ANNO SEXTO

GEORGII IV. REGIS.

****

C A P. LXIX.

An Act for punishing Offences committed by Transports kept to labour in the Colonies; and better regulating the Powers of Justices of the Peace in *New South Wales*. [22d *June* 1825.]

WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act for the Transportation of Offenders from* Great Britain, His Majesty is empowered by Order 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: And whereas it is expedient, for preserving Uniformity of Discipline and Punishment among such Offenders, that they should continue amenable to the Criminal Law of *England*: 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, 5 G. 4. c. 84.

Offences committed by Male Offenders, in any Part of His Majesty's Dominions, shall be attended with the same Punishments as if committed in England.

and by the Authority of the same, That every Offence committed by any Male Offender kept to labour in any Part of His Majesty's Dominions out of *England*, under and by virtue of the Provision herein-before recited, whether such Offence shall be Treason, Felony, or Misdemeanor by the Law of *England*, shall be an Offence of the same Quality, Degree, and Denomination, and shall be attended with the same Punishment and Consequences, wheresoever such Offence shall be committed by such Male Offender, while so kept to labour as aforesaid, as if the same were committed within *England*, and shall be tried, heard, and determined in the Supreme Criminal Court of the Colony or Place within whose Jurisdictions respectively the Offence shall have been committed, or under any Commission issued by virtue of an Act passed in the Forty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the more speedy Trial of Offences committed in distant Parts upon the Sea.*

46 G. 3. c. 54.

Not to extend to New South Wales, &c.

II. Provided always, and be it further enacted, That nothing herein-before contained shall extend to any Offenders under Sentence of Transportation in *New South Wales* or *Van Diemen's Land*, or any Islands adjacent thereto.

Powers given to General and Quarter Sessions by 4 G. 4. c. 96. for taking Cognizance of and punishing Crimes not punishable with Death, vested in One or more Justices.

III. And be it further enacted, That all and every the Powers, Authorities, and Jurisdiction which in and by a certain Act of Parliament passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to provide until the First Day of* July *One thousand eight hundred and twenty-seven, and until the End of the next Session of Parliament, for the better Administration of Justice in* New South Wales *and* Van Diemen's Land, *and for the more effectual Government thereof, and for other Purposes relating thereto*, are vested in the Courts of General and Quarter Sessions, for the taking Cognizance of and punishing all Crimes and Misdemeanors not punishable with Death, committed by any Felons or other Offenders who have been or shall be transported to *New South Wales* or its Dependencies, and whose Sentences have not expired or been remitted, or for taking Cognizance of Complaints made against any such Felons or Offenders for Drunkenness, Disobedience of Orders, Neglect of Work, absconding or Desertion, abusive Language to their, his, or her Employers or Overseers, Insubordination or other turbulent or disorderly Conduct, or for punishing such Offences, or any of them, shall be and all such Powers, Authorities, and Jurisdiction are and is hereby vested in any One or more Justice or Justices of the Peace in and for the said Colony, or in or for any District or County thereof, to be by such Justice or Justices exercised in a summary Way; provided that no such Justice or Justices shall exercise any such Powers, Authorities, or Jurisdiction as aforesaid, in any Case where any Court of General or Quarter Sessions shall be appointed to be held within One Week after the Complaint shall be preferred against any such Offender, at any Place not more than Twenty Miles distant from the Place at which the Offence shall be charged to have been committed.

But Justices not to act where Sessions are to be held within a Week, &c.

Places to be appointed to which Offenders may be transported.

IV. And be it further enacted, That it shall and may be lawful for His Majesty, by any Order or Orders to be by Him from Time to Time for that Purpose issued, with the Advice of His Privy Council, to

to appoint, or by any such Order or Orders in Council to authorize the Governors, Lieutenant Governors, or other Persons, for the Time being administering the Government of any of His Majesty's Foreign Possessions, Colonies, or Plantations, to appoint the Place or Places within His Majesty's Dominions to which any Offender, convicted in any such Foreign Possession, Colonies, or Plantations, and being under Sentence or Order of Transportation, shall be sent or transported; and all such Persons shall, within the Place or Places to which, in pursuance of any such Order or Orders in Council, they shall or may be so sent or transported, be subject and liable to all such and the same Laws, Rules, and Regulations as are or shall be in force in any such Place or Places, with respect to Convicts transported from *Great Britain*.

Persons transported to New South Wales, &c. in Execution of the Sentence of any Court in His Majesty's Foreign Possessions, shall be subject to such Laws and Regulations as Convicts transported from Great Britain.

V. And be it further enacted, That all Persons who have heretofore been transported or sent to *New South Wales* or *Van Diemen's Land*, or to any other Part of His Majesty's Dominions, under or in pursuance or in Execution of any Judgment or Sentence of any Court in any of His Majesty's Foreign Possessions, Colonies, or Plantations, shall, in *New South Wales* or *Van Diemen's Land*, or such other Part of His Majesty's Dominions as aforesaid, be henceforth subject or liable to all such Laws, Rules, and Regulations as are or shall be in force in *New South Wales* or *Van Diemen's Land*, or such other Part of His Majesty's Dominions as aforesaid, with respect to Convicts transported from *Great Britain*; and all Officers, Justices of the Peace, and other Persons whatsoever, shall be and they are hereby absolutely indemnified of, from, and against all Indictments, Informations, Suits, Actions, and Demands whatsoever, which shall or may at any Time hereafter be brought or maintained, or which may now be depending against them or any of them, for or in respect of any Act, Matter, or Thing by such Officers, Justices of the Peace, or others done or performed in enforcing against any such Persons, so transported from His Majesty's said Colonies or Plantations, the Laws, Rules, and Regulations or any of the Laws, Rules, and Regulations in force with respect to Convicts transported from *Great Britain*; and it shall and may be lawful to the Defendants in any such Indictments, Informations, Suits, or Actions, to plead the General Issue, and to give this Act and the special Matter in Evidence upon the Trial of any such Issue; and if a Verdict shall be given for any such Defendant or Defendants in any such Indictments, Informations, Suits, or Actions, such Defendant or Defendants shall thereupon be entitled to enter up Judgment, with Double Costs of Suit.

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