe, unless such prisoner require to be discharged. Removal and discharge of prisoners.
11. Prisoners before trial shall be kept apart from convicted prisoners; debtors shall be kept apart from convicted prisoners; juveniles under the age of eighteen years of age from adults; and, as far as shall be practicable, adult male felons from misdemeanants. Separation of prisoners.
12. Female prisoners shall be searched on admission by female officers. In other respects the same course shall be pursued in reference to the admission, removal, or discharge of a female prisoner as in the case of a male prisoner. Female prisoners.

FOOD, CLOTHING, AND BEDDING OF PRISONERS.

13. Spirituous liquors shall not be admitted for the use of any of the prisoners in any prison under any pretence whatsoever, unless by a written order of the surgeon, specifying the quantity to be admitted, and the name of the prisoner for whose use it is intended; but this regulation shall not apply to any stock of spirituous liquors kept in the prison for the use of the infirmary and under the control of the surgeon. Spirituous liquors.
14. Any order by the surgeon for the admission of spirituous liquors shall be entered by him in his journal. Order of surgeon as to spirituous liquors.
15. A debtor arrested under any writ of *capias ad satisfaciendum*, or *capias ad respondendum*, or analogous writ, shall be permitted to maintain himself and to procure Debtor may maintain himself.

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cure or receive at proper hours food, wine, malt liquor, clothing, bedding, or other necessaries, but subject to examination, and to such rules as are approved by the Judges of the Supreme Court.

Debtor not to sell provisions.

16. No part of any food, wine, malt liquor, clothing, bedding, or other necessaries belonging to any debtor shall be sold to any other prisoner; and any debtor transgressing this regulation shall lose the privilege of receiving or purchasing any wine or malt liquor for such a time as the Sheriff may deem proper.

Prison allowance to debtors.

17. Such debtor, if unable to provide himself with sufficient food, clothing, bedding, or other necessaries, shall receive the allowance of food, clothing, bedding, or other necessaries allowed to debtors unable to maintain themselves by the prison rules for the time being in force.

Dress of criminal prisoner before trial.

18. Criminal prisoners before trial may, if they desire it, wear the prison dress; and they shall be required to do so, if their own clothes are insufficient or unfit for use, or necessary to be preserved for the purposes of justice.

Prison allowance of food for convicted prisoner.

19. Every criminal prisoner shall be allowed a sufficient quantity of food, according to the scale established by the rules of the prison. Prisoners under the care of the surgeon shall be allowed such diet as he may direct. Care shall be taken that all provisions supplied to the prisoners be of proper quality and weight. Scales and legal weights and measures shall be provided, open to the use of any prisoners, under such restrictions as may be made by the prison rules.

Prisoners restricted to prison allowances.

20. No criminal prisoner shall be allowed any wine, beer, or other fermented liquor, except under a written order from the surgeon, to be entered in his journal, specifying the quantity and name of the prisoner for whose use it is intended; or shall receive any food, clothing, bedding, or necessaries other than the prison allowance, except under special circumstances, to be judged of by the Sheriff and Visiting Justices, and to be reported to the Chief Secretary.

Dress of convicted criminal.

21. A convicted criminal prisoner shall be provided with a complete prison dress, and shall be required to wear it.

Return of clothing to discharged prisoner.

22. On the discharge of a prisoner his own clothes shall be returned to him, unless it has been found necessary to destroy them, in which case he shall be provided with clothing.

Purification of clothing of prisoner.

23. If necessary the clothes of a prisoner shall be purified before he is allowed to wear them in the prison, or to take them on his discharge.

Beds.

24. Every male prisoner shall sleep in a cell by himself, or, under special circumstances, in a separate bed placed in a cell, containing not fewer than two other male prisoners, and sufficient bedclothes shall be provided for every prisoner. A convicted criminal prisoner may be required to sleep on a plank bed without a mattress during such time as may be determined by the rules of the prison. Epileptic prisoners or prisoners laboring under diseases requiring assistance or supervision in the night, may, at any time, notwithstanding this regulation, be placed by order of the surgeon with not fewer than two other male prisoners.

Bedding.

25. The bed clothes shall be aired, changed, and washed as often as may be considered necessary.

PERSONAL CLEANLINESS.

