



ANNO DECIMO-SEXTO

## VICTORIÆ REGINÆ,

No. 7.

*By His Excellency SIR WILLIAM THOMAS DENISON, Knight,  
Lieutenant-Governor of the Island of Van Diemen's Land  
and its Dependencies, with the Advice and Consent of the  
Legislative Council.*

*AN ACT for further improving the Administration of  
Criminal Justice in the Colony of Van Diemen's  
Land. [6th October, 1852.]*

## PREAMBLE.

**W**HEREAS an Act of the Imperial Parliament of Great Britain and Ireland was passed in the fifteenth year of the reign of Her present Majesty Queen VICTORIA intituled *An Act for further improving the Administration of Criminal Justice* whereby after reciting that offenders frequently escaped conviction on their trials by reason of the technical strictness of criminal proceedings in matters not material to the merits of the case and that such technical strictness might safely be relaxed in many instances so as to ensure the punishment of the guilty without depriving the accused of any just means of defence and that a failure of justice often took place on the trial of persons charged with felony and misdemeanor by reason of variance between the statements in the indictment on which the trial was had and the proof of names dates matters and circumstances therein mentioned not material to the merits of the case and by the mis-statement whereof the person on trial could not have been prejudiced in his defence provision was made for the remedy thereof in the manner therein enacted—AND WHEREAS it is expedient in order to prevent the like evils in the administration of Justice in this Colony that the provisions of the said recited Act of the Imperial Parliament should with such alterations modifications and additions as are necessary to render the same suitable be extended to the Island of Van Diemen's Land and its Dependencies—BE IT THEREFORE ENACTED by His Excellency SIR WILLIAM THOMAS DENISON Knight Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council of the said Island that from and after the coming of this Act into operation whenever on the trial of any information for any felony or misdemeanor there shall appear to be any variance between the state-

The Court may  
amend certain va-  
riances not mate-  
rial to the merits

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ment in such information and the evidence offered in proof thereof in the name of any County City Town Corporate Parish Township or place mentioned or described in any such information or in the name or description of any person or persons or body politic or corporate therein stated or alleged to be the owner or owners of any property real or personal which shall form the subject of any offence charged therein or in the name or description of any person or persons body politic or corporate therein stated or alleged to be injured or damaged or intended to be injured or damaged by the commission of such offence or in the Christian name or Surname or both Christian name and Surname or other description whatsoever of any person or persons whomsoever therein named or described or in the ownership of any property named or described therein it shall and may be lawful for the Court before which the trial shall be had if it shall consider such variance not material to the merits of the case and that the defendant cannot be prejudiced thereby in his defence on such merits to order such information to be amended according to the proof by some Officer of the Court or other person both in that part of the information where such variance occurs and in every other part of the information which it may become necessary to amend on such terms as to postponing the trial to be had before the same or another Jury as such Court shall think reasonable and after any such amendment the trial shall proceed whenever the same shall be proceeded with in the same manner in all respects and with the same consequences both with respect to the liability of Witnesses to be prosecuted for perjury and otherwise as if no such variance had occurred and in all cases the order for the amendment shall either be indorsed on the information or shall be engrossed on parchment and filed together with the information among the records of the Court—PROVIDED that in all such cases where the trial shall be so postponed as aforesaid it shall be lawful for such Court to respite the recognizances of the Prosecutor and Witnesses and of the Defendant and his Surety or Sureties if any accordingly in which case the Prosecutor and Witnesses shall be bound to attend to prosecute and give evidence respectively and the Defendant shall be bound to attend to be tried at the time and place to which such trial shall be postponed without entering into any fresh recognizances for that purpose in such and the same manner as if they were originally bound by their recognizances to appear and prosecute or give evidence or attend to be tried at the time and place to which such trial shall have been so postponed—PROVIDED ALSO that where any such trial shall be to be had before another Jury the Crown and the Defendant shall respectively be entitled to the same challenges as they were respectively entitled to before the first Jury was sworn.

of the case and by which the defendant cannot be prejudiced in his defence and may either proceed with or postpone the trial to be had before the same or another jury.

II. AND BE IT ENACTED that every verdict and judgment which shall be given after the making of any amendment under the provisions of this Act shall be of the same force and effect in all respects as if the information had originally been in the same form in which it was after any such amendment was made.

Verdicts and judgments valid after amendments.

