ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

CAP. XXVII.

An Act to amend ſeveral Laws relative to the Tranſportation of Offenders; to continue in force until the Firſt Day of *May* One thouſand eight hundred and twenty-one. [30th *April* 1816.]

WHEREAS an Act paſſed in the laſt Seſſion of Parliament, intituled *An Act to amend the Laws relative to the Tranſportation of Offenders, to continue in force until the Firſt Day of May One thouſand eight hundred and ſixteen:* And whereas it is expedient that the Regulations and Proviſions of the ſaid Act, and that certain of the Proviſions of Two ſeveral Acts, paſſed in the Nineteenth and Twenty-fifth Years reſpectively of the Reign of His preſent Majeſty, ralating to the Tranſportation and Removal of Offenders, ſhould be continued; 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 the ſaid recited Act of the laſt Seſſion of Parliament ſhall be and the ſame is hereby continued, ſo far as relates to the Repeal of the ſaid therein recited Act of the Twenty-fourth Year of His preſent Majeſty, intituled *An Act for the effectual Tranſportation of Felons and other Offenders, and to authorize the Removal of Priſoners in certain Caſes, and for other Purpoſes therein mentioned.* 55 G. 3. c. 156. 19 G. 3. c. 74. 25 G. 3. c. 46. 55 G. 3. c. 156. ſo far as relates to Repeal of 24 G. 3. c. 56. continued.

II. Provided always, and be it further enacted, That it ſhall be lawful for any Court or Judge, or Juſtice or Juſtices, duly authorized in that Behalf, to carry into Execution the Proviſion of the ſaid Act of the Twenty-fourth Year of the Reign of His preſent Majeſty, in relation to the Proviſions of 24 G. 3. c. 56. valid in relation to Proceedings com-

menced before Act of last Session.

the Tranſportation, Removal, or Confinement of any Offender, convicted and ſentenced before the paſſing of the ſaid recited Act of the laſt Seſſion of Parliament, or to the continuing of any Proceedings commenced before the paſſing of the ſaid Act, notwithſtanding the Repeal of the ſaid Act of the Twenty-fourth Year aforeſaid, or to proceed in relation to any ſuch Offender, or in relation to the continuing any ſuch Proceedings under the Proviſions of this Act, as to ſuch Court, Judge, Juſtice or Juſtices ſhall ſeem moſt expedient; any Thing in the ſaid recited Act of the laſt Seſſion of Parliament, or this Act, contained to the contrary notwithſtanding.

Perſons convicted of any Crime puniſhable by Tranſportation, may be tranſported accordingly.

III. And be it further enacted, That from and after the paſſing of this Act, it ſhall be lawful for the Court before which any Perſon or Perſons ſhall have been or ſhall be convicted at any Seſſion of Oyer and Terminer or Gaol Delivery, or at any Quarter or other General Seſſion of the Peace to be holden for any County, Riding, Diviſion, City, Town, 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 Grand or Petit Larceny, or any other Offence for which ſuch Perſon or Perſons ſhall have been or be ſubject to be tranſported, to order and adjudge, or any ſubſequent Court holden at any Place for the ſame County, Riding, Diviſion, City, Town, Borough, Liberty, or Place reſpectively, with like Authority to order and adjudge, that ſuch Perſon or Perſons ſo convicted as aforeſaid, ſhall be tranſported beyond the Seas for any Term not exceeding the Number of Years or Term for which ſuch Perſon or Perſons is or are or ſhall be liable by any Law to be tranſported; and in every ſuch Caſe it ſhall and may be lawful for His Majeſty, by and with the Advice of His Privy Council, to declare and appoint any other Place or Places, Part or Parts beyond the Seas, in addition to ſuch as ſhall have been heretofore declared and appointed by His Majeſty for that Purpoſe, either within His Majeſty's Dominions, or elſewhere out of His Majeſty's Dominions, to which any ſuch Felons or other Offenders ſhall be conveyed or tranſported; and ſuch Court as aforeſaid is hereby authorized and required to order ſuch Offenders to be tranſferred to the uſe of any Perſon or Perſons, and his or their Aſſigns, who ſhall contract for the due Performance of ſuch Tranſportation; and when His Majeſty, His Heirs and Succeſſors, ſhall be pleaſed to extend Mercy to any Offender or Offenders, who hath or have been or ſhall be convicted of any Crime or Crimes for which he, ſhe, or they is, are, or ſhall be by Law excluded from the Benefit of Clergy, upon Condition of Tranſportation to any Place or Places, Part or Parts beyond the Seas, either for a Term of Life, or any Number of Years, and ſuch Intention of Mercy ſhall be ſignified by one of His Majeſty's Principal Secretaries of State, it ſhall be lawful for any Court, having proper Authority, to allow ſuch Offender or Offenders the Benefit of a Conditional Pardon, and to order ſuch Offender or Offenders to be tranſported for ſuch Term of Life or Years as ſhall be ſpecified in ſuch Condition of Tranſportation as aforeſaid, and to make ſuch Order of Transfer as aforeſaid; and when any Offender or Offenders hath or have been or ſhall be convicted of any Crime or Crimes for which he, ſhe, or they is or are by Law excluded the Benefit of Clergy, the Judge before whom ſuch Offender or Offenders ſhall be convicted, or any Juſtice of the King's Bench, Common Pleas, or Baron of the Exchequer, of the Degree of the Coif, in caſe the ſaid Offender or Offenders ſhall have been tried in any Court of Oyer and