Personal cleanliness of prisoners.

26. Prisoners shall be required to keep themselves clean and decent in their person, and to conform to such rules as may be laid down for that purpose.

Hair cutting.

27. The hair of a female prisoner shall not be cut without her consent, except on account of vermin or dirt or when the Surgeon deems it requisite, on the ground of health; and the hair of male criminal prisoners shall not be cut closer than may be necessary for purposes of health and cleanliness.

EMPLOYMENT OF PRISONERS.

Prohibition of gaming.

28. No gaming shall be permitted in any prison, and the gaoler shall seize and destroy all dice, cards, or other instruments of gaming.

Work and earnings of debtors.

29. Debtors may be permitted to work and follow their respective trades and professions, provided their employment does not interfere with the regulations of the prison; and such debtors as find their own implements, and are not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the

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the earnings of such as are furnished with implements, or are maintained at the expense of the prison, shall be subject to a deduction, to be determined by the Sheriff, for the use of implements, and the cost of maintenance.

30. Criminal prisoners, before trial, shall have the option of employment, but shall not be compelled to perform any hard labor.

Employment of criminal prisoners before trial.

31. On the acquittal of any criminal prisoner, or when no information is presented against him, such an allowance, on account of his earnings if any, shall be paid to such prisoner, on his discharge, as the Sheriff may think reasonable.

Allowance out of earnings to acquitted prisoners.

32. No prisoner shall be employed at hard labor on Sundays, Christmas Day, Good Friday, and days appointed for public fasts or thanksgivings, or as public holidays.

Days of exemption from hard labor.

33. The surgeon shall, from time to time, examine the prisoners sentenced to hard labor, during the time of their being so employed, and shall enter in his journal the name of any prisoner whose health he thinks will be endangered by a continuance of hard labor, and, thereupon, such prisoner shall not again be employed at hard labor until the surgeon certifies that he is fit for such employment.

Examination by surgeon of prisoners at hard labor.

34. Provision shall be made for the employment of all convicted criminal prisoners not sentenced to hard labor. Rules as to the amount and nature of such employment shall be made, but no prisoner not sentenced to hard labor shall be punished for neglect of work, excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such prisoners.

Employment of prisoners not sentenced to hard labor.

HEALTH OF PRISONERS.

35. Debtors shall have the means of daily taking exercise in the open air.

Exercise of debtors.

36. Criminal prisoners, if employed at work in their own cells, shall be permitted to take such exercise in the open air as the surgeon may deem necessary for their health.

Of prisoners in separate confinement.

37. The names of the prisoners who desire to see the surgeon, or appear out of health, shall be reported by the officer attending them to the gaoler, and by him, without delay, to the surgeon.

When prisoners to be reported to surgeon.

38. All directions given by the surgeon, in relation to any prisoner, with the exception of orders for the supply of medicines, or directions in relation to such matters as are carried into effect by the surgeon himself, or under his superintendence, shall be entered day by day in his journal, which shall have a separate column in which entries are to be made by the gaoler, stating, in respect of each direction, the facts of its having been, or not having been, complied with, accompanied by such observations, if any, the gaoler may think fit to make, and the date of the entry.

Entry of directions by surgeon.

39. In every prison an infirmary or proper place for the reception of sick prisoners shall be provided.

Infirmary.

RELIGIOUS INSTRUCTION.

40. In every prison where there is no chapel a suitable room shall be set apart for the purposes of the chapel.

Room for use as chapel.

41. Officiating ministers of the several religious denominations, or accredited agents duly authorized in writing by the recognized authority of their respective churches, will be allowed to attend any gaol to hold Divine Service, and to visit prisoners who may be members of their denominations, at such convenient times as may be approved of by the Sheriff. Each officiating minister, or accredited agent, will be required to enter the days and hours of his visit, and the number of prisoners attending his ministrations, in a journal to be kept for that purpose. Debtors and all other prisoners shall be required to attend Divine Service, unless prevented by illness or other reasonable cause.

Religious services.

42. No books or printed papers shall be admitted into any prison for the use of the prisoners, except by permission of the Visiting Justices.

Books and printed papers.

