



ANNO UNDECIMO

VICTORIÆ REGINÆ,

No. 6.



*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.*

*AN ACT to amend the Act of this Island intituled
An Act to consolidate and amend the Laws in respect
to the Constitution of Courts of General and Quarter
Sessions to define the Jurisdiction Powers and Authori-
ties of such Courts and of Justices of the Peace in
certain Cases relating to Transported and other Offen-
ders and for other Purposes connected therewith.*

WHEREAS an Act or Ordinance of this Island was passed in the eighth year of the reign of Her present Majesty intituled *An Act to consolidate and amend the Laws in respect to the Constitution of Courts of General and Quarter Sessions to define the Jurisdiction Powers and Authorities of such Courts and of Justices of the Peace in certain Cases relating to Transported and other Offenders and for other Purposes connected therewith* the Fourteenth Section whereof enumerates amongst others the offence of Absconding and provides punishment for the same —AND WHEREAS the said Fourteenth Section and the Fifteenth Section of the said recited Act respectively provide for the cognizance by the Courts of General and Quarter Sessions of the Peace of certain offences committed by transported offenders in the said respective sections specifically enumerated and set forth and also for the punishment of such offenders by imprisonment with hard labour in or out of chains for the several periods in the said respective sections mentioned and

PREAMBLE.
8 Vict. No. 13.

contained—AND WHEREAS by the Twenty-ninth Section of the said recited Act it is provided that so much of the jurisdiction of the said Courts of General and Quarter Sessions as relates to the punishment of transported offenders under the said Fourteenth Section of the said recited Act shall and may be exercised by any two Justices of the Peace one of whom shall be a stipendiary Magistrate and that so much of the jurisdiction of the said Courts as relates to the punishment of transported offenders under the said Fifteenth Section of the said recited Act shall and may be exercised by one Justice of the Peace—AND WHEREAS doubts have arisen as to what constitutes the offence of absconding by transported offenders mentioned in the said Fourteenth Section and it is desirable that such doubts be resolved and it is also expedient that the said punishment of imprisonment with hard labour in or out of chains as the same may be inflicted by such two Justices of the Peace or such one Justice of the Peace respectively in manner aforesaid should be extended so as such punishment should be cumulative upon and commence at the expiration of any existing sentence or sentences of imprisonment with hard labour in or out of chains—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 by and with the advice of the Legislative Council of the said Island that from and after the time when this Act shall come into operation every transported offender who shall unlawfully depart or absent himself from the service of his master or mistress or other employer or who shall depart or absent himself from his appointed residence or place of punishment confinement custody or labour or from the service of the Government of this Island with intent in any such case to escape from the Colony or with intent in any such case to remain absent more than twelve hours or with intent in any such case to prevent his lawful apprehension or who shall with whatsoever intent be unlawfully absent for more than twelve hours from the service of his master or mistress or other employer or from his appointed residence or place of punishment confinement custody or labour or from the service of the Government shall be deemed and taken to be and shall be guilty of the offence of absconding and be accordingly dealt with as a transported and absconded offender within the intent and meaning of the said recited Act.

Offence of absconding by transported offenders defined.

Sentences of imprisonment with hard labour by two Justices and one Justice under 14th and 15th sections 8 Vict. No. 13, for offences therein respectively enumerated may be cumulative upon any existing sentence or sentences of imprisonment with hard labour.

II. AND BE IT ENACTED that whenever any transported offender shall be convicted before and by any such two Justices of the Peace or such one Justice of the Peace respectively of any or either of the offences enumerated in the said Fourteenth and Fifteenth Sections of the said recited Act respectively it shall be lawful for such two Justices or such one Justice according to their respective jurisdictions as aforesaid to award and adjudge that any sentence of imprisonment with hard labour in or out of chains which they or he are or is so respectively authorised to inflict as aforesaid shall be cumulative upon and commence at the expiration of any existing sentence or sentences of imprisonment with hard labour in or out of chains under which such transported offender shall then be any thing in the said recited Act to the contrary in any wise notwithstanding.

W. T. DENISON.

Passed the Legislative Council this twenty-seventh day of March, one thousand eight hundred and forty-eight,

J. W. KIRWAN, *Clerk of the Council.*