ANNO QUINTO

GEORGII IV. REGIS.

* *

C A P. LXXXIV.

An Act for the Transportation of Offenders from *Great Britain*. [21st *June* 1824.]

WHEREAS the several Laws in force for regulating the Transportation of Offenders from *Great Britain* will expire at the End of the present Session of Parliament; and it is expedient that the Laws relative to that Subject should be revised and consolidated into one Act: Be it therefore enacted by the King'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, That this Act shall take effect on the last Day of this present Session of Parliament; and that on and from that Day, all Things remaining to be done, touching the Punishment, Imprisonment, Correction, Removal, Transportation, Discipline, Employment, Diet, and Clothing of Persons sentenced or ordered to Transportation or Banishment from any Part of *Great Britain*, under any Acts heretofore or now in force, or pardoned on Condition of being transported under any such Acts, shall be continued, done, and completed under the Provisions of this Act; and that all Sentences and Orders for Transportation, all Orders in Council, and other Orders, Warrants, Instructions, Directions, Appointments, Authorities, Contracts, and Securities, made, issued, or given under any of the said Acts, and in force at the Time of the Commencement of this Act, shall continue in force under and by virtue of this Act, unless and until they shall be revoked or superseded.

Commencement of Act, under the Provisions of which all Persons already sentenced or ordered for Transportation shall be placed.

Offenders adjudged for Transportation to be transported under this Act.

II. And be it further enacted, That from and after the Commencement of this Act, every Person convicted before any Court of competent Jurisdiction in *Great Britain*, of an Offence for which he or she shall be liable to be transported or banished, shall be adjudged and ordered to be transported or banished beyond the Seas, for the Term of Life or Years for which such Offender shall be liable by any Law to be transported or banished; and every Sentence of Transportation or Banishment passed or to be passed on any Offender in any Court of competent Jurisdiction in *Great Britain*, and every Order for Transportation or Banishment made or to be made in pursuance of the Sentence of any such Court or other competent Authority, shall subject the Offender to be conveyed beyond the Seas under the Provisions of this Act; and whenever His Majesty shall be pleased to extend Mercy to any Offender convicted of any Crime for which he or she is or shall be excluded from the Benefit of Clergy, upon Condition of Transportation beyond the Seas, either for the Term of Life, or any Number of Years, and such Intention of Mercy shall be signified by One of His Majesty's Principal Secretaries of State to the Court before which such Offender hath been or shall be convicted, or any subsequent Court with the like Authority, such Court shall allow to such Offender the Benefit of a conditional Pardon, and make an Order for the immediate Transportation of such Offender; and in case such Intention of Mercy shall be so signified to the Judge or Justice before whom such Offender hath been or shall be convicted, or to any Judge of His Majesty's Court of King's Bench or Common Pleas, or to any Baron of the Exchequer of the Degree of the Coif in *England*, such Judge, Justice, or Baron shall allow to such Offender the Benefit of a Conditional Pardon, and make an Order for the immediate Transportation of such Offender, in the same Manner as if such Intention of Mercy had been signified to the Court during the Term or Session in or at which such Offender was convicted; and such Allowance and Order shall be considered as an Allowance and Order made by the Court before which such Offender was convicted, and shall be entered on the Records of the same Court by the proper Officer thereof, and shall be as effectual to all Intents and Purposes, and have the same Consequences as if such Allowance and Order had been made by the same Court during the Continuance thereof; and every such Order, and also every Order made by the Court of Justiciary in *Scotland* for the Transportation of any Offender, whose Sentence of Death shall be remitted by His Majesty, shall subject the Offender to be conveyed beyond the Seas under the Provisions of this Act.

Power for subsequent Court, &c. to allow conditional Pardon in Cases where His Majesty extends Mercy to the Offender.

His Majesty may appoint Places of Transportation.