43. Any minister of religion attending any prison shall communicate to the gaoler any abuse or impropriety in the prison, which may come to his knowledge, and shall enter the same in the journal.

Ministers to communicate abuses to gaoler.

INSTRUCTION.

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INSTRUCTION.

Instruction of
prisoners.

44. Provision may be made in every prison for the instruction of prisoners in reading, writing and arithmetic during such hours and to such extent as to the Sheriff may seem expedient, provided that such hours shall not be deducted from the hours prescribed for hard labor.

VISITS TO AND COMMUNICATIONS WITH PRISONERS.

Communication with
prisoners.

45. Due provision shall be made for the admission, at proper times and under proper restrictions, of persons with whom prisoners before trial may desire to communicate, care being taken, that so far as is consistent with the interests of justice, such prisoners shall see their legal advisers alone; such rules also shall be made for the admission of the friends of convicted prisoners as may be deemed expedient, and imposing such restrictions upon the communication and correspondence of prisoners with their friends as may be judged necessary for the maintenance of good order and discipline of such prison.

Power of gaoler as to
visitors.

46. The gaoler may demand the name and address of any visitor to a prisoner, and when he has any ground for suspicion may search or cause to be searched male visitors, and may direct the matron or some other female officer to search female visitors, such search not to be made in the presence of any prisoner or of another visitor, and in case of any visitor refusing to be searched, the gaoler may deny him or her admission, the grounds of such proceeding with the particulars thereof to be entered in his journal.

PRISON OFFENCES.

General regulation as
to punishments.

47. No punishments or privations of any kind shall be awarded except by the Sheriff or by a Visiting Justice.

Corporal punishments.

48. All corporal punishments within the prison shall be attended by the gaoler and the surgeon. The surgeon shall give such orders for preventing injury to health as he may deem necessary, and it shall be the duty of the gaoler to carry them into effect, and the gaoler shall enter in the Punishment Book the hour at which the punishment is inflicted, the number of lashes, and any orders which the surgeon may have given on the occasion.

PRISONERS UNDER SENTENCE OF DEATH.

Prisoners under sen-
tence of death.

49. Every prisoner under warrant or order for execution shall, immediately on his arrival in the prison after sentence, be searched by or by the orders of the gaoler, and all articles shall be taken from him which the gaoler deems dangerous or inexpedient to leave in his possession. He shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the constant charge of an officer. He shall be allowed such a dietary and amount of exercise as the gaoler, with the approval of the Sheriff, may direct. A minister of such religious persuasion as that to which the prisoner belongs shall have free access to him. With the above exception no person, not being a Visiting Justice or an officer of the prison, shall have access to the prisoner, except in pursuance of an order from the Sheriff.

During the preparation for an execution, and the time of the execution, no person shall enter the prison who is not legally entitled to do so, unless in pursuance of an order in writing from the Sheriff.

PRISON OFFICERS.

Prison officers to be
constables.

50. Every prison officer, while acting as such, shall, by virtue of his appointment, and without being sworn in before any Justice, be deemed to be a constable, and to have all such powers, authorities, protection, and privileges for the purpose of the execution of his duty as a prison officer as any constable duly appointed has within his constablewick by common law, statute, or custom.

Officers not to sell or
let to prisoners.

51. No officer of a prison shall sell, or let to, nor shall any person in trust for or employed by him sell, or let to, or derive any benefit from the selling or letting of any article to any prisoner.

Officers not to take
gratuities.

52. No officer of a prison shall at any time receive money, fee, or gratuity of any kind for the admission of any visitors to the prison or to prisoners, or from or on behalf of any prisoner, on any pretext whatever.

Females to be at-
tended by female
officers.

53. Female prisoners shall in all cases be attended by female officers.

GAOLER.

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GAOLER.

