

ANNO PRIMO

GULIELMI IV. REGIS.

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CAP. XXXIX.

An Act to amend an Act passed in the Fifth Year of His present Majesty, for the Transportation of Offenders from *Great Britain*; and for punishing Offences committed by Transports kept to labour in the Colonies. [16th *July* 1830.]

WHEREAS by an Act passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act for the Transportation of Offenders from* Great Britain, it is amongst other Things 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 effectual Transportation to some of the Places so appointed, and shall direct Security to be given for their effectual Transportation, in the Manner therein-after mentioned; and it is thereby further enacted, that whenever 5 G. 4. c. 84.

ever 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 it is thereby 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 as aforesaid: And whereas divers Felons and other Offenders have heretofore been transported from *Great Britain* to His Majesty's Colonies of *South Wales* and *Van Diemen's Land* respectively, and in pursuance of the Directions of One of the Principal Secretaries of State have been delivered to the Governors of those respective Colonies, or other Persons in those Colonies to whom such respective Contractors or Nominees as aforesaid have been so directed to deliver them; but from divers unforeseen Causes it hath occurred that some of such Offenders have been landed and put on Shore and delivered at one of the before-mentioned Colonies, who ought, according to such Directions as aforesaid, to have been landed and put on Shore and delivered at the other of the before-mentioned Colonies: And whereas under the Licences of the Governors of the said respective Colonies divers Offenders who had been transported as aforesaid have from Time to Time been removed from the one to the other of the said Colonies: And whereas Doubts have arisen whether Offenders who have been so landed, put on Shore, and delivered or removed as aforesaid, can, within the respective Colonies in which they are now respectively resident, be lawfully dealt with in such and the same Manner as if they were respectively resident within the Colony to which they were originally sentenced or ordered to be transported: Be it therefore enacted and declared 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 all Felons and other Offenders who have heretofore been transported from *Great Britain* to *New South Wales* or to *Van Diemen's Land*, or to their respective Dependencies, and who, having been contracted or ordered to be landed and put on Shore and delivered in one of those Colonies, have in fact been landed and put on Shore and delivered at the other of those Colonies, and that all such Felons and other Offenders who, under the Licence or by the Order or with the Consent of the Governor or of the Officer administering the Government of either of the said Colonies, have been removed from the one to the other of such Colonies, shall within the Colony in which they are respectively now resident be subject and liable to all such and the same Laws, Rules, and Regulations as if they had been contracted or ordered on their original Transportation to be delivered to the Governor or the Officer

Felons ordered to be put on Shore in the one Colony, but put on Shore in the other, and those removed from one Colony to the other, subject to the same Rules as other Convicts in the same Colony.

administering the Government of such Colony, and shall within the Colony in which they are respectively now resident be dealt with, governed, and disposed of in all respects in such and the same Manner as other Convicts within the same Colony; and that the Property in the Service of all such Offenders shall be vested in the Governor or Officer administering the Government of the Colony in which they are actually resident, in the same Manner, and subject to all such and the same Rules and Conditions, as if they had been contracted or ordered on their original Transportation to be delivered to him.

Governor of the one Colony may receive Felons who are ordered to be delivered in the other Colony.

II. And be it further enacted, That in any Case in which a Ship conveying Felons or other Offenders from the United Kingdom of *Great Britain* and *Ireland*, the Master of which has entered into a Contract or been ordered to deliver such Felons or other Offenders at the Colony or Place specified in such Contract or Order, shall, by Stress of Weather or other Circumstances, convey such Felons or other Offenders to any other Colony or Place to which such Offenders may legally be transported or banished, the Governor or Officer administering the Government of such other Colony or Place is hereby authorized, if he shall deem it expedient, to receive and retain such Felons or other Offenders in the said Colony or Place; and the said Felons or other Offenders shall be subject and liable to all such and the same Laws, Rules, and Regulations as if they had been contracted or ordered on their original Transportation to be delivered to him.

Governor of one Colony may remove Felons to the other Colony.

III. And be it further enacted and declared, That it shall be lawful for the Governor or the Officer administering the Government of either of the said Colonies, with the Concurrence of the Governor or Officer administering the Government of the other of the said Colonies, by an Order in Writing under his Hand, to authorize the Removal of any such Convicts as aforesaid from the Colony under his Government to the other of the said Colonies, and for that Purpose to deliver any such Convicts into the Charge of the Master of any Ship or any other proper Person proceeding directly to the Colony to which such Removal is to be made, and to contract with such Master or other Person for the effectual Removal of such Convicts to such other Colony, and to take Security by Bond to His Majesty that he will effectually remove or cause to be removed every Convict included in such Contract to the Colony to which it is proposed so to remove him, and procure from the Governor or Officer administering the Government of such Colony a Certificate of the landing of such Convict there (Death and Casualties by Sea excepted), and that such Convict shall not be suffered to escape from the Vessel in which he or she shall be so removed by the wilful Default of such Contractor or of any Person employed by him.