III. And be it further enacted, That it shall be lawful for His Majesty, by and with the Advice of His Privy Council, from Time to Time, to appoint any Place or Places beyond the Seas, either within or without His Majesty's Dominions, to which Felons and other Offenders under Sentence or Order of Transportation or Banishment shall be conveyed; and that when any Offenders shall be about to be transported or banished from *Great Britain*, One of His Majesty's Principal Secretaries of State shall give Orders for their Removal to the Ship to be employed for their Transportation, and shall authorize and empower some Person to make a Contract for their

Secretary of State to authorize Persons to make Contracts for the Trans-

their effectual Transportation to some of the Places so appointed, and shall direct Security to be given for their effectual Transportation, in the Manner herein-after mentioned, portation of Offenders, &c.

IV. And be it further enacted, That the Sheriff or Gaoler receiving such Order of Removal shall by virtue thereof forthwith remove every Offender to whom the same shall apply, and who, having been examined by an experienced Surgeon or Apothecary, shall appear to be free from any putrid or infectious Distemper, and fit to be transported to the Ship employed for his or her Transportation, and there deliver every such Offender to the Contractor, together with a true Copy, attested by such Sheriff or Gaoler, of the Caption and Order of the Court by which each such Offender was sentenced or ordered for Transportation, containing the Sentence or Order of Transportation of each such Offender, by virtue whereof he or she shall be in the Custody of such Sheriff or Gaoler; and also a Certificate specifying concisely the Description of his or her Crime, his or her Age, whether married or unmarried, his or her Trade or Profession, and an Account of his or her Behaviour in Prison before and after Trial, and the Gaoler's Observations on his or her Temper and Disposition, and such Information concerning his or her Connexions and former Course of Life as may have come to the Gaoler's Knowledge; and such Contractor shall give a Receipt in Writing to the Sheriff or Gaoler, for the Discharge of such Sheriff or Gaoler. Sheriffs or Gaolers, on receiving Orders for Removal of Offenders for Transportation, to deliver them over to the Contractor, if free from Distemper.

V. And be it further enacted, That every such Contractor, with Two Sureties, shall, before any such Offender shall be delivered to him to be transported, give Security by Bond to His Majesty, that he will effectually transport, or cause to be transported, every Offender included in his Contract, to such Place beyond the Seas as shall be specified in the Contract, and procure from the Governor of the Colony, or other Person or Persons to whom he shall be directed by One of the Principal Secretaries of State to deliver such Offender, a Certificate of the landing of such Offender in that Place, whereto he or she shall be ordered to be transported (Death and Casualties by Sea excepted); and that such Offender shall not be suffered to return to any Part of the United Kingdom, by the wilful Default of such Contractor, or of any Person employed by him. Persons undertaking to transport Offenders to give proper Security.

VI. And be it further enacted, That if any such Offender shall be guilty of Misbehaviour or disorderly Conduct on board of the Ship in which he or she shall be transported, it shall be lawful for the Surgeon or Principal Medical Officer for the Time being of such Ship, to inflict or cause to be inflicted on such misbehaving or disorderly Offender, such moderate Punishment or Correction as may be authorized by the Instructions which he may receive from One of His Majesty's Principal Secretaries of State: Provided always, that no such Punishment or Correction shall be so inflicted, unless the Master or Principal Officer for the Time being of such Ship shall first signify his Approbation thereof in Writing under his Hand; and every such Punishment or Correction, together with the Particulars of the Offence for which the same is inflicted, and such written Approbation as aforesaid, For Punishment of Transports misbehaving on the Voyage.

said, shall on the same Day, in all Cases, be entered by such Master or Principal Officer as aforesaid, upon the Log Book of the Ship, under a Penalty of Twenty Pounds for every Neglect to make such Entry, to be recovered to the Use of the Informer, by Bill, Plaint, or Information, in any Court of Record in *England*, or in one of the Supreme Courts of *New South Wales* or *Van Dieman's Land*.

Secretary of State may give the Custody of Offenders transported in King's Ships, without Security being given for their Transportation.