54. The gaoler shall reside in the prison. Residence of gaoler.
55. The gaoler shall strictly conform to the law relating to prisons, and to the Prison Regulations, and shall be responsible for the due observance of them by others. He shall observe the conduct of the prison officers, and enforce on each of them the due execution of his duties, and shall not permit any subordinate officer to be employed in any private capacity either for any other officer of the prison or for any prisoner. Gaoler to conform to laws and regulations of prison.
56. The gaoler shall, in case of misconduct, have power to suspend any subordinate officer, and shall report the particulars without delay to the Sheriff. May suspend subordinate officers.
57. The gaoler shall, as far as practicable, visit the whole of the prison, and see every male prisoner, once at least in every twenty-four hours; and in default of such daily visits and inspections, he shall state in his journal how far he has omitted them, and the cause thereof. He shall at least once during the week go through the prison at an uncertain hour of the night, which visit, with the hour, and state of the prison at the time, he shall record in his journal. When visiting the females' prison he shall be attended by the matron, or some other female officer. To inspect the prison daily.
58. The gaoler shall cause an Abstract, to be approved by the Chief Secretary, of the Regulations relating to the treatment and conduct of prisoners, with a copy of the prison dietaries (printed in legible characters) to be posted in each cell, and shall read, or cause the same to be read, to every prisoner who cannot read, within twenty-four hours after his admission. To post up in cells abstract of certain regulations.
59. The gaoler shall, without delay, call the attention of the surgeon to any prisoner whose state of mind or body appears to require attention, and shall carry into effect the written directions of the surgeon respecting alterations of the discipline or treatment of any such prisoner. To report to surgeon prisoners disordered in mind, &c.
60. The gaoler shall notify to the surgeon without delay, the illness of any prisoner, and shall deliver to him daily a list of such prisoners as complain of illness, or are removed to the infirmary, or confined to their cells by illness, and he shall daily deliver to the surgeon lists of such prisoners as are confined in punishment cells. To notify to the surgeon prisoners requiring his attention.
61. Upon the death of a prisoner the gaoler shall give immediate notice thereof to the Special Magistrate or Justice of the Peace nearest to the prison, and to the Sheriff, as well as to the nearest relative of the deceased, where practicable. To give notice of death of prisoners.
62. The gaoler shall, without delay, report to the Sheriff, any case of insanity or apparent insanity occurring among the prisoners. To report to Sheriff insane prisoners.
63. The gaoler shall keep the following records and accounts :— To keep enumerated books and accounts.
- I. A journal in which he shall record all such matters as he is directed to record therein by this Act, and all other occurrences of importance within the prison :
 - II. A record of all prisoners committed to his charge in such form as may be directed by the Sheriff :
 - III. A punishment book for the entry of the punishments inflicted for prison offences :
 - IV. A visitors' book for the entry of any observations made by visitors to the prison :
 - V. A record of articles taken from prisoners :
 - VI. A record of the employment of prisoners sentenced to hard labor, and the manner in which they have been so employed :
 - VII. A list of books and documents committed to his care :
 - VIII. An inventory of all the furniture and moveable property belonging to the prison :
 - IX. An account of all prison receipts and disbursements.
64. The gaoler shall be responsible for the safe custody of the journals, registers, books, commitments, and all other documents confided to his care. To be responsible for safe custody of documents.
65. The gaoler shall not be absent from the prison for a night without permission, in writing, from the Sheriff—and his leave of absence shall be entered in his journal; Not to be absent without leave.
but

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but if absent without leave, for a night, from unavoidable necessity, he shall state the fact and the cause of it in his journal.

Power of deputy
gaoler.

66. Where a deputy gaoler is appointed to a prison, he shall be legally competent to perform any duty required by law to be performed by the gaoler; and when the gaoler is absent from the prison the deputy gaoler shall perform all his duties. Where there is no deputy gaoler, or in case of his services not being available, by reason of sickness or other unavoidable cause, the gaoler shall, when absent from the prison on leave, appoint, with the consent of the Sheriff, an officer of the prison to act as his substitute; and during such absence the substitute so appointed shall have all the powers and perform all the duties of the gaoler. The deputy gaoler when in charge of the prison as gaoler shall, if absent from the prison from any unavoidable cause, or unable from sickness to perform his duties, appoint a substitute with the sanction of the Sheriff.

Substitute of deputy
gaoler.

MATRON.

General duties.

67. The matron shall reside in the prison. She shall have the care and superintendence of the whole female department. The wards, cells, and yards, where females are confined, shall be secured by locks different from those securing the wards, cells, and yards allotted to male prisoners.

To inspect daily
female prison.