III. AND BE IT ENACTED that if it shall become necessary at any time for any purpose whatsoever to draw up a formal record in any

Records to be drawn up in amended form

without noticing the amendments.

case where any amendment shall have been made under the provisions of this Act such record shall be drawn up in the form in which the information was after such amendment was made without taking any notice of the fact of such amendment having been made.

The means by which the injury was inflicted need not be specified in informations for murder and manslaughter.

IV. AND BE IT ENACTED that in any information for murder or manslaughter which shall be exhibited after the coming of this Act into operation it shall not be necessary to set forth the manner in which or the means by which the death of the deceased was caused but it shall be sufficient in every information for murder to charge that the defendant did feloniously wilfully and of his malice aforethought kill and murder the deceased and it shall be sufficient in every information for manslaughter to charge that the defendant did feloniously and wilfully kill and slay the deceased.

Forms of information in cases of forgery and uttering stealing and embezzling or obtaining by false pretences.

V. AND BE IT ENACTED that in any information for forging uttering stealing embezzling destroying or concealing or for obtaining by false pretences any instrument it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known or by the purport thereof without setting out any copy or fac-simile thereof or otherwise describing the same or the value thereof.

In engraving plates &c.

VI. AND BE IT ENACTED that in any information for engraving or making the whole or any part of any instrument matter or thing whatsoever or for using or having the unlawful possession of any plate or other material upon which the whole or any part of any instrument matter or thing whatsoever shall have been engraved or made or for having the unlawful possession of any paper upon which the whole or any part of any instrument matter or thing whatsoever shall have been made or printed it shall be sufficient to describe such instrument matter or thing by any name or designation by which the same may be usually known without setting out any copy or fac-simile of the whole or any part of such instrument matter or thing.

In other cases.

VII. AND BE IT ENACTED that in all other cases wherever it shall be necessary to make any averment in any information as to any instrument whether the same consists wholly or in part of writing print or figures it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known or by the purport thereof without setting out any copy or fac-simile of the whole or any part thereof.

Intent to defraud particular persons need not be alleged or proved in cases of forgery uttering or false pretences.

VIII. AND BE IT ENACTED that from and after the coming of this Act into operation it shall be sufficient in any information for forging uttering offering disposing of or putting off any instrument whatsoever or for obtaining or attempting to obtain any property by false pretences to allege that the defendant did the act with the intent to defraud without alleging the intent of the defendant to be to defraud any particular person and on the trial of any of the offences in this section mentioned it shall not be necessary to prove an intent on the part of the defendant to defraud any particular person but it shall be sufficient to prove that the defendant did the act charged with an intent to defraud.

IX. AND WHEREAS offenders often escape conviction by reason that such persons ought to have been charged with attempting to commit offences and not with the actual commission thereof—for remedy thereof BE IT ENACTED that if on the trial of any person charged with any felony or misdemeanor it shall appear to the Jury upon the evidence that the defendant did not complete the offence charged but that he was guilty only of an attempt to commit the same such person shall not by reason thereof be entitled to be acquitted but the Jury shall be at liberty to return as their verdict that the defendant is not guilty of the felony or misdemeanor charged but is guilty of an attempt to commit the same and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an information for attempting to commit the particular felony or misdemeanor charged in the said information and no person so tried as herein lastly mentioned shall be liable to be afterwards prosecuted for an attempt to commit the felony or misdemeanor for which he was so tried.

A party upon his trial for felony or misdemeanor may be found guilty of an attempt to commit the same and shall be liable to the same consequences as if charged with and convicted of the attempt only.

No person so tried to be afterwards prosecuted for the same.

X. AND BE IT ENACTED that if on the trial of any person charged with any felony or with any misdemeanor for which if convicted thereof such person would be liable to be imprisoned and kept to hard labour the Jury shall find in manner lastly hereinbefore provided that such person is not guilty of the felony or misdemeanor charged but is guilty of an attempt to commit the same it shall be lawful for the Court to sentence the offender to be imprisoned for any term now or hereafter warranted by law and also to be kept to hard labour during the whole or any part of such term of imprisonment.

Persons found guilty of attempts to commit felony or certain misdemeanors liable to punishment by hard labour in addition to imprisonment.