VII. Provided always, and be it further enacted, That whenever the Transportation of any such Offender shall take place in any Ship belonging to His Majesty, it shall be lawful for One of the Principal Secretaries of State, by Warrant under his Hand, to nominate some Person or Persons who shall have the Custody of such Offender during the Voyage, and thereupon such Offender may be delivered to such Nominee or Nominees, without any Contract or Security being required or given for the effectual Transportation of such Offender; and every such Nominee shall have the like Power of punishing Misbehaviour and disorderly Conduct in such Offender during the Voyage, as is hereby given to the Surgeon of a Ship specially employed for the Transportation of Offenders.

Governor of the Colony, &c. to have Property in Service of Offender.

VIII. And be it further enacted, That so soon as any such Offender shall be delivered to the Governor of the Colony, or other Person or Persons to whom the Contractor, or such Nominee or Nominees as aforesaid, shall be so directed to deliver him or her, the Property in the Service of such Offender shall be vested in the Governor of the Colony for the Time being, or in such other Person or Persons; and it shall be lawful for the Governor for the Time being, and for such other Person or Persons, whenever he or they shall think fit to assign any such Offender to any other Person for the then Residue of his or her Term of Transportation, and for such Assignee to assign over such Offender, and so as often as may be thought fit; and the Property in the Service of such Offender shall continue in the Governor for the Time being, or in such other Person or Persons as aforesaid, or his or their Assigns, during the whole remaining Term of Life or Years for which such Offender was sentenced or ordered to be transported: Provided always, that for the Purposes of this Act, every Person administering the Government of a Colony, by whatever Name or Title he may be denominated, shall be deemed to be the Governor thereof.

Not to interfere with King's Prerogative.

IX. Provided always, and be it further enacted, That nothing in this Act contained shall in any manner affect His Majesty's Royal Prerogative of Mercy.

His Majesty to appoint Places of Confinement of Offenders in England.

X. And be it further enacted, That it shall be lawful for His Majesty from Time to Time, by Warrant under His Royal Sign Manual, to appoint Places of Confinement within *England* or *Wales*, either at Land, or on board Vessels to be provided by His Majesty in the River *Thames*, or some other River, or within the Limits of some Port or Harbour of *England* or *Wales*, for the Confinement of Male Offenders under Sentence or Order of Transportation, which shall be under the Management of a Superintendant and Overseer to be appointed by His Majesty; and that it shall be lawful for One of

of His Majesty's Principal Secretaries of State to direct the Removal of any Male Offender who shall be under Sentence of Death, but who shall be reprieved, or whose Sentence shall be respited during His Majesty's Pleasure, or who shall be under Sentence or Order of Transportation, and who, having been examined by an experienced Surgeon or Apothecary, shall appear to be free from any putrid or infectious Distemper, and fit to be removed from the Gaol or Prison in which such Offender shall be confined, to any of the Places of Confinement so appointed; and every Offender who shall be so removed shall continue in the said Place of Confinement, or be removed to and confined in some other such Place or Places as aforesaid, as One of His Majesty's Principal Secretaries of State shall from Time to Time direct, until such Offender shall be transported according to Law, or shall become entitled to his Liberty, or until One of His Majesty's Principal Secretaries of State shall direct the Return of such Offender to the Gaol or Prison from which he shall have been removed; and the Sheriff or Gaoler having the Custody of any Offender whose Removal shall be ordered in Manner aforesaid, shall, with all convenient Speed, after the Receipt of any such Order, convey or cause to be conveyed every such Offender to the Place appointed, and there deliver him to such Superintendant or Overseer, together with a true Copy, attested by such Sheriff or Gaoler, of the Caption and Order of the Court by which such Offender was sentenced or ordered for Transportation, containing the Sentence or Order of Transportation of each such Offender, by virtue whereof he shall be in the Custody of such Sheriff or Gaoler; and also a Certificate, specifying concisely the Description of his Crime, his Age, whether married or unmarried, his Trade or Profession, and an Account of his Behaviour in Prison before and after his Trial, and the Gaoler's Observations on his Temper and Disposition, and such Information concerning his Connexions and former Course of Life as may have come to the Gaoler's Knowledge; and such Superintendant or Overseer shall give a Receipt in Writing to the Sheriff or Gaoler, for the Discharge of such Sheriff or Gaoler.