His Majeſty may appoint Places.

Terminer or Gaol Delivery in *England*, or any Juſtice of *Cheſter* or *Wales*, in caſe the ſaid Offender or Offenders ſhall be tried and convicted within any of their reſpective Juriſdictions, ſhall, on ſuch Intention of Mercy as aforeſaid being ſignified to him by one of the ſaid Principal Secretaries of State, make an Order for the immediate Tranſportation of ſuch Offender or Offenders, and for ſuch Offender or Offenders to be transferred as aforeſaid, in the ſame Manner as if ſuch Intention of Mercy had been ſignified by one of the ſaid Principal Secretaries of State during the Continuance of the Aſſizes or Seſſions at which ſuch Offender or Offenders was or were condemned; and ſuch Order ſhall be conſidered as an Order made at ſuch Aſſizes or Seſſions as aforeſaid, and ſhall be as effectual, and have all the ſame Conſequences as any Order for the Tranſportation of any Offender or Offenders made by any Juſtice of Oyer and Terminer, Great Seſſion, or Gaol Delivery for any County, City, Liberty, Borough, or Place, during the Continuance of the Aſſizes or Seſſions; and ſuch Perſon or Perſons ſo contracting as aforeſaid, his or their Aſſigns, by virtue of ſuch Order of Transfer as aforeſaid, ſhall have a Property in the Service of ſuch Offender or Offenders, for ſuch Term of Life or Years for which ſuch Offender or Offenders ſhall have been ordered to be tranſported.

Clerks of Aſſize, &c. to be paid the ſame Fee as heretofore, on Order of Tranſportation.

IV. And be it further enacted, That the Clerk of Aſſize, Clerk of the Peace, or other Clerk of the Court, ſhall be paid by the Treaſurer of the County, Riding, Diviſion, City, Liberty, Borough, Town or Place, the ſame Fee as hath been uſually paid, or ſuch Clerk of Aſſize, Clerk of the Peace, or other Clerk of the Court is entitled to, for the Order of Tranſportation of any Offender.

Perſons undertaking to tranſport Offenders, to give proper Security.

V. And be it enacted, That every Perſon or Perſons to whom any ſuch Offender or Offenders ſhall be transferred as aforeſaid, ſhall, before any of them ſhall be delivered over to him or them to be tranſported, give Security that he or they will tranſport, or cauſe to be tranſported effectually, ſuch Offender or Offenders to ſuch Place or Places, Part or Parts beyond the Seas reſpectively, as ſhall be appointed by His Majeſty in ſuch Manner as aforeſaid, and procure ſuch Evidence as the Nature of the Caſe will admit, of the landing of ſuch Offender or Offenders ſo transferred as aforeſaid, in that Place or Part or thoſe Places or Parts beyond the Seas, whereto he, ſhe, or they ſhall be ordered to be tranſported (Death and Caſualties by Sea excepted); and that he, ſhe, or they ſhall not be ſuffered to return to *Great Britain* or *Ireland* by the wilful Default of the Perſon or Perſons ſo contracting as aforeſaid, or of his or their Aſſigns.

Court may appoint Juſtices to contract for Tranſportation of Offenders, on Security by Bond.

