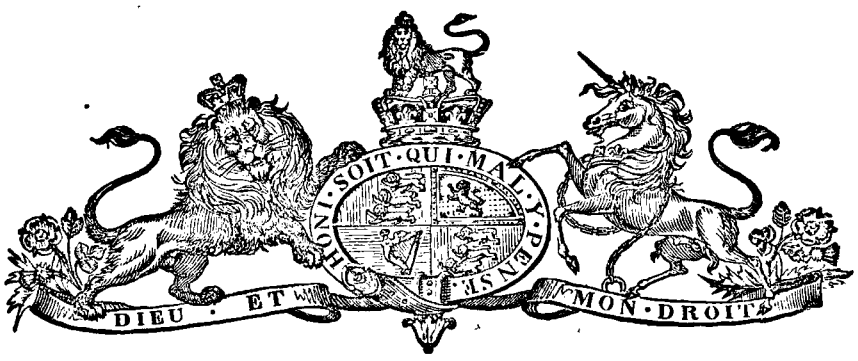


ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

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C A P. III.

An Act to amend the Act of the Sixteenth and Seventeenth Years of Her Majesty, to substitute in certain Cases other Punishment in lieu of Transportation. [26th *June* 1857.]

WHEREAS an Act was passed in the Session holden in the Sixteenth and Seventeenth Years of the Reign of Her Majesty, Chapter Ninety-nine, to substitute in certain Cases other Punishment in lieu of Transportation; and it is expedient that such Act should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 16 & 17 Vict. c. 99.

I. Sections One, Two, Three, and Four of the said Act shall be repealed. Sections 1, 2, 3, and 4, of recited Act repealed.

II. After the Commencement of this Act, no Person shall be sentenced to Transportation; and any Person who, if this Act and the said Act had not been passed, might have been sentenced to Transportation, shall, after the Commencement of this Act, be liable to be sentenced to be kept in Penal Servitude for a Term of the same Duration as the Term of Transportation to which such Person would have Sentence of Transportation abolished, and Sentence of Penal Servitude substituted.

have been liable if the said Act and this Act had not been passed; and in every Case where, at the Discretion of the Court, One of any Two or more Terms of Transportation might have been awarded, the Court shall have the like Discretion to award One of any Two or more of the Terms of Penal Servitude which are hereby authorized to be awarded instead of such Terms of Transportation: Provided always, that any Person who might at the Discretion of the Court have been sentenced either to Transportation for any Term or to any Period of Imprisonment, shall be liable at the Discretion of the Court to be sentenced either to Penal Servitude for the same Term or to the same Period of Imprisonment; and in any Case in which before the passing of the said Act Sentence of Seven Years Transportation might have been passed, it shall be lawful for the Court in its Discretion to pass a Sentence of Penal Servitude of not less than Three Years.

Provisions of Acts concerning transported Offenders to apply to Offenders under Sentence of Penal Servitude.

III. And whereas the Provisions applicable to Persons under Sentence of Transportation extend to Persons under Sentence of Penal Servitude conveyed to Parts beyond the Seas in those Cases only where they are conveyed to and kept in Places of Confinement appointed under the said Act or the Act of the Fifth Year of King *George* the Fourth, Chapter Eighty-four, and it is expedient to extend the said Provisions to other Cases:

Any Person now or hereafter under Sentence or Order of Penal Servitude may, during the Term of the Sentence or Order, be conveyed to any Place or Places beyond the Seas to which Offenders under Sentence or Order of Transportation may be conveyed, or to any Place or Places beyond the Seas which may be hereafter appointed as herein mentioned; and all Acts and Provisions now applicable to and for the Removal and Transportation of Offenders under Sentence or Order of Transportation to and from any Places beyond the Seas, and concerning their Custody, Management, and Control, and the Property in their Services, and the Punishment of such Offenders if at large without lawful Cause before the Expiration of their Sentence, and all other Provisions now applicable to and in the Case of Persons under Sentence or Order of Transportation, shall apply to and in the Case of Persons under Sentence or Order of Penal Servitude, as if they were Persons under Sentence or Order of Transportation.

Existing Power to appoint Places of Transportation to be applicable for the Purposes of this Act.

IV. The Provisions and Powers of the said Act of the Fifth Year of King *George* the Fourth, authorizing the Appointment (by Her Majesty, with the Advice of Her Privy Council,) of any Place or Places beyond the Seas to which Felons and other Offenders under Sentence or Order of Transportation shall be conveyed, and all other Powers of Her Majesty, or the Lord Lieutenant or Chief Governor or Governors

Governors of *Ireland*, for the like Purpose, shall extend and be applicable to and for the Appointment of any Place or Places beyond the Seas to which Offenders under Sentence or Order of Penal Servitude may be conveyed, as herein provided.

Magistrates may recommit Convicts whose Licences are revoked to Penal Servitude in any Convict Prison.

V. And whereas by the said Act of the Sixteenth and Seventeenth Years of Her Majesty it is provided, that any Convict whose Licence is revoked shall be recommitted to the Prison or Place of Confinement from which he was released by virtue of the said Licence: Be it enacted, That from and after the passing of this Act any such Convict may be recommitted by the Magistrate issuing his Warrant in that Behalf, either to the Prison from which he was released by virtue of his Licence, or to any other Prison in which Convicts under Sentence of Penal Servitude may be lawfully confined.

All Enactments referring to Transportation to have reference to Penal Servitude.

VI. Where in any Enactment now in force the Expression "any Crime punishable with Transportation," or "any Crime punishable by Law with Transportation," or any Expression of the like Import, is used, the Enactment shall be construed and take effect as applicable also to any Crime punishable with Penal Servitude.

Recited Act and this to be read as one.

VII. The said Act of the Sixteenth and Seventeenth Years of Her Majesty and this Act shall be read and construed together as One Act.

Commencement of Act.

VIII. This Act shall commence on the First Day of *July* One thousand eight hundred and fifty-seven.

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