Appointment of Superintendant of such Places of Confinement, &c.

XI. And be it further enacted, That it shall be lawful for His Majesty to appoint One fit and able Person to be Superintendant of the said Places of Confinement; and in case it shall be deemed expedient, it shall be lawful for His Majesty also to appoint One fit and able Person to be Assistant or Deputy to such Superintendant, at One or more of the said Places of Confinement, and to be constantly resident at or near the Place or Places to which he shall be appointed; and also One fit and able Person to be Overseer of each such Place of Confinement, who, with a sufficient Number of Officers and Guards, shall constantly reside therein; and such Superintendant shall personally visit and inspect such Places of Confinement Four Times in every Year, or oftener if Occasion shall require, and shall distinctly examine into the State of such Places of Confinement, the Behaviour and Conduct of the respective Assistants or Deputies, Overseers, Officers, and Guards, the Treatment and Condition of the Prisoners, and the Amount of the several Earnings, and the Expences attending every such Place of Confinement, and shall, at least Twice in every Year, make a faithful Report of the same to One of His Majesty's

Principal Secretaries of State, who shall cause such Report to be laid before both Houses of Parliament at the Beginning of every Session; and such Superintendant shall distinguish in such Report the Amount of the Earnings and Expences at each of such Places of Confinement, and shall state the Average Number of Prisoners confined therein, and the Number of Days Labour done by such Prisoners, distinguishing the Work of Artificers, and of any other superior Labourers, from that of common Labourers; and such Superintendant shall also, in Matters of extreme Necessity, make a Special Report thereof to One of His Majesty's Principal Secretaries of State, who may, and is hereby authorized to afford such Redress or provide such Regulations as he shall deem proper; and such Superintendant, Assistants or Deputies, and Overseers, shall continue in Office during His Majesty's Pleasure, and shall receive such Salaries as One of His Majesty's Principal Secretaries of State shall appoint; and such Superintendant shall be paid such travelling and other reasonable Expences as shall be incurred by him in Discharge of his Duty.

For cleansing and purifying and clothing Offenders.

XII. And be it further enacted, That whenever any Offender shall be brought to any such Place of Confinement as aforesaid, in pursuance of the Powers of this Act, he shall be washed, cleansed, and purified, and the Clothes in which he shall be then clothed shall be burnt, if necessary, or otherwise shall be preserved and taken care of for him by the Overseer, and re-delivered to him upon his quitting it, or sold for his Benefit, and the Produce thereof accounted for to him by the Overseer; and when such Offender shall be finally discharged, such other decent Clothing, as shall be judged necessary and proper by the Superintendant, shall be delivered to such Offender by the Overseer, and also such Sum of Money for his immediate Subsistence, as the Superintendant shall think proper, so as such Sum shall not in any Case exceed Three Pounds.

His Majesty, by Order in Council, may direct Convicts to be employed in any Part of His Majesty's Dominions out of England, under the Management of the Superintendant and Overseer.

XIII. And be it further enacted, That it shall be lawful for His Majesty, by any Order or Orders in Council, to declare His Royal Will and Pleasure, that Male Offenders convicted in *Great Britain*, and being under Sentence or Order of Transportation, shall be kept to labour in any Part of His Majesty's Dominions out of *England*, to be named in such Order or Orders in Council; and that whenever His Majesty's Will and Pleasure shall be so declared in Council, it shall be lawful for One of His Majesty's Principal Secretaries of State to direct the Removal and Confinement of any such Male Offender, either at Land or on board any Vessel to be provided by His Majesty, within the Limits of any Port or Harbour in that Part of His Majesty's Dominions which shall be named in such Order in Council, under the Management of the said Superintendant, and of an Overseer to be appointed by His Majesty for each such Vessel or other Place of Confinement; and that every Offender who shall be so removed shall continue on board the Vessel or other Place of Confinement to be so provided, or any similar Vessel or other Place of Confinement to be from Time to Time provided by His Majesty, until His Majesty shall otherwise direct, or until the Offender shall be entitled to his Liberty.