68. The matron shall, as far as practicable, visit and inspect every part of the prison occupied by females, and see every female prisoner once, at least, in every twenty-four hours; and, in default of such daily visits and inspection, she shall state in her journal how far she has omitted them, and the cause thereof. She shall, at least once during the week, go through such part of the prison at an uncertain hour of the night; which visit, with the hour and state of such part of the prison at the time, shall be recorded in her journal.

Not to be absent
without leave.

69. The matron shall not be absent from the prison for a night, without permission in writing from the Sheriff, on the recommendation of the gaoler, and her leave of absence shall be entered in her journal; but, if absent without leave for a night, from unavoidable necessity, she shall state the fact and the cause of it in her journal.

To appoint deputy
when absent.

70. The matron shall, with the consent of the gaoler, and with the approval of the Sheriff, appoint a female officer of the prison to act as deputy matron whenever she is absent on leave from the prison; and, during such absence, the deputy matron shall have all the powers and duties of the matron. Before leaving the prison the matron shall personally give over the charge of the part of the prison occupied by females to the deputy matron.

To keep journal.

71. The matron shall keep a journal, in which she shall record all occurrences of importance within her department, and punishments of female prisoners.

SURGEON.

When to visit prison.

72. The surgeon shall visit the prison at least three times in every week, and oftener if necessary, and shall see every prisoner in the course of the week. He shall daily visit the prisoners, if any, confined in punishment cells; and he shall visit daily, and oftener if necessary, such of the prisoners as are sick, and, when necessary, shall direct any prisoner to be removed to the infirmary.

To make daily record
respecting sick
prisoners.

73. The surgeon shall enter in the English language, day by day, in his journal, to be kept in the prison, an account of the state of every sick prisoner, the name of his disease, a description of the medicines and diet, and any other treatment which he may order for such prisoner.

Occasionally to in-
spect every part of
prison, &c.

74. The surgeon shall once at least in every month inspect every part of the prison, and enter in his journal the result of each inspection, recording therein any observations he may think fit to make on any want of cleanliness, drainage, warmth, or ventilation, any bad quality of the provisions, any insufficiency of clothing or bedding, any deficiency in the quantity or defect in the quality of the water, or any other cause which may affect the health of the prisoners.

To report special cases.

75. Whenever the surgeon has reason to believe that the mind of a prisoner is, or is likely to be seriously affected by the discipline or treatment, he shall report the case in writing, together with such directions as he may think proper; and he shall call the attention of the chaplain to any prisoner who appears to require his special notice.

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76. The surgeon may, in any case of danger or difficulty which appears to him to require it, call in additional medical assistance; and no capital operation shall be performed without a previous consultation being held with another medical practitioner, except under circumstances not admitting of delay—such circumstances to be recorded in his journal. To call in additional medical aid.

77. The surgeon shall forthwith, on the death of any prisoner, enter in his journal the following particulars, viz. :—at what time the deceased was taken ill, when the illness was first communicated to the surgeon, the nature of the disease, when the prisoner died, and an account of the appearances after death (in cases where a *post mortem* examination is made), together with any special remarks that appear to him to be required. To make entries as to death of prisoner.

PRISON OFFICERS.

78. All officers of the prison shall obey the directions of the gaoler, subject to the regulations of this Act; and all subordinate officers shall perform such duties as may be directed by the gaoler with the sanction of the Sheriff, and the duties of each subordinate officer shall be inserted in a book to be kept by him. Officers to obey gaoler.

79. Subordinate officers shall not be absent from the prison without leave from the gaoler, and before absenting themselves, they shall leave their keys, Instruction Book, and Report Book, in the gaoler's office. Not to be absent without leave.

80. Subordinate officers shall not be permitted to receive any visitors within the prison without permission of the gaoler. Not to receive visitors without leave.

81. All subordinate officers shall frequently examine the state of the cells, bedding, locks, bolts, &c., and shall seize all prohibited articles, and deliver them to the gaoler forthwith. To examine cells, &c.

GENERAL REGULATION.

82. The above regulations shall be carried into effect, as far as possible, in every gaol. Where, however, the number of prisoners is small, and the prison is used mainly as a house of detention, the above rules and regulations may be varied.