ANNO QUINQUAGESIMO PRIMO

GEORGII III. REGIS.

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C A P. LXIII.

An Act to authorize the Puniſhment, by Confinement and hard Labour, of Perſons in *Ireland* liable to Tranſportation; and to repeal ſo much of a former Act as relates to that Subject.

[10th *June* 1811.]

WHEREAS by an Act of Parliament, paſſed in *Ireland* in the Seventeenth and Eighteenth Years of His Majeſty's Reign, intituled, *An Act to authorize for a limited Time the Puniſhment by hard Labour of Offenders who for certain Crimes are or ſhall become liable to be tranſported to any of His Majeſty's Colonies and Plantations*, it was amongſt other Things enacted, that where any Perſon ſhould be convicted of any Offence for which he or ſhe ſhould be liable by Law to Tranſportation, it ſhould be lawful for the Court in place of Tranſportation to order that ſuch Perſon ſhould be ſent to ſome Place of Confinement, to be there kept to hard Labour in Manner in ſaid Act provided: And whereas the ſaid Act has been ſince made perpetual: And whereas the Proviſions of the ſaid Act in that Reſpect have been found ineffectual; Iriſh Act 17 & 18 G. 3.

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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 ſo much of the ſaid Act as relates to the ordering or adjudging any ſuch Convict or any Convict to labour in any ſuch Place of Confinement, and all and every Clauſe and Proviſion in ſaid Act relating thereto, be and the ſame are hereby repealed, ſave only ſo far as relates to any Sentence, Order, or Adjudication paſſed or made before the paſſing of this Act, or the Proviſions neceſſary for carrying the ſame into Execution.

Recited Act, in part, repealed.

II. And be it further enacted, That where any Perſon ſhall at any Seſſion of Oyer and Terminer or Gaol Delivery, or at any Quarter or other General Seſſions of the Peace for any County, City, Town, or Place, in that Part of the United Kingdom called *Ireland*, be lawfully convicted of any Crime for which he or ſhe ſhall be liable by Law to Tranſportation, it ſhall be lawful for the Court before which ſuch Offender ſhall be ſo convicted, or any Court held for the ſame Place, and with like Authority, if ſuch Court ſhall think fit, in the Place of ſuch Puniſhment by Tranſportation, to order and adjudge that ſuch Perſon ſhall be ſent to ſome Houſe of Correction or Penitentiary within the ſaid County, City, Town, or Place to be appointed in and by ſuch Order, there to be kept to hard Labour for ſuch Time or for ſuch Term or Number of Years as ſuch Court ſhall appoint, provided that the ſame ſhall in no Caſe be more than Seven Years: Provided always, that it ſhall be lawful for the Court, before which any Offender or Offenders ſhall be ſo convicted, to order ſuch Offender to be whipped or impriſoned for any Time leſs than One Year, or to ſuffer ſuch other Corporal Puniſhment as ſuch Offenders are liable to, and as may be inflicted on ſuch Offenders by Law; any Thing herein contained to the contrary notwithſtanding.

Crimes puniſhable by Tranſportation may be puniſhed by Confinement in ſome Houſe of Correction &c.

III. And be it further enacted, That when any Offender ſhall be ordered to be kept to hard Labour in Manner aforeſaid, the Clerk of the Peace, or other Clerk of the Court, by which ſuch Order ſhall be made, ſhall give to the Sheriff or Gaoler, having the Cuſtody of ſuch Offender, a Certificate in Writing under his Hand, containing an Account of the Chriſtian Name, Surname, and Age of ſuch Offender, of his or her Offence, of the Court before whom he or ſhe was convicted, and of the Term for which he or ſhe ſhall have been ſo ordered to hard Labour; and the Sheriff or Gaoler ſhall, with all convenient Speed after the making of any ſuch Order, and receiving of ſuch Certificate, convey ſuch Offender, or cauſe him or her to be conveyed to the proper Houſe of Correction or Penitentiary, and deliver ſuch Offender, or cauſe him or her to be delivered, together with the ſaid Certificate, into the Cuſtody of the Maſter or Keeper of ſuch Houſe of Correction; and the Perſon and Perſons to whom ſuch Offender ſhall be ſo delivered, ſhall give a proper Receipt in Writing under his or their Hand or Hands, which ſhall be a ſufficient Diſcharge to the Sheriff, Gaoler, or other Perſon ſo delivering any ſuch Offender.

Clerk of the Peace, &c. ſhall, when any Offender ſhall be ordered to be kept to hard Labour, certify the ſame to the Sheriff or Gaoler, with other Particulars.