XIV. And

Superintendant to make Returns of Prisoners to the Secretary of State, on the 1st of January, April, July, and October, yearly.

XIV. And be it further enacted, That the said Superintendant shall from Time to Time make Returns, specifying the Name of every Person in Custody in each of such Places of Confinement, the Offence of which he shall have been guilty, the Court before which he shall have been convicted, and the Sentence of such Court, together with his Age and bodily State, and his Behaviour whilst in Custody; and also the Names of such Offenders as shall have died whilst in such Custody, or shall have escaped, or have been lawfully discharged from the same; which Returns shall be made on the First Day of *January*, *April*, *July*, and *October* in every Year, to One of His Majesty's Principal Secretaries of State, on the Oath of the Overseer of each Place of Confinement, such Oath to be made before a Justice of the Peace.

Power and Duties of Superintendant and Overseers.

XV. And be it further enacted, That after the Removal of any Offender under this Act, the Superintendant and Overseer who shall have the Custody of him, shall, during the Term of such Custody, have the same Powers over him as are incident to the Office of a Sheriff or Gaoler, and shall in like Manner be answerable for any Escape of such Offender; and if any Offender shall during such Custody be guilty of any Misbehaviour or disorderly Conduct, the Superintendant or Overseer shall be authorized to inflict, or cause to be inflicted on him, such moderate Punishment or Correction as shall be allowed by One of His Majesty's Principal Secretaries of State; and such Superintendant or Overseer shall also, during such Custody, see every Offender fed and clothed according to a Scale of Diet and Clothing to be fixed on, and notified in Writing by One of His Majesty's Principal Secretaries of State to the Superintendant; and shall keep such Offender to Labour at such Places, and under such Regulations, Directions, Limitations, and Restrictions, as by such Secretary of State shall from Time to Time be prescribed; and in case of the Absence of any such Superintendant or Overseer, or of the Vacancy of his Office, his Duties or Powers shall be discharged and exercised in all respects by the Officer or Person on whom the Command of the Place of Confinement shall devolve.

Superintendant to act as a Justice of the Peace.

XVI. And be it further enacted, That it shall be lawful for such Superintendant, and he is hereby authorized, in every such Place of Confinement as aforesaid, either at Land or on board any Vessel to be provided as aforesaid, and also in every Place wherein any Offenders under his Superintendance shall be employed to labour, to act in every respect as a Justice of the Peace, as if he had been named in the Commission of the Peace, and had been duly qualified to act as a Justice of the Peace for the County or Place in which any such Place of Confinement shall be, or any such Offender shall be employed to labour.

Convicts adjudged by Courts out of the United Kingdom to Transportation, and Convicts

XVII. And whereas by the Laws in force in some Parts of His Majesty's Dominions not within the United Kingdom, Offenders convicted of certain Offences are liable to be punished by Transportation beyond the Seas, and other Convicts adjudged to suffer Death in such Parts of His Majesty's Dominions have received or may receive His Majesty's most gracious Pardon upon Condition of Transportation beyond

pardoned on Condition of Transportation, may, when brought to England, be imprisoned and transported.