VI. And be it alſo enacted, That every ſuch Court as aforeſaid may appoint Two Juſtices of the Peace for the County, Riding, Diviſion, City, Liberty, Borough, or Place where ſuch Offender or Offenders ſhall have been convicted, who ſhall have Power, and are hereby required to contract with any Perſon or Perſons who ſhall be nominated by one of His Majeſty's Principal Secretaries of State for the Performance of the Tranſportation of ſuch Offender or Offenders, and to order ſuch Security to be taken as aforeſaid; and alſo to cauſe ſuch Offender or Offenders to be delivered by the reſpective Gaolers or Perſons in whoſe Cuſtody he, ſhe, or they ſhall be, to the Perſon or Perſons contracting, or to his or their Aſſigns;

Aſſigns; which Contracts and Security ſhall be certified by the Juſtices, who ſhall make and take the ſame to the next Court to be holden, with the like Authority, for the ſaid County, Riding, Diviſion, City, Liberty, Borough, or Place, to be filed and kept among the Records of ſuch Court; and all Securities for Tranſportation ſhall be by Bond in the Name of the reſpective Clerks of the Peace, or other Clerks of the Court, who ſhall proſecute ſuch Bonds in their own Names; for which Purpoſe every ſuch Clerk of the Peace, or Clerk of the Court, and his Succeſſors reſpectively, ſhall be deemed a Body Corporate, and ſhall have and be paid all ſuch Coſts as they ſhall ſuſtain in any ſuch Suit, as the Juſtices of the Peace ſhall at their General Quarter Seſſions of the Peace direct, out of the Public Stock; and all Monies recovered on ſuch Bonds ſhall be for the Uſe of the reſpective County, Riding, Diviſion, City, Liberty, Borough, or Place, and be paid to their reſpective Treaſurers, to be Part of the Public Stock; and all Charges in or about making the Contracts, taking Securities, and conveying Felons and other Offenders in order to be tranſported, ſhall be borne by each County, Riding, Diviſion, City, Liberty, Borough, or Place for which the Court was held which ordered ſuch Offenders to be tranſported; and the reſpective Treaſurers ſhall, by Order of the Juſtices in Quarter Seſſions, pay all ſuch Charges to the Perſons employed.

Perſons contracting to tranſport Offenders, may carry them through any County to the Seaport.

VII. And be it further enacted, That the Perſon or Perſons ſo contracting as aforeſaid, and to whom any Offender or Offenders ſhall be delivered in order to be tranſported, or any Perſon or Perſons directed by the ſaid Juſtices (empowered to contract as aforeſaid) or their Aſſigns, may, in ſuch Manner as they ſhall think fit, carry and ſecure the ſaid Offenders in and through any County of *Great Britain*, towards the Seaport or Place from whence they are to be tranſported; and if any Perſon or Perſons ſhall reſcue ſuch Offenders or any of them, or aſſiſt them or any of them in making their Eſcape from ſuch Perſon or Perſons as ſhall have them in their Cuſtody as aforeſaid, he, ſhe, or they ſhall be adjudged guilty of Felony, and ſhall ſuffer Death as in Caſes of Felony without Benefit of Clergy.

Puniſhing Perſon found at large before the Expiration of his Sentence.

VIII. And be it further enacted, That if any Offender or Offenders who ſhall have been or ſhall be ſo ordered by any ſuch Court as aforeſaid to be tranſported, or who ſhall have agreed or ſhall agree to tranſport himſelf or herſelf on certain Conditions, either for Life or any Number of Years, under the Proviſions of the ſaid recited Act of the Twenty-fourth Year aforeſaid, or of the ſaid recited Act of the laſt Seſſion of Parliament, or any other Act or Acts of Parliament, to any ſuch Place or Places, Part or Parts as ſhall have been or ſhall be appointed by His Majeſty in Manner aforeſaid, ſhall be afterwards at large within any Part of the United Kingdom of *Great Britain* and *Ireland*, without ſome lawful Cauſe, before the Expiration of the Term for which ſuch Offender or Offenders ſhall have been ordered to be tranſported, or ſhall have ſo agreed to tranſport himſelf or herſelf as aforeſaid, every ſuch Offender being at large as aforeſaid, being thereof lawfully convicted, ſhall ſuffer Death, as in Caſes of Felony without Benefit of Clergy; and ſuch Offender or Offenders may be tried either before the Juſtices of Aſſize, Oyer and Terminer, Great Seſſions or Gaol Delivery, for the County, City, Liberty, Borough, or Place where ſuch Offender or Offenders ſhall be apprehended and taken, or from