IV. And

IV. And be it further enacted, That all Expences incurred by any Sheriff or Gaoler, in the Conveyance of any ſuch Offender as aforeſaid, ſhall be paid by the County, City, Town, or Place for which the Court ordering ſuch Puniſhment by hard Labour inſtead of Tranſportation ſhall be held, and the Sheriff or Gaoler ſhall receive the Money due for ſuch Expences from the Treaſurer of ſuch County, City, Town, or Place, by Order of the Juſtices of the Peace thereof at their Quarterly or other General Seſſions, who are hereby required to make ſuch Order accordingly, and the ſame ſhall be preſented by the Grand Jury of ſuch County, City, or Town, at the next Aſſizes or preſenting Term therein. Expence to be paid by the County.

V. And be it further enacted, That if any Perſon ſhall reſcue any Offender who by force of this Act ſhall be ordered to hard Labour in any Houſe of Correction or Penitentiary as aforeſaid, either in his Conveyance to the Place ſo appointed for ſuch hard Labour, or whilſt ſuch Offender under this Act ſhall be in the Cuſtody of the Perſon or Perſons appointed for that Purpoſe, or if any Perſon ſhall be aiding or aſſiſting in ſuch Reſcue, or if any Perſon not having the actual Cuſtody of any ſuch Offender ſhall be aiding and aſſiſting in any Eſcape, or ſhall by ſupplying Arms or Inſtruments of Diſguiſe or Eſcape, or otherwiſe in any Manner be aiding and aſſiſting in the Attempt to make any ſuch Eſcape, though no ſuch Eſcape ſhall be made, every ſuch Perſon on being convicted of ſuch Offence by Indictment before any Court of Oyer and Terminer and General Gaol Delivery held in and for the Place where ſuch Offence ſhall be committed, ſhall be by ſuch Court adjudged and ordered to the ſame Portion of hard Labour in ſome Houſe of Correction as the Perſon reſcued or eſcaped, or attempted to be aided in any Eſcape, had to ſerve or ſuffer at the Time of ſuch Reſcue, Eſcape, or Attempt of an Eſcape. Puniſhment of Perſons aiding the Reſcue of Offenders.

VI. And be it further enacted, That if any Perſon who ſhall be ſo ordered to hard Labour as aforeſaid, ſhall at any Time during the Term for which he or ſhe ſhall be ſo ordered to hard Labour break Priſon, or eſcape from the Place of his or her Confinement, or from the Perſon or Perſons having the lawful Cuſtody of ſuch Offender, he or ſhe ſo breaking Priſon, or eſcaping, ſhall on Conviction for the firſt Eſcape be puniſhed by doubling the Term of the Service and hard Labour to which he or ſhe was liable at the Time of ſuch Eſcape; and on Conviction for a Second Eſcape be adjudged guilty of Felony, without Benefit of Clergy, and ſuffer Death accordingly. Offenders eſcaping liable to further Puniſhment.

VII. And to the Intent that ſuch Conviction or Convictions may be had with as little Trouble and Expence as poſſible, be it further enacted, That every Offender or Offenders eſcaping in Manner aforeſaid may and ſhall be tried before the Juſtices of Aſſize, Oyer and Terminer, or Gaol Delivery for the County, City, or Place, where he, ſhe, or they ſhall be apprehended and taken, and that the Clerk of the Peace where ſuch Order of Confinement and hard Labour ſhall be made, and his Succeſſor for the Time being, ſhall, at the Requeſt of the Proſecutor, or any Mode of proceeding to Conviction in ſuch Caſe.

any other in His Majeſty's Behalf, certify a Tranſcript briefly, and in few Words, containing the Effect of every Indictment and Conviction of ſuch Perſon, and of the Order made for his or her Confinement and hard Labour to the Juſtices of Aſſize, Oyer and Terminer, and Gaol Delivery, where ſuch Perſon ſhall be indicted for any ſuch Eſcape, not taking for the ſame above the Sum of Two Shillings and Sixpence, which Certificate being produced in Court ſhall be a ſufficient Proof that ſuch Perſon or Perſons have before been convicted and ordered to ſuch Place of Confinement and hard Labour.

Fees to be paid the ſame as for an Order of Tranſportation.

VIII. Provided always, and be it further enacted, That ſuch Clerk of the Peace and the Sheriff or Gaoler be paid by the Treaſurer of the County, City, Town, or Place, the like Satisfaction as hath been uſually paid for the Order of Tranſportation of any Offender.

Offenders to be kept ſeparate.