beyond the Seas, and there may be no Means of transporting such Convicts to any of the Places appointed by His Majesty in Council in that Behalf, without first bringing them to *England;* be it therefore further enacted, That whenever any Convict adjudged to Transportation by any Court or Judge in any Part of His Majesty's Dominions not within the United Kingdom, or any Convict adjudged to suffer Death by any such Court or Judge, and pardoned on Condition of Transportation, have been or shall be brought to *England* in order to be transported, it shall and may be lawful to imprison any such Offender in any Place of Confinement provided under the Authority of this Act, until such Convict shall be transported, or shall become entitled to his Liberty; and that so soon as every such Convict shall be so imprisoned, all the Provisions, Rules, Regulations, Clauses, Authorities, Powers, Penalties, Matters, and Things aforesaid, concerning the safe Custody, Confinement, Treatment, and Transportation of any Offender convicted in *Great Britain*, shall extend and be construed to extend to every Convict who may have been or may be hereafter adjudged to Transportation by any Court or Judge in any Part of His Majesty's Dominions not within the United Kingdom, and to every Convict adjudged by any such Court or Judge to suffer Death, and pardoned on Condition of Transportation, and brought to *England* in order to be transported, as fully and effectually, to all Intents and Purposes, as if such Convict had been convicted and sentenced at any Session of Gaol Delivery holden for any County within *England*.

Convicts may be kept to hard Labour, and may be removed to House of Correction.

XVIII. And be it further enacted, That it shall be lawful to keep to hard Labour every Offender under Sentence or Order of Transportation, while he or she shall remain in the Common Gaol, if his or her Health shall permit, and if One or more of the Visiting Justices of such Gaol shall give a written Order to that Effect; and that it shall be lawful for One of His Majesty's Principal Secretaries of State, if he shall think fit, to order that any such Offender be removed from the Common Gaol to the House of Correction, and there kept to hard Labour.

Time of Imprisonment to be deemed Part of Term.

XIX. And be it further enacted, That the Time during which any Offender shall continue in any Gaol or House of Correction, or in any such Place of Confinement as aforesaid, under Sentence or Order of Transportation or Banishment, shall be taken and reckoned in discharge or Part discharge of the Term of his or her Transportation or Banishment.

Offenders may be carried through any County to the Sea-port.

XX. And be it further enacted, That the Sheriff or Gaoler, and every Person employed in the Conveyance of any Offender in order to be transported or banished, or to be imprisoned in any such Place of Confinement as aforesaid, or in the Reconveyance of any Offender from any such Place of Confinement to the Gaol or Prison from which he was removed, may, in such Manner as he shall think fit, carry and secure such Offender in and through any County of *Great Britain*, towards the Sea-port or Place from whence he or she is to be transported or banished, or where he or she is to be confined, or to the Gaol or Prison to which he or she is to be reconveyed.

XXI. And

Expences of Removal to be paid by the County where Conviction took place.

XXI. And be it further enacted, That in *England* and *Wales* all such Fees, on the delivering out of Custody of any such Offender so ordered to be transported or removed, as have usually been paid to the Sheriff or Gaoler, and all reasonable Expences which the Sheriff or Gaoler shall incur in every such Removal, shall be paid by the County, Riding, Division, City, Borough, Liberty, or Place for which the Court in which the Offender was convicted shall have been held; and the Sheriff or Gaoler shall receive the Money due for such Expences from the Treasurer of such County, Riding, Division, City, Borough, Liberty, or Place; such Fees and Expences being first allowed by the Order of the Justices of the Peace at their Quarter or other General Sessions of the Peace, who are hereby required to make such Order as shall be just in that behalf; and the Clerk of the Court shall be paid by such Treasurer the same Fee as hath been usually paid, and he is lawfully entitled to receive, for every Order of Transportation; and in *Scotland* all such Fees and Expences shall be paid in the same Manner as has been heretofore practised.

Punishing Person found at large before the Expiration of his Sentence.