whence he, ſhe, or they were ordered to be tranſported; and the Clerk of the Aſſize, Clerk of the Peace, or other Officer or Clerk of the Court having the Cuſtody of the Records where ſuch Order of Tranſportation ſhall be made, ſhall, at the Requeſt of the Proſecutor, or any other Perſon on His Majeſty's Behalf, make out and give a Certificate in Writing ſigned by him, containing the Effect and Subſtance only (omitting the formal Part) of every Indictment and Conviction of ſuch Offender or Offenders, and of the Order for his or her Tranſportation, to the Juſtices of Aſſize, Oyer and Terminer, Great Seſſions, or Gaol Delivery, where ſuch Offender or Offenders ſhall be indicted (not taking for the ſame more than Six Shillings and Eight-pence) which Certificate ſhall be ſufficient Proof of the Conviction and Order for the Tranſportation of ſuch Offender or Offenders; and whoever ſhall diſcover and proſecute to Conviction any ſuch Offender or Offenders ſo being at large as aforeſaid, ſhall be entitled to a Reward of Twenty Pounds for every ſuch Offender ſo convicted, and ſhall have ſuch Certificate to receive the ſame as any Perſon or Perſons may be entitled unto for the apprehending and proſecuting to Conviction Perſons who have committed any Robbery upon the Highway: Provided nevertheleſs, that His Majeſty, His Heirs and Succeſſors, may pardon and diſpenſe with ſuch Tranſportation, and allow of the Return of any ſuch Offender or Offenders to this Kingdom.

His Majeſty empowered to order the Removal of Male Priſoners.

IX. And be it further enacted, That from and after the paſſing of this Act, it ſhall be lawful for His Majeſty, from Time to Time, by an Order in Writing to be notified by one of the ſaid Principal Secretaries of State, or for any Three or more of ſuch of His Majeſty's Juſtices of the Peace acting in and for the County, Riding, Diviſion, City, Borough, Liberty, or Place in which any Gaol ſhall be ſituated, as ſhall be authorized by His Majeſty under His Sign Manual, to direct the Removal of any Male Offender or Offenders who ſhall be under Sentence of Death, but reprieved during His Majeſty's Pleaſure, or under Sentence or Order of Tranſportation, and who, having been examined by an experienced Surgeon or Apothecary, ſhall appear to be free from any putrid or infectious Diſtemper, and fit to be removed from the Gaol or Priſon in which ſuch Offender or Offenders ſhall be confined, to ſuch Place of Confinement within *England* or the Dominion of *Wales*, either at Land or on board any Ship or Veſſel to be provided by His Majeſty in the River *Thames*, or any navigable or other River, or within the Limits of any Port or Harbour of *England* or *Wales*, as His Majeſty, or any Three of ſuch Juſtices authorized as aforeſaid, ſhall from Time to Time appoint, under the Management of a Superintendant and Overſeer to be appointed by His Majeſty, or any Three or more of ſuch Juſtices authorized as aforeſaid; and every Offender who ſhall be ſo removed ſhall continue in the ſaid Place of Confinement, or be removed to and confined in any other ſuch Place or Places as aforeſaid, as His Majeſty, or any Three or more of ſuch Juſtices authorized as aforeſaid, from Time to Time ſhall appoint, until ſuch Offender ſhall be tranſported according to Law, or, by the Expiration of the Term of ſuch Tranſportation or otherwiſe, ſhall be entitled to his Liberty, or until His Majeſty, or any Three or more of ſuch Juſtices ſo authorized as aforeſaid, ſhall direct the Return of ſuch Offender to the Gaol or Priſon from which he ſhall have been ſo removed; and the Sheriff or Gaoler having the Cuſtody of any Offender whoſe Removal ſhall be ordered in Manner aforeſaid, ſhall with all convenient Speed, after the Receipt

ceipt of the Notification of any ſuch Order, convey or cauſe to be conveyed every ſuch Offender to the Place appointed, and there deliver him to ſuch Superintendant or Overſeer, together with a true Copy, atteſted by ſuch Sheriff or Gaoler, of the Caption and Order of the Court before which ſuch Offender was tried, containing the Sentence of Tranſportation of each ſuch Offender reſpectively, by virtue whereof he ſhall be in the Cuſtody of ſuch Sheriff or Gaoler; and alſo a Certificate containing his Age, and an Account of his Behaviour in Priſon before and after his Trial, and the Gaoler's Obſervations on his Temper and Diſpoſition, and ſuch Information concerning his Connexions and former Courſe of Life as may have come to the Gaoler's Knowledge; and ſuch Superintendant or Overſeer as aforeſaid ſhall give a proper Receipt in Writing to the Sheriff or Gaoler for the Diſcharge of ſuch Sheriff or Gaoler.