IX. Provided always, and be it further enacted, That the Offender or Offenders who ſhall by virtue of this Act be directed to be confined and kept to hard Labour, ſhall in ſuch Houſe of Correction be kept ſeparate from, and ſhall not be permitted or ſuffered to intermix with any Perſon or Perſons confined for any Offence not making the Perſon or Perſons having committed the ſame ſubject to a Sentence of Tranſportation.

Returns of ſuch Offenders to be made to the Judges and Juſtices.

X. And be it further enacted, That the Overſeers or Keepers of the ſeveral Houſes of Correction, or Penitentiarys in which any Priſoner ſo ſentenced to hard Labour ſhall be confined, ſhall from Time to Time make Returns ſpecifying the Names of all and every the Perſon or Perſons who ſhall be ſo committed to their Cuſtody, the Offences of which they ſhall have been guilty, the Court before which each Perſon was convicted, the Sentence of the Court, the Age, bodily State, and Behaviour of every ſuch Convict, while in Cuſtody, and alſo the Names of all and every the Perſon or Perſons who ſhall have died under ſuch Cuſtody, or ſhall have eſcaped from ſuch Place of Confinement, or ſhall have been releaſed from thence, (ſpecifying the Mode of ſuch Releaſe), ſuch Returns to be made to the Juſtices of Aſſize at each Aſſizes, and to the Juſtices of Peace at each Quarter or other General Seſſion of the Peace for the County, City, or Place within which ſuch Place of Confinement ſhall be ſituate, and that every ſuch Return ſhall be verified on the Oath of the Perſon making the ſame, ſuch Oath to be made before the Court into which the Return ſhall be delivered.

Offenders on being reſtored to Liberty to receive a Sum and Cloathing.

XI. And be it further enacted, That every Offender who ſhall be delivered to be kept to hard Labour in Manner aforeſaid, ſhall at the End of the Term of ſuch Service, and upon being reſtored to Liberty, receive from the Keeper of ſuch Houſe of Correction ſuch Sum of Money not being leſs than Forty Shillings, nor more than Five Pounds, together with ſuch decent Cloathing as the Court into which ſuch Return ſhall be made as aforeſaid ſhall appoint; and if any ſuch Offender, whilſt confined to hard Labour in Manner aforeſaid, ſhall by Induſtry and other good Behaviour, ſhew

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such Signs of Reformation as shall induce the said Court to recommend him as an Object of Mercy to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being; and it shall be thereupon signified by a Letter from such Secretary to the Keeper of such House of Correction or Penitentiary, that the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time thinks or think fit, in consideration of such good Behaviour, to shorten the Duration of such Offender's Term, such Offender shall be accordingly set at Liberty at the Time mentioned in such Letter, and shall receive a Sum of Money from such Keeper, and Clothing, in the same Manner as if he or she had served the Whole of the Term for which he or she was adjudged to serve.

Time of Confinement may be shortened.

XII. And be it further enacted, That such Keeper shall receive such Sum of Money, and the reasonable Price of such Clothing so given by him as aforesaid from the Treasurer of the County, City, or Town, by Order of the Justices of the Peace thereof, at their Quarterly or other General Sessions, who are hereby required to make such Order accordingly, and the same shall be presented by the Grand Jury of such County, City, or Town, at the next Assizes or presenting Term.

County to pay the Expences of Allowance and Cloathing.

XIII. And be it further enacted, That if any Suit or Action shall be prosecuted against any Person or Persons for any Thing done in pursuance of this Act, such Person or Persons 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 Defendants, or the Plaintiff or Plaintiffs shall become Nonsuit, or discontinue his, her, or their Actions after Issue joined, or if on Demurrer or otherwise Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall recover Treble Costs, and have the like Remedy for the same as any Defendants have by Law in other Cases; and though a Verdict shall be given to any Plaintiff in any such Action or Suit as aforesaid, such Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial shall be shall certify his Approbation of the Verdict.

Persons may plead the General Issue.

XIV. And be it further enacted, That all Actions, Suits, and Prosecutions to be commenced against the Person or Persons for any Thing done in pursuance of this Act, shall be laid and tried in the County or Place where the Fact was committed, and shall be commenced within Six Months after the Fact committed, and not otherwise.

Limitation of Actions.

XV. Provided always, and be it enacted, That it shall be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, to order that any such Offender be removed to any other House of Correcteion or Penitentiary in *Ireland*, and there kept to hard Labour for any Term not exceeding the Term of Confinement which shall then remain unexpired und[illegible] the Order by virtue of

Offenders may be removed from One House of Correction to another.

of which such Offender shall be then so confined, and also to order at any Time during the said Term, that such Offender shall be sent back to such former House of Correction or Penitentiary for the Residue of such Time; any Thing in this or any other Act to the contrary notwithstanding.

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