Convicts removed from one Colony to another

IV. And be it further enacted, That all and every the Laws in force for the Punishment of Misbehaviour or disorderly Conduct by any Offender on board of any Ship in which he or she may be transported

liable to Punishment for disorderly Conduct.

ported from *Great Britain*, shall apply and extend and are hereby extended to every Convict who by virtue of any such Order as aforesaid shall be removed from either of the said Colonies to the other of them.

Convicts removed from one Colony to another to be subject to the Regulations of the Colony to which removed.

V. And be it further enacted, That so soon as any such Convict shall be delivered to the Governor or to the Officer administering the Government of the Colony to which he or she shall be so removed, such Convict shall within such Colony be subject and liable to all such and the same Laws, Rules, and Regulations as if he or she had been contracted or ordered on his or her original Transportation to be delivered to the Governor or the Officer administering the Government of such Colony, and shall be there dealt with, governed, and disposed of in all respects in such and the same Manner as other Convicts within the same Colony; and that the Property in the Service of every such Convict shall be vested in the Governor or Officer administering the Government of the Colony to which he or she may be so removed, in the same Manner, and subject to all such and the same Rules and Conditions, as if he or she had been contracted or ordered on his or her original Transportation to be delivered to such Governor or Officer as aforesaid.

For prohibiting the Supply of Spirituous Liquors to Offenders under Sentence of Transportation.

VI. And be it further enacted, That if any Person, in contravention of the existing Rules and Regulations for the Government of any Place of Confinement for Male Offenders under Sentence or Order of Transportation within *England* or *Wales*, or in any Part of His Majesty's Dominions out of *England*, shall carry or bring, or attempt or endeavour to carry or bring, into any such Place of Confinement as aforesaid, or shall supply or cause to be supplied to any Offender there confined as an Offender, any spirituous or fermented Liquors, it shall be lawful for any Overseer or other Officer belonging to such Place of Confinement to apprehend or cause to be apprehended such Person, and to carry such Person before a Justice of the Peace (who is hereby empowered to hear and determine such Offence in a summary Way), and if he shall lawfully convict such Person of such Offence, he shall forthwith commit such Person to the Common Gaol or House of Correction of the Place where the same shall be heard and determined, there to be kept in Custody for any Time not exceeding Three Months, without Bail or Mainprize, unless such Person shall immediately pay down such Sum of Money, not exceeding Twenty Pounds and not less than Ten Pounds, as the said Justice shall impose upon such Person, one Moiety thereof to be paid to the Informer, and the other Moiety to be paid and made applicable to the Maintenance of the Place employed for the Confinement of Offenders under Sentence of Transportation as aforesaid.

Manner of proceeding in Cases of Extension

VII. And be it further enacted, That from and after the Commencement of this Act, when any Person shall be convicted at any Session of Oyer and Terminer or Gaol Delivery, or at any Quarter or other

other General Session of the Peace, to be holden for any County, Riding, Division, City, Borough, Liberty, or Place within that Part of *Great Britain* called *England*, or at any Great Session to be holden for the County Palatine of *Chester*, or within the Principality of *Wales*, of any Crime punishable by Death, if His Majesty shall be pleased to extend Mercy to any such Offender upon Condition of Imprisonment, or upon Condition of Imprisonment with hard Labour, and such Intention of Mercy shall be signified by One of His Majesty's Principal Secretaries of State to the Court before whom 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 Imprisonment of such Offender, with or without hard Labour, as the Case may be; 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 such Imprisonment 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 shall subject the Offender to be so imprisoned.

of Mercy to Offenders convicted of Capital Offences.

VIII. And whereas by the aforesaid Act of the Fifth Year of His Majesty's Reign Power is given to His Majesty to appoint a Superintendent of Places of Confinement within *England* and *Wales*, and Power also to appoint One fit and able Person to be Assistant or Deputy of such Superintendent, at One or more of the same Places of Confinement; and by the said Act Power is also given to remove Male Offenders convicted in *Great Britain*, and being under Sentence or Order of Transportation, and to confine such Offenders at Land or on board any Vessel to be provided by His Majesty within the Limits of any Port or Harbour in any Part of His Majesty's Dominions out of *England* named in any Order in Council, under the Management of the said Superintendent, and of an Overseer to be appointed by His Majesty for each such Vessel or other Place of Confinement: And whereas it is expedient that Power should be given to His Majesty to appoint an Assistant or Deputy to the said Superintendent, in any such Part of His Majesty's Dominions out of *England*; be it therefore enacted, That it shall be lawful for His Majesty, in case it shall be deemed expedient, to appoint a fit and able Person to be Assistant or Deputy to such Superintendent, at any such Place of

Power to appoint an Assistant or Deputy to the Superintendent at Places of Confinement out of England.

Confinement out of *England* named in any Order in Council as aforesaid, to be constantly resident at or near the Place to which he shall be appointed.

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