XI. AND BE IT ENACTED that if upon the trial of any person upon any information for robbery it shall appear to the Jury upon the evidence that the defendant did not commit the crime of robbery but that he did commit an assault with intent to rob the defendant shall not by reason thereof be entitled to be acquitted but the Jury shall be at liberty to return as their verdict that the defendant is guilty of an assault with intent to rob and thereupon such defendant shall be liable to be punished in the same manner as if he had been convicted upon an information for feloniously assaulting with intent to rob and no person so tried as is herein lastly mentioned shall be liable to be afterwards prosecuted for an assault with intent to commit the robbery for which he was so tried.

On the trial of an information for robbery the Jury may convict of an assault with intent to rob.

No person so tried to be afterwards prosecuted for the same.

XII. AND BE IT ENACTED that if upon the trial of any person for any misdemeanor it shall appear that the facts given in evidence amount in law to a felony such person shall not by reason thereof be entitled to be acquitted of such misdemeanor and no person tried for such misdemeanor shall be liable to be afterwards prosecuted for felony on the same facts unless the Court before which such trial shall be had shall think fit in its discretion to discharge the Jury from giving any verdict upon such trial and to direct such person to be prosecuted for felony in which case such person may be dealt with in all respects as if he had not been put upon his trial for such misdemeanor.

Person tried for misdemeanor not to be acquitted if the offence turn out to be felony unless the Court so direct.

XIII. AND BE IT ENACTED that if upon the trial of any person for feloniously stealing any horse mare gelding colt or filly or any bull

Person upon his trial for stealing

any horse cattle or sheep not to be acquitted if the offence turn out to be killing with intent to steal the same.

cow ox heifer or calf or any ram ewe sheep or lamb it shall be proved that such person did not feloniously steal such cattle but that such person did feloniously and wilfully kill the same with the felonious intent to steal the carcass or skin or any part of the cattle so killed such person shall not by reason thereof be entitled to be acquitted but the Jury shall be at liberty to return as their verdict that such person is not guilty of feloniously stealing such cattle but is guilty of feloniously and wilfully killing the same with the felonious intent to steal the carcass or skin or any part of such cattle as the case may be and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an information for feloniously and wilfully killing such cattle with the felonious intent to steal the carcass or skin or any part of such cattle as the case may be.

Person upon his trial for embezzlement as a clerk &c. not to be acquitted if the offence turn out to be larceny and *vice versa*.

XIV. AND BE IT ENACTED that if upon the trial of any person upon any information for embezzlement as a clerk servant or person employed for the purpose or in the capacity of a clerk or servant it shall be proved that he took the property in question in any such manner as to amount in law to larceny he shall not by reason thereof be entitled to be acquitted but the Jury shall be at liberty to return as their verdict that such person is not guilty of embezzlement but is guilty of simple larceny or of larceny as a clerk servant or person employed for the purpose or in the capacity of a clerk or servant as the case may be and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an information for such larceny and if upon the trial of any person upon any information for larceny it shall be proved that he took the property in question in any such manner as to amount in law to embezzlement he shall not by reason thereof be entitled to be acquitted but the Jury shall be at liberty to return as their verdict that such person is not guilty of larceny but is guilty of embezzlement and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an information for such embezzlement and no person so tried for embezzlement or larceny as aforesaid shall be liable to be afterwards prosecuted for larceny or embezzlement upon the same facts.

Upon an information for jointly receiving persons guilty of separately receiving may be convicted.

XV. AND BE IT ENACTED that if upon the trial of two or more persons upon any information for jointly receiving any property it shall be proved that one or more of such persons separately received any part of such property it shall be lawful for the Jury to convict upon such information such of the said persons as shall be proved to have received any part of such property.

Persons may be charged in the same information in separate counts with larceny and receiving.

XVI. AND WHEREAS upon the prosecution of persons in whose possession stolen property is found difficulties frequently arise in ascertaining whether such persons ought to be charged with stealing or feloniously receiving such property—for remedy thereof BE IT ENACTED that it shall be lawful in the same information against the same person in respect of the same property to insert separate counts for larceny or any offence in which larceny is included and for feloniously receiving and upon the trial of any person upon any such in-

formation as last aforesaid it shall be lawful for the Jury to convict such person upon any such count as according to the evidence adduced shall to them seem proper and thereupon such person so convicted upon such count shall be liable to be punished in the same manner as if he had been convicted upon any information for such offence charged in and by such count or therein included and of which such person shall have been so convicted.

XVII. AND WHEREAS it frequently happens that the principal in a felony is not in custody or amenable to justice although several accessories to such felony or receivers at different times of stolen property the subject of such felony may be in custody or amenable to justice—for the prevention of several trials—BE IT ENACTED that any number of such accessories or receivers may be charged with substantive felonies in the same information notwithstanding the principal felon shall not be included in the same information or shall not be in custody or amenable to justice.

