

ANNO QUARTO

GEORGII IV. REGIS.

CAP. XLVII.

An Act for authorizing the Employment at Labour, in the Colonies, of Male Convicts under Sentence of Transportation. [4th *July* 1823.]

WHEREAS an Act was passed in the Fifty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *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*, which was, by an Act passed in the First and Second Years of His present Majesty's Reign, continued for Two Years and to the End of the then next Session: And whereas by the said first recited Act it was among other things enacted, that it should be lawful for His Majesty, from Time to Time by an Order in Writing, to be notified by One of His Principal Secretaries of State, to direct the Removal of any Male Offenders who should 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, should appear to be free from any putrid or infectious Distemper, and fit to be removed from the Gaol or Prison in which such Offenders should be confined, to such Place of Confinement, within *England* or *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 should from Time to Time appoint, under the Management of a Superintendant and Overseer, to be appointed by His Majesty; and that every Offender who should be so removed, 56 G.3. c.27.

should 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 should from Time to Time appoint, until such Offender should be transported according to Law, or by the Expiration of the Term of such Transportation or otherwise, should be entitled to his Liberty, or until His Majesty should direct the Return of such Offender to the Gaol or Prison from which he should have been so removed; and it was further enacted, that the Superintendant or Overseer who should have the Custody of every such Offender, should, 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 should 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 should keep such Offender to Labour, at such Places and under such Regulations, Directions, Limitations and Restrictions, as His Majesty should from Time to Time, by any Order, to be directed to such Superintendant or Overseer for their Instruction, appoint: And whereas by an Act passed in the Twenty-fifth Year of the Reign of His said late Majesty, similar Provisions were made with respect to Male Offenders convicted in *Scotland*, which were by the said secondly recited Act continued for the same Term: And whereas under the Provisions of the said Acts, many Male Convicts have been confined on board Ships or Vessels provided by His Majesty, in the River *Thames* and within the Limits of certain Ports or Harbours of *England*, and have been kept to Labour in some of His Majesty's Dock Yards, and on other Public Works of great Utility and Importance; wherefrom there have resulted not only great Advantage to the Public, but also considerable Reformation of many of the Offenders so kept to Labour: And whereas Public Works of a similar Kind are and may hereafter be undertaken in other Parts of His Majesty's Dominions out of *England*, on which it may be expedient to employ Male Offenders convicted in *Great Britain*, being under Sentence or Order of Transportation, in the same Manner as Male Offenders are employed in *England* under the said recited Acts: 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,

His Majesty, by Order in Council, may direct Convicts to be employed in any Part of His Majesty's Dominions out of England, under the Management of a Superintendant and Overseer.

That it shall and may be lawful for His Majesty, by any Order or Orders in Council, to declare His Royal Will and Pleasure, that Male Offenders convicted in *Great Britain*, and being under Sentence or Order of Transportation, shall be kept to Labour in any Part of His Majesty's Dominions out of *England*, to be named in such Order or Orders in Council; and that whenever His Majesty's Will and Pleasure shall be so declared in Council, it shall be lawful for His Majesty, by an Order in Writing to be notified by One of His Majesty's Principal Secretaries of State, to direct the Removal and Confinement of any such Male Offender, either at Land or on board any Ship or Vessel to be provided by His Majesty, within the Limits of any Port or Harbour in that Part of His Majesty's Dominions which shall be named in such Order in Council, under the Management of the Superintendant now

being or hereafter to be appointed in *England*, and of an Overseer to be appointed by His Majesty for each Ship or Vessel or other Place of Confinement to be provided under this Act; and that every Offender who shall be so removed, shall continue on board the Ship or Vessel or other Place of Confinement to be so provided, or any similar Ship or Vessel or other Place of Confinement to be from Time to Time provided by His Majesty, until His Majesty shall otherwise direct, or until the Offender shall be entitled to his Liberty.

Overseer's Powers.

II. And be it further enacted, That the Overseer to be appointed under this Act shall possess the same Powers and Authorities, and shall perform the same Duties, and shall be liable to the same Controul, as any Overseer appointed under the said first recited Act; provided, that the Oath thereby required to be by him taken, for verifying the Returns of Prisoners, shall be taken before a Judge or Justice of Peace of the Colony in which the Overseer shall be resident; and that the Superintendant shall make the same Reports and Returns respecting every such Offender, as respecting Offenders confined under the said first recited Act; and that every such Offender as aforesaid, confined under the Authority of this Act, shall be liable to the same Penalties and Punishments, for any Crime or Misconduct by him committed, whether on board such Ship or Vessel, or other Place of Confinement to be provided under the Authority of this Act, or on board any Ship or Vessel in which he shall be conveyed from *England*, to the Part of His Majesty's Dominions specified in any Order in Council to be made under the Authority of this Act, and for escaping from on board any of such Ships or Vessels, or other Place of Confinement, and being at large; and every Person rescuing, or attempting to rescue, or assisting in rescuing any such Offender confined under the Authority of this Act, shall be liable to the same Punishment as if such Offender had been confined under the said first recited Act.

Superintendant to report.

Offender to be liable to same Penalties as under former Act.

General Issue.

III. And be it further enacted, That if any Suit or Action shall be prosecuted against any Person for any thing done in pursuance of this Act, such Person 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 the Plaintiff shall become Nonsuit, or discontinue his Action, after Issue joined, or if, upon a Demurrer or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant 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.

Treble Costs.

Limitation of Actions.

IV. 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

Place

Place where the Fact was committed, or if committed on the Seas, then in the County of *Middlesex*; and shall be commenced within Six Calendar Months after the Fact committed, and not otherwise.

Continuance of Act.

V. And be it further enacted, That this Act shall continue and be in force during the Continuance of the said recited Act of the Fifty-sixth Year of His late Majesty's Reign, and no longer.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1823.