Paying Expences of Removal.

X. And be it further enacted, That all ſuch Fees, on the delivering out of Cuſtody of any ſuch Offender ſo ordered to be removed, as have uſually been paid and would have been due to the Sheriff or Gaoler in caſe ſuch Offender had been removed in order to have been tranſported, and all reaſonable Expences which the Sheriff or Gaoler ſhall incur in every ſuch Removal, ſhall be paid by the County, Riding, Diviſion, City, Borough, Liberty or Place for which the Court in which the Offender was convicted ſhall have been held; and the Sheriff or Gaoler ſhall receive the Money due for ſuch Expences from the Treaſurer of ſuch County, Riding, Diviſion, City, Borough, Liberty or Place, ſuch Fees and Expences being firſt allowed by the Order of the Juſtices of the Peace, at their Quarter or other General Seſſions of the Peace, who are hereby required to make ſuch Order as ſhall be juſt in that Behalf.

For cleanſing and purifying and clothing Offenders.

XI. And be it further enacted, That where any Offender ſhall be brought to any ſuch Place of Confinement as aforeſaid, in purſuance of the Powers contained in this Act, he ſhall be waſhed, cleanſed and purified, and the Clothes in which he ſhall be then clothed ſhall be burnt, if neceſſary, or otherwiſe ſhall be preſerved and taken care of for him by the Overſeer of the Place of Confinement, and re-delivered to him upon his quitting it, or ſold for his Benefit, and the Produce thereof accounted for to him by the Overſeer aforeſaid; and when ſuch Offender ſhall be finally diſcharged, either at the End or other Determination of his Term, ſuch other decent Clothing, as ſhall be judged neceſſary and proper by the Superintendant aforeſaid, ſhall be delivered to ſuch Offender by the Overſeer of the Place of Confinement from which he is diſcharged, and alſo ſuch Sum of Money for his immediate Subſiſtence, as the ſaid Superintendant ſhall think proper, ſo as ſuch Sum ſhall not in any Caſe exceed Three Pounds.

Overſeers to have the ſame Power as Gaolers.

XII. And be it further enacted, That after the Removal of any Offender under this Act, the Superintendant or Overſeer who ſhall have the Cuſtody of him, ſhall during the Term of ſuch Cuſtody have the ſame Powers over him as are incident to the Office of a Sheriff or Gaoler, and in like Manner be anſwerable for any Eſcape of ſuch Offender; and alſo during ſuch Cuſtody ſhall ſee him fed and clothed according to a Scale of Diet and Clothing to be fixed on, and notified in Writing by One of His Majeſty's Principal Secretaries of State to the Superintendant; and ſhall keep ſuch Offender to Labour, at ſuch Places and under ſuch Regulations, Directions, Limitations, and Reſtrictions, as His Majeſty, or any

Three or more of such Justices so authorized as aforesaid, shall from Time to Time, by any Order to be directed to such Superintendant or Overseers for their Instruction, appoint: And it is hereby declared, that the Time during which any Offender shall have continued in Gaol under Sentence of Transportation, or being removed under the Provisions aforesaid, shall continue confined by virtue of this Act, shall be taken and reckoned in Discharge or Part Discharge or Satisfaction of the Term of his Transportation.

Time of Imprisonment to be deemed Part of Term.

XIII. And be it further enacted, That if any Offender shall during such Custody under this Act be guilty of any Misbehaviour or disorderly Conduct, it shall be lawful for such Superintendant or Overseer having the Custody of such Offender, to inflict or cause to be inflicted such moderate Punishment or Correction as may be inflicted by Law on Persons committed to a House of Correction; and if any such Offender shall break from or unlawfully escape from the Custody of such Superintendant or Overseer, or if any Person shall rescue or attempt to rescue, or assist in rescuing any such Offender from such Custody, or shall convey or cause to be conveyed any Disguise, Instrument for effecting Escape, or Arms, to such Offender, every such Offence shall be punishable in the same Manner as if such Offender had been confined in a Gaol or Prison in the Custody of the Sheriff or other Gaoler, for the Crime of which such Offender shall have been convicted.