Separate accessories and receivers may be included in the same information in the absence of the principal felon.

XVIII. AND BE IT ENACTED that it shall be lawful to insert several counts in the same information against the same person for any number of distinct acts of stealing not exceeding three which may have been committed by him against the same person within the space of six calendar months from the first to the last of such acts and to proceed thereon for all or any of them.

Three larcenies from the same person within six months may be included in the same information.

XIX. AND BE IT ENACTED that if upon the trial of any information for larceny it shall appear that the property alleged in such information to have been stolen at one time was taken at different times the Prosecutor shall not by reason thereof be required to elect upon which taking he will proceed unless it shall appear that there were more than three takings or that more than the space of six calendar months elapsed between the first and the last of such takings and in either of such last-mentioned cases the Prosecutor shall be required to elect to proceed for such number of takings not exceeding three as appear to have taken place within the period of six calendar months from the first to the last of such takings.

Where a single taking is charged the Prosecutor not required to elect unless it appear that there were more than three takings or more than six months between the first and last taking.

XX. AND BE IT ENACTED that in every information in which it shall be necessary to make any averment as to any money or any note of the Bank of England or any other Bank it shall be sufficient to describe such money or bank-note simply as money without specifying any particular coin or bank-note and such allegation so far as regards the description of the property shall be sustained by proof of any amount of coin or of any bank-note although the particular species of coin of which such amount was composed or the particular nature of the bank-note shall not be proved and in cases of embezzlement and obtaining money or bank-notes by false pretences by proof that the offender embezzled or obtained any piece of coin or bank-note or any portion of the value thereof although such piece of coin or bank-note may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same or to any other person and such part shall have been returned accordingly.

Coin and bank-notes may be described simply as money.

23 Geo. 2, cap. 11.

Any Judge Justice of the Peace &c. may direct a person guilty of perjury in any evidence &c. to be prosecuted,

And commit the party unless he enter into recognizance to appear and take his trial and bind persons to give evidence.

Extending the 23 Geo. 2, c. 11, s. 1 to other offences and simplifying informations for perjury and other like offences.

Extending the 23 Geo. 2, c. 11, s. 2 as to form of informations for subornation of perjury and other like offences.

XXI. AND WHEREAS by an Act of Parliament passed in England in the twenty-third year of the reign of His late Majesty King George the Second intituled *An Act to render Prosecutions for Perjury and Subornation of Perjury more easy and effectual* certain provisions were made to prevent persons guilty of perjury or subornation of perjury from escaping punishment by reason of the difficulties attending such prosecutions—AND WHEREAS it is expedient to amend and extend the same—BE IT ENACTED that it shall and may be lawful for the Judges or any Judge of the Supreme Court of Van Diemen's Land or for any Chairman or Deputy-Chairman of any Court of General or Quarter Sessions of the Peace or for any Commissioner of Insolvency or for any Judge of any Court of Record or for any Commissioner before whom any writ of inquiry or writ of trial from the said Supreme Court shall be executed in case it shall appear to them or him that any person has been guilty of wilful and corrupt perjury in any evidence given or in any affidavit deposition examination answer or other proceeding made or taken before them or him to direct such person to be prosecuted for such perjury in case there shall appear to them or him a reasonable case for such prosecution and to commit such person so directed to be prosecuted until the next Session of Oyer and Terminer and Gaol Delivery of the said Supreme Court of Van Diemen's Land to be holden at the City or Town within or nearest to which such perjury was committed unless such person shall enter into a recognizance with one or more sufficient surety or sureties conditioned for the appearance of such person at such next Session of Oyer and Terminer and Gaol Delivery and that he will then surrender and take his trial and not depart the Court without leave and to require any person they or he may think fit to enter into a recognizance conditioned to prosecute or give evidence against such person so directed to be prosecuted as aforesaid—PROVIDED ALWAYS that no such direction shall be given in evidence upon any trial to be had against any person upon the prosecution so directed as aforesaid.

XXII. AND BE IT ENACTED that in every information for perjury or for unlawfully wilfully falsely fraudulently deceitfully maliciously or corruptly taking making signing or subscribing any oath affirmation declaration affidavit deposition bill answer notice certificate or other writing it shall be sufficient to set forth the substance of the offence charged upon the defendant and by what Court or before whom the oath affirmation declaration affidavit deposition bill answer notice certificate or other writing was taken made signed or subscribed without setting forth the bill answer information declaration or any part of any proceeding either in law or in equity and without setting forth the commission or authority of the Court or person before whom such offence was committed.