XXII. And be it further enacted, That if any Offender who shall have been or shall be so sentenced or ordered to be transported or banished, or who shall have agreed or shall agree to transport or banish himself or herself on certain Conditions, either for Life or any Number of Years, under the Provisions of this or any former Act, shall be afterwards at large within any Part of His Majesty's Dominions, without some lawful Cause, before the Expiration of the Term for which such Offender shall have been sentenced or ordered to be transported or banished, or shall have so agreed to transport or banish himself or herself, every such Offender so being at large, being thereof lawfully convicted, shall suffer Death as in Cases of Felony without the Benefit of Clergy; and such Offender may be tried either in the County or Place where he or she shall be apprehended, or in that from whence he or she was ordered to be transported or banished; and if any Person shall rescue or attempt to rescue, or assist in rescuing or attempting to rescue, any such Offender from the Custody of such Superintendant or Overseer, or of any Sheriff or Gaoler or other Person conveying, removing, transporting, or reconveying him or her, or shall convey or cause to be conveyed any Disguise, Instrument for effecting Escape, or Arms to such Offender, every such Offence shall be punishable in the same Manner as if such Offender had been confined in a Gaol or Prison in the Custody of the Sheriff or Gaoler, for the Crime of which such Offender shall have been convicted; and whoever shall discover and prosecute to Conviction any such Offender so being at large within this Kingdom, shall be entitled to a Reward of Twenty Pounds for every such Offender so convicted.

Persons rescuing Prisoners to be punished.

Reward for prosecuting to Conviction Persons at large, 20*l.*

Form of Indictment against Offenders found at large, or against Persons rescuing Prisoners.

XXIII. And be it further enacted, That in any Indictment against any Offender for being found at large contrary to the Provisions of this or of any other Act now made or hereafter to be made, and also in any Indictment against any Person who shall rescue or attempt to rescue, or assist in rescuing any such Offender from such Custody, or who shall convey or cause to be conveyed any Disguise, Instrument for effecting Escape, or Arms, to any such Offender, contrary to the Provisions of this or of any other Act now made or hereafter to be made,

whether such Offender shall have been tried before any Court or Judge within or without the United Kingdom, or before any Naval or Military Court-martial, it shall be sufficient to charge and allege the Order made for the Transportation or Banishment of such Offender, without charging or alleging any Indictment, Trial, Conviction, Judgment, or Sentence, or any Pardon or Intention of Mercy, or Signification thereof, of or against or in any manner relating to such Offender.

Certificate of Clerk of Court of Conviction and Sentence sufficient Evidence.

XXIV. And be it further enacted, That the Clerk of the Court or other Officer having the Custody of the Records of the Court where such Sentence or Order of Transportation or Banishment shall have been passed or made, shall, at the Request of any Person on His Majesty's Behalf, make out and give a Certificate in Writing, signed by him, containing the Effect and Substance only (omitting the formal Part) of every Indictment and Conviction of such Offender, and of the Sentence or Order for his or her Transportation or Banishment (not taking for the same more than Six Shillings and Eight-pence), which Certificate shall be sufficient Evidence of the Conviction and Sentence or Order for the Transportation or Banishment of such Offender; and every such Certificate, if made by the Clerk or Officer of any Court in *Great Britain*, shall be received in Evidence, upon Proof of the Signature and official Character of the Person signing the same; and every such Certificate, if made by the Clerk or Officer of any Court out of *Great Britain*, shall be received in Evidence if verified by the Seal of the Court, or by the Signature of the Judge, or One of the Judges of the Court, without further Proof.

Not to extend to Persons banished under 60 G. 3. c. 8.

XXV. And be it further enacted, That nothing in this Act contained respecting Offenders under Sentence or Order of Banishment, shall apply to Persons adjudged to be banished under and by virtue of an Act passed in the Sixtieth Year of His late Majesty's Reign, intituled *An Act for the more effectual Prevention and Punishment of blasphemous and seditious Libels.*

For protecting transported Felons in the Enjoyment of Property acquired after Conviction.

XXVI. And whereas it hath sometimes happened, that Felons under Sentence or Order of Transportation in *New South Wales* and the Islands adjacent, have received from the Governor or Lieutenant Governor thereof Remissions, either absolute or conditional, of the Whole or of some Part of the Term of their Transportation, and have by their Industry acquired Property, in the Enjoyment whereof it is expedient to protect them; and the like may happen in future in the same Colony, and in other Colonies to which Felons may be transported under and by virtue of this Act; be it therefore enacted, That it shall and may be lawful for every Felon under Sentence or Order of Transportation, who hath received or shall receive any such Remission as aforesaid from the Governor or Lieutenant Governor of *New South Wales*, or from the Governor or Lieutenant Governor of any other Colony, who may be authorized to grant the same, while such Felon shall reside in a Place where he lawfully may reside under such Sentence, Order, or Remission, and under the Provisions of this Act, to maintain any Action or Suit for the Recovery of any Property, Real, Personal, or Mixed, acquired by such Felon

