

No. XXXI.

WALKING TO
PRISON COMPELLED.

An Act to make it compulsory on persons under committal to prison to proceed thither on foot when required. [21st December, 1852.]

Preamble.

WHEREAS it is becoming a practice for able-bodied prisoners under committal to places of imprisonment contumaciously to refuse to proceed thither on foot by means whereof considerable inconvenience and delay in their removal has been occasioned and at times the public has been put to the expense of providing a conveyance for such contumacious persons And whereas it is expedient that such practice should be checked Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof as follows:—

Persons duly sentenced to be committed to gaol and refusing or delaying to proceed thither on foot when so required may be kept in solitary confinement &c.

If any person who shall have been duly sentenced to be committed to any gaol house of correction or lock-up by the order of any competent Court or Magistrate shall when thereunto required by the constable or any of the constables or other persons charged with the duty of conveying him to or towards such gaol house of correction or lock-up refuse to proceed thither on foot or make any affected delays in proceeding thereto it shall be lawful for any Justice of the Peace upon the oath of any such constable or other person to make a summary order directing that the prisoner so refusing to walk or making such affected delays shall be kept in solitary confinement on bread and water alone in such gaol house of correction or lock-up as aforesaid for any period not exceeding fourteen days for each such offence and every such person shall be so kept accordingly Provided that such order shall not be deemed to prevent such person from being brought before any Justice or Court to be dealt with under his original committal and that the powers hereby conferred shall not be deemed to abridge the powers now possessed by constables or other persons charged with the conveyance of prisoners from using such force as they lawfully may use for compelling such prisoners to proceed on foot to the place of confinement to which they have been so committed.

Proviso as to their being dealt with under original committal and reserving powers now possessed by constables.