

WESTERN AUSTRALIA

ANNO VICESIMO PRIMO

VICTORIÆ REGINÆ

No. 12

An Ordinance to extend and enlarge the Provisions of an Ordinance passed in the twelfth year of the reign of Her present Majesty, intituled 'An Ordinance for the Regulation of Gaols, Prisons, and Houses of Correction in the Colony of Western Australia, and for other purposes relating thereto.'

[Assented to 26th May, 1858.]

WHEREAS it is expedient that the provisions of the Ordinance mentioned in the title hereof should be enlarged and extended as hereinafter: Be it accordingly enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance it shall be lawful for the Governor of the said Colony for the time being, by proclamation under his hand and published in the 'Government Gazette,' to notify, declare and direct, at any time when and as often as he shall see fit, that any houses, buildings, erections, enclosures and other premises then erected, purchased, or enlarged, used or occupied, supported or maintained, by or at the expense of either the Imperial or Colonial Government, or by or at the expense of both Governments jointly, as or for the purposes of a prison or prisons, establishment or establishments, for the confinement or reception of convicts or other prisoners whomsoever, in any part of the said Colony or its Dependencies, shall be and thereupon the same shall become legal public gaols or prisons of and belonging to the said Colony, for the purposes of receiving, confining and enforcing the judicial or magisterial sentences, judgments, or orders, that have been or may be passed upon, awarded to, or made in respect of any prisoner or prisoners within the Colony or its Dependencies, by any Civil or Criminal Court of Justice, Judge, or Magistrate thereof, as fully and amply to all intents and purposes whatsoever as the public gaol in or near to the city of Perth now is or has heretofore been; and every gaol or prison so notified and declared shall also thereupon become and be subject to the several provisions made for the regulation, management, care and discipline of gaols, prisons and houses of correction, and of the prisoners therein, which are expressed

Governor may declare by proclamation that certain premises shall become public gaols of the Colony

Effect of such proclamations

Gaols, Prisons, and Houses of Correction

and contained in the before-mentioned Ordinance as completely and effectually in all particulars as if the same were repeated herein, and applied *seriatim* to the gaols or prisons that shall be so proclaimed; and that Ordinance is to be deemed and read as part hereof.

Transfer of colonial prisoners and enforcing of their sentences

2. That it shall be lawful for such Governor, by the same or a like proclamation, at any time to order and direct that all or any of the persons who are now or at any time hereafter may be confined, or be under punishment as prisoners, within any of the gaols or prisons of what nature or kind, of or belonging to the Colony, and whether by force of this Ordinance or otherwise, shall be and thereupon the Sheriff for the time being shall cause the same to be taken and removed from any such gaol or prison to any other gaol or prison that shall then be or at any time previously have been proclaimed as such in manner aforesaid: And those and all other colonial prisoners whatsoever so removed to or confined, or being in such proclaimed gaol or prison, shall there undergo in all respects the sentences, judgments or orders, or await the hearing of the charges, matters or things affecting them respectively, as the case may be or require, as fully and completely as they would or ought to have been liable to in the gaol or prison from which they shall have been removed, or in the said gaol at Perth, or any other colonial prison established previously hereto.

Separation of the prisoners from imperial convicts

3. That every prisoner so removed to or being within any such proclaimed gaol or prison by force of such proclamation, or under any judicial or magisterial sentence, judgment, order or warrant of any Court of Justice, Judge or Magistrate of the Colony, shall, in so far as is practicable, be kept separate and apart from the other prisoners or Imperial convicts who shall at the time be confined or be within such gaol or prison, and shall be deemed to be and be within the custody, charge, care and direction of the Sheriff of the Colony for the time being; and such Sheriff shall accordingly have and possess at all reasonable times such right of access to and supervision over all such colonial prisoners as he shall consider requisite for the purposes of such custody, charge, care and direction, and as shall enable him to see to the due execution of all such sentences, judgments, orders and warrants as aforesaid.

Jurisdiction of the Sheriff preserved

A. E. KENNEDY,
GOVERNOR AND COMMANDER-IN-CHIEF.