Overseers may inflict moderate Punishment for Misbehaviour

Escape or Rescue how to be punished.

XIV. And be it further enacted, That the Superintendant of the several Places of Confinement to be appointed by virtue of this Act, shall from Time to Time make Returns, specifying the Name of every Person in Custody in each of such Places of Confinement, the Offence of which he or she shall have been guilty, the Court before which he or she shall have been convicted, and the Sentence of such Court, together with his or her Age and bodily State, and his or her Behaviour whilst in Custody; and also the Names of such Offenders who shall have died whilst in such Custody, or shall have escaped or have been lawfully discharged from the same; which Returns shall be made on the First Day of every *Easter* Term, and the First Day of every *Michaelmas* Term, to His Majesty's Court of King's Bench at *Westminster*, on the Oath of the Overseer of such respective Places of Confinement, such Oath to be made before the said Court, or any Commissioner authorized to take Affidavits in the same.

Superintendant to make Returns of Prisoners.

XV. And be it further enacted, That it shall and may be lawful for His Majesty to appoint one fit and able Person to be Superintendant of any Place or Places of Confinement, either at Land or on board any Ship or Vessel, to which any such Offenders shall be removed by virtue of this Act; and in case it shall be deemed expedient, it shall and may be lawful for His Majesty to appoint One fit and proper Person to be Assistant or Deputy to the said Superintendant at each or any of the said Places of Confinement, and to be constantly resident at or near such Place or Places of Confinement; and also One proper Person to be Overseer on board each such Ship or Vessel, who, with a sufficient Number of Officers and Guards, shall constantly reside on board; and such Superintendant shall personally visit and inspect such Places of Confinement Four Times in every Year, or oftener if Occasion shall require, and shall distinctly examine into the State of such Places of Confinement, the Behaviour and Conduct of the respective Assistants

Appointment of Superintendant.

Aſſiſtants or Deputies, Overſeers, Officers and Guards, the Treatment and Condition of the Priſoners, and the Amount of the ſeveral Earnings, and the Expences attending every ſuch Place of Confinement, and ſhall make a faithful Report of the ſame to His Majeſty's Principal Secretary of State for the Home Department, who ſhall cauſe ſuch Report to be laid before both Houſes of Parliament, at the beginning of every Seſſion; and ſuch Superintendant ſhall diſtinguiſh in ſuch Report the Amount of the Earnings and Expences at each of ſuch Places of Confinement, and ſhall ſtate the Average Number of Priſoners confined therein, and the Number of Days Labour done by ſuch Priſoners, diſtinguiſhing the Work of Artificers from that of Common Labourers, and ſuch Superintendant ſhall alſo, in Matters of extreme Neceſſity, make a Special Report thereof to His Majeſty's ſaid Principal Secretary of State, who may, if he ſhall ſee fit, ſubmit ſuch Special Report to the Juſtices of His Majeſty's Court of King's Bench, who are hereby authorized to afford ſuch Redreſs or provide ſuch Regulations as they ſhall deem proper; and ſuch Superintendant, Aſſiſtants or Deputies reſpectively, and Overſeers, ſhall continue in Office during His Majeſty's Pleaſure, and ſhall receive ſuch Salaries as His Majeſty ſhall appoint; and ſuch Superintendant ſhall be paid ſuch travelling and other reaſonable Expences as ſhall be incurred by him in Diſcharge of his Duty.

Judges may alter Sentences of Tranſportation.

