

Gaolers.

No. XXV.

AN ACT to amend the Law relating to the Appointment of Gaolers and the Custody of Imprisoned Debtors and Criminals. [3rd July, 1858.]

GAOLERS.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. It shall be lawful for the Superintendent of every Province of New Zealand to appoint a Gaoler for every public gaol within such Province, who shall hold office during the pleasure of the Superintendent.

Superintendents to appoint Gaolers.

2. Every Gaoler shall have the charge and superintendence of the gaol for which he is appointed, and the custody of all debtors and criminals imprisoned within the same, and he shall be liable to answer for the escape of any criminal or debtor from his custody whenever such escape shall happen by or through his wilful neglect and default, but not otherwise.

Gaolers to have charge of gaols.

3. If any debtor in execution shall escape out of legal custody, the Gaoler or other person having the custody of such debtor shall be liable to an action for damages sustained by the person or persons at whose suit such debtor was imprisoned, and shall not be liable to an action of debt in consequence of such escape.

Gaolers liable for escapes to an action of damages and not of debt.

4. Every debtor and criminal shall be deemed to be in the legal custody of the Gaoler as soon as he shall be delivered within the door of any gaol to the Gaoler or some other person employed under him in the custody of prisoners in such gaol, and the liability of the Sheriff or other person delivering such criminal or debtor shall cease on such delivery as aforesaid.

Persons to be deemed in custody of Gaolers when delivered at gaol, and the liability of Sheriff and others then to cease.

5. Provided always that nothing in this Act contained shall be deemed or construed to take away or abridge the powers of any Superintendent and Provincial Council to make laws for the regulation and management of any gaol within such Province.

Act not to abridge powers of Provincial Councils to make laws for management of gaols.

6. And whereas by an Ordinance passed by the Lieutenant-Governor and Legislative Council of New Zealand, Session VII., No. 7, intituled "*An Ordinance for the Regulation of Prisons*," certain powers are given to the Sheriff of any district by the tenth and twentieth sections thereof, and it is expedient that Sheriffs should cease to exercise such powers: Be it therefore enacted that henceforth it shall not be lawful for any Sheriff to exercise any of the said powers, and that the powers conferred on the Sheriff by the said twentieth section may be exercised by the Gaoler having charge of any gaol or gaols.

Powers given to Sheriffs under Prisons Ordinance to cease and the power under section 20 to be exercised by Gaoler.

7. The Short Title of this Act shall be "*The Gaolers' Act*," Short Title. 1858."