XXIII. AND BE IT ENACTED that in every information for subornation of perjury or for corrupt bargaining or contracting with any person to commit wilful and corrupt perjury or for inciting causing or procuring any person unlawfully wilfully falsely fraudulently deceitfully maliciously or corruptly to take make sign or subscribe any oath affirmation declaration affidavit deposition bill answer notice certificate or other writing it shall be sufficient wherever such perjury or other offence

aforesaid shall have been actually committed to allege the offence of the person who actually committed such perjury or other offence in the manner hereinbefore mentioned and then to allege that the defendant unlawfully wilfully and corruptly did cause and procure the said person the said offence in manner and form aforesaid to do and commit and wherever such perjury or other offence aforesaid shall not have been actually committed it shall be sufficient to set forth the substance of the offence charged upon the defendant without setting forth or averring any of the matter or things hereinbefore rendered unnecessary to be set forth or averred in the case of wilful and corrupt perjury.

XXIV. AND BE IT ENACTED that a certificate containing the substance and effect only (omitting the formal part) of the information and trial for any felony or misdemeanor purporting to be signed by the Clerk of the Court or other Officer having the custody of the Records of the Court where such information was tried or by the Deputy of such Clerk or other Officer shall upon the trial of any information for perjury or subornation of perjury be sufficient evidence of the trial of such information for felony or misdemeanor without proof of the signature or official character of the person appearing to have signed the same.

On trials for perjury and subornation a certificate of the trial of the information on which the perjury was committed sufficient evidence of such trial.

XXV. AND BE IT ENACTED that it shall not be necessary to state any *venue* in the body of any information but the district place or other jurisdiction named in the margin thereof shall be taken to be the *venue* for all the facts stated in the body of such information—PROVIDED that in cases where local description is or hereafter shall be required such local description shall be given in the body of the information.

Venue in the margin sufficient except where local description is necessary.

XXVI. AND BE IT ENACTED that no information for any offence shall be held insufficient for want of the averment of any matter unnecessary to be proved nor for the omission of the words "as appears by the record" or of the words "with force and arms" or of the words "against the peace" nor for the insertion of the words "against the form of the Statute" or "of the Act of Council of this Island" or both or either of them instead of the words "against the form of the Statutes" or "of the Acts of Council of this Island" or both or either of them or *vice versa* nor for the omission of any such last-mentioned words nor for that any person mentioned in the information is designated by a name of office or other descriptive appellation instead of his proper name nor for omitting to state the time at which the offence was committed in any case where time is not of the essence of the offence nor for stating the time imperfectly nor for stating the offence to have been committed on a day subsequent to the exhibiting of the information or on an impossible day or on a day that never happened nor for want of a proper or perfect *venue* nor for want of a proper or formal conclusion nor for want of or imperfection in the addition of any defendant nor for want of the statement of the value or price of any matter or thing or the amount of damage injury or spoil in any case where the value or price or the amount of damage injury or spoil is not of the essence of the offence.

What defects shall not vitiate an information.

XXVII. AND BE IT ENACTED that every objection to any information for any formal defect apparent on the face thereof shall be taken

Formal objections to informations



shall be taken before Jury are sworn.  
Court may amend any formal defect.

by demurrer or motion to quash such information before the Jury shall be sworn and not afterwards and every Court before which any such objection shall be taken for any formal defect may if it be thought necessary cause the information to be forthwith amended in such particular by some Officer of the Court or other person and thereupon the trial shall proceed as if no such defect had appeared.