since his or her Conviction, and for any Damage or Injury sustained by such Felon since his or her Conviction, not only in the Courts of the Colony or Place where such Felon shall lawfully reside, but also in the Courts of this Kingdom, and of all other His Majesty's Dominions; and if the Defendant in any such Action or Suit shall plead or allege in his Defence the Plaintiff's or Complainant's Conviction of Felony, and the Plaintiff or Complainant shall allege and prove that he or she hath received such Remission as aforesaid, and is residing in some Place consistent therewith and with the Provisions of this Act, a Verdict shall pass and Judgment shall be given for the Plaintiff or Complainant.

General Issue.

XXVII. And be it further enacted, That if any Suit or Action shall be prosecuted in *England*, *Wales*, or *Ireland*, against any Person for any Thing done in pursuance of this Act, the Defendant may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done by the Authority of this Act; and if a Verdict shall pass for the Defendant, or Judgment shall in any Manner be given against the Plaintiff, the Defendant shall recover Treble Costs, and have the like Remedy for the same as any Defendants have by Law in other Cases; and notwithstanding a Verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial shall be had shall certify his Approbation of the Verdict.

Limitation of Actions.

XXVIII. And be it further enacted, That all Actions, Suits, and Prosecutions against any Person for any Thing done in pursuance of this Act, shall be commenced within Six Calendar Months after the Fact committed, and not otherwise; and if the Fact was done within the Body of any County, it shall be laid and tried in that County, and no other; and if done out of the Body of any County, it shall be laid and tried in the County of *Middlesex*, and not elsewhere.

The following Acts and Parts of Acts repealed, viz.

XXIX. And be it further enacted, That from and after the Commencement of this Act, so much of an Act passed in the Fourth Year of the Reign of King *George* the First, intituled *An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons, and unlawful Exporters of Wool; and for declaring the Law upon some Points relating to Pirates*, as relates to Contracts and Security for the Transportation of Offenders, and to the Punishment of those who return from Transportation; and so much of an Act passed in the Sixth Year of the same Reign, intituled *An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons*, as relates to the same Objects; and an Act passed in the Sixteenth Year of the Reign of King *George* the Second, intituled *An Act for the more easy and effectual Conviction of Offenders found at large within the Kingdom of* Great Britain, *after they have been ordered for Transportation;* and an Act passed in the Eighth Year of the Reign of King *George* the Third, intituled *An Act for the more speedy and effectual Transportation of Offenders;* and so much

4 G. 1. c. 11. in Part.

6 G. 1. c. 23. in Part.

16 G. 2. c. 15.

8 G. 3. c. 15.

much of an Act passed in the Twenty-eighth Year of the same Reign, intituled *An Act to continue several Laws relating to the granting a Bounty on the Exportation of certain Species of* British *and* Irish *Linens exported, and taking off the Duties on the Importation of Foreign Raw Linen Yarns made of Flax, and to the preventing the committing of Frauds by Bankrupts, and for continuing and amending several Laws relating to the Imprisonment and Transportation of Offenders*, as relates to the Transportation of Offenders, and their Removal to and Imprisonment in temporary Places of Confinement; and so much of an Act passed in the Thirty-first Year of the same Reign, intituled *An Act for the better regulating of Gaols and other Places of Confinement*, as relates to the Imprisonment and Employment in hard Labour of Prisoners sentenced to Transportation; and an Act passed in the Forty-third Year of the same Reign, intituled *An Act to facilitate and render more easy the Transportation of Offenders*; shall be and the same are hereby repealed.

28 G. 3. c. 24. in Part.

31 G. 3. c. 46. in Part.

43 G. 3. c. 15.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1824.

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