XVI. And be it further enacted, That if any Offender hath already been ordered to be tranſported to any Part beyond the Seas, or if any Order ſhall at any Time hereafter be made for the Tranſportation of any Offender, and ſuch Order cannot be conveniently executed with reſpect to the Place in ſuch Order mentioned, it ſhall be lawful for the Court of King's Bench, or (in the Vacation Time and out of Term) for any Two Juſtices of the Court of King's Bench, Common Pleas, or Barons of the Court of Exchequer of the Degree of the Coif, to order that ſuch Offender ſhall be tranſported to any other Part or Place beyond the Seas, which ſhall have been appointed by His Majeſty for the Tranſportation of ſuch Offenders, in ſuch and the like Manner, and for the ſame Term of Years as ſuch Offender is or ſhall be liable to be tranſported to the Place mentioned in the original Sentence or Order for his or her Tranſportation; and ſuch Order ſhall be conſidered as made at the ſame Time, and ſhall be as effectual to every Intent and Purpoſe, and ſhall have all the ſame conſequences in every reſpect as the original Order for the Tranſportation of ſuch Offender; and ſuch Offender ſhall be transferred, conveyed, and made over to any Perſon who will contract for the Performance of ſuch Tranſportation, and to his or their Aſſigns, in like Manner as if ſuch Offender had been tranſported to the Place mentioned in the original Order of Tranſportation; and ſuch Perſon or Perſons ſo contracting as aforeſaid, his or their Aſſigns, by virtue of ſuch Order of Transfer as aforeſaid, ſhall have a Property in the Service of the ſaid Offender for the Remainder of the Term for which the Offender was originally ordered to be tranſported; and in caſe any ſuch Offender ſo ordered for Tranſportation ſhall be afterwards at large within any Part of the Kingdom of *Great Britain*, without ſome lawful Cauſe, before the Expiration of the Term for which ſuch Offender ſhall have been ordered to be tranſported, every ſuch Offender, being thereof lawfully convicted, ſhall ſuffer Death as in Caſes of Felony without Benefit of Clergy, and ſhall be tried before ſuch Judges, and in ſuch Manner, and the ſame Evidence made uſe of for his or her Conviction, as is or ſhall be directed by

the Laws now in being or hereafter to be made for the Trial of other Offenders who ſhall be at large within this Kingdom before the Expiration of the Term for which they were ordered to be tranſported; and whoever ſhall diſcover and proſecute to Conviction any ſuch Offender ſo being at large within this Kingdom as aforeſaid, ſhall be entitled to a Reward of Twenty Pounds for every ſuch Offender ſo convicted, and ſhall have ſuch Certificate to receive the ſame, as any Perſon may be entitled to for the apprehending and proſecuting to Conviction Perſons who have committed any Robbery upon the Highway.

Account of Expences to be laid before Parliament.

XVII. And be it further enacted, That the Expences of carrying this Act into Execution, as far as the ſame relates to the Removal of Priſoners convicted, and remaining in Cuſtody under Sentence of Death, and reſpited during His Majeſty's Pleaſure, or under Sentence or Order of Tranſportation to other Places of Confinement, and which are not otherwiſe provided for, ſhall be annually laid before both Houſes of Parliament, and ſhall be provided for in the next Supplies to be granted to His Majeſty by Parliament.

General Iſſue.

XVIII. 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 Plaintiff or Plaintiffs ſhall become Nonſuit, or diſcontinue his, her or their Action or Actions after Iſſue joined, or if upon Demurrer or otherwiſe, Judgment 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 notwithſtanding a Verdict ſhall be given to any Plaintiff in 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.

Limitation of Actions.

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

Continuance of certain Proviſions of 19 G. 3. c. 74. and 25 G. 3. c. 46.

XX. And be it further enacted, That ſo much of an Act paſſed in the Nineteenth Year of the Reign of His preſent Majeſty, intituled *An Act to explain and amend the Laws relating to Tranſportation, Impriſonment, and other Puniſhment of certain Offenders*, as relates to Tranſportation beyond Seas, and ſo much of an Act paſſed in the Twenty-fifth Year of the Reign of His preſent Majeſty, intituled *An Act for the more effectual Tranſportation of Felons and other Offenders in that Part of* Great Britain *called* Scotland, *and to authorize the Removal of Priſoners in certain Caſes*, as authorizes the Removal of Offenders to temporary Places of Confinement, which were continued by ſubſequent Acts of the Twenty-eighth, Thirty-fourth, Thirty-ninth, Forty-ſecond, Forty-ſixth, Fifty-third, and Fifty-fourth Years reſpectively of the Reign of His preſent Majeſty, until the

the Twenty-fifth Day of *March* One thouſand eight hundred and fifteen, and until the End of the then next Seſſion of Parliament, ſhall be and the ſame is hereby continued for the Term herein-after mentioned.

Continuance of preſent Act.

XXI. And be it further enacted, That this Act ſhall continue and be in force until the Firſt Day of *May* One thouſand eight hundred and twenty-one, and no longer.

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