60 Geo. 3, &  
1 Geo. 4, c. 4.

XXVIII. AND WHEREAS by the said hereinbefore firstly recited Act of the Imperial Parliament so much of a certain other Act of Parliament passed in the sixtieth year of the reign of His late Majesty King George the Third and intituled *An Act to prevent Delay in the Administration of Justice in cases of Misdemeanor* as provides that "where any person shall be prosecuted for any misdemeanor by indictment at any Session of the Peace Session of Oyer and Terminer Great Session or Session of Gaol Delivery within that part of Great Britain called England or in Ireland having been committed to custody or held to bail to appear to answer for such offence twenty days at the least before the Session at which such indictment shall be found he or she shall plead to such indictment and trial shall proceed thereupon at such same Session of the Peace Session of Oyer and Terminer Great Session or Session of Gaol Delivery respectively unless a writ of *certiorari* for removing such indictment into His Majesty's Court of King's Bench at Westminster or in Dublin shall be delivered at such Session before the Jury shall be sworn for such trial" was repealed—AND WHEREAS it is expedient that the said recited provision of the said Act of Parliament of the sixtieth year of the reign of His late Majesty King George the Third should be repealed so far as the same extends or applies to the Colony of Van Diemen's Land—BE IT THEREFORE ENACTED that from and after the coming of this Act into operation the said recited provision of the said Act of Parliament of the sixtieth year of the reign of His late Majesty King George the Third intituled *An Act to prevent Delay in the Administration of Justice in cases of Misdemeanor* so far as the same extends or applies to the Island of Van Diemen's Land and its Dependencies shall be and the same is hereby repealed.

Repealing part of 60 Geo. 3 & 1 Geo. 4, c. 4, as to the traverse of indictments in cases of misdemeanor so far as the same applies to Van Diemen's Land.

Provision as to traversing informations.

XXIX. AND BE IT ENACTED that no person prosecuted shall be entitled to traverse or postpone the trial of any information exhibited against him at any Session of the Peace Session of Oyer and Terminer or Session of Gaol Delivery—PROVIDED ALWAYS that if the Court upon the application of the person against whom any information is exhibited or otherwise shall be of opinion that he ought to be allowed a further time either to prepare for his defence or otherwise such Court may adjourn the trial of such person to the next subsequent Session upon such terms as to bail or otherwise as to such Court shall seem meet and may respite the recognizances of the Prosecutor and Witnesses accordingly in which case the Prosecutor and Witnesses shall be bound to attend to prosecute and give evidence at such subsequent Session without entering into any fresh recognizance for that purpose.

Provision as to

XXX. AND BE IT ENACTED that in any plea of *autrefois* 16 Vict. No. 7.

convict or *autrefois* acquit it shall be sufficient for any defendant to state that he has been lawfully convicted or acquitted (as the case may be) of the said offence charged in the information. plea of *autrefois* convict or *autrefois* acquit.

XXXI. AND BE IT ENACTED that whenever any person shall be convicted of any one of the offences following (that is to say) any cheat or fraud punishable at common law or any conspiracy to cheat or defraud or to extort money or goods or falsely to accuse of any crime or to obstruct or prevent or pervert or defeat the course of public justice or any escape or rescue from lawful custody on a criminal charge or any public and indecent exposure of the person or any indecent assault or any assault occasioning actual bodily harm or any attempt to have carnal knowledge of a girl under twelve years of age or any public selling or exposing for public sale or to public view of any obscene book print picture or other indecent exhibition or whenever upon the trial of any party for any felony the crime charged shall include an assault against the person and the Jury shall acquit of the felony and find a verdict of guilty of assault against the party tried for such felony it shall be lawful for the Court to sentence the offender to be imprisoned for any term now or hereafter warranted by law and also to be kept to hard labour during the whole or any part of such term of imprisonment. Punishment for certain indictable misdemeanors.

XXXII. AND BE IT ENACTED that in the construction of this Act the word "information" shall be understood to include any "inquisition" "plea" "replication" or other pleading as well as information and also any record and the term "the exhibiting of an information" shall be understood to include "the taking of an inquisition" and wherever in this Act in describing or referring to any person or party matter or thing any word importing the singular number or masculine gender is used the same shall be understood to include and shall be applied to several persons and parties as well as one person or party and females as well as males and bodies corporate as well as individuals and several matters and things as well as one matter or thing and the word "property" shall be understood to include goods chattels money valuable securities and every other matter or thing whether real or personal upon or with respect to which any offence may be committed. Interpretation of terms.

XXXIII. AND BE IT ENACTED that this Act shall come into operation on the first day of October one thousand eight hundred and fifty-two. Commencement of Act.

RICHARD DRY, *Speaker.*

Passed the Legislative Council this twentieth day of September, one thousand eight hundred and fifty-two.

FR. HARTWELL HENSLOWE,  
*Clerk of the Council.*

In the name and on the behalf of Her Majesty I assent to this Act.

W. DENISON,  
*Lieut.-Governor.*

*Government House, Hobart Town,*  
6th October, 1852.  
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