ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

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C A P. XXVI.

An Act for abolishing the Office of Superintendent of Convicts under Sentence of Transportation.

[3d *July* 1846.]

WHEREAS by an Act passed in the Fifth Year of the Reign of King *George* the Fourth, intituled *An Act for the* 5 G. 4. c. 84. *Transportation of Offenders from* Great Britain, it was enacted, that it should 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, should be kept to Labour either at Land or on board any Vessel, to be provided by His Majesty, within the Limits of any Port or Harbour in any Part of His Majesty's Dominions out of *England* to be named in such Order or Orders in Council, and Provision was therein made for the Custody of such Offenders under the Management of a Superintendent to be appointed by His Majesty, and of an Overseer also to be appointed by His Majesty, for every such Vessel or other Place of Confinement: And whereas it is expedient that the Custody and Management of such Offenders when so kept to Labour out of *England* should be under the Authority of the Governor of that Part of Her Majesty's Dominions: Be it enacted by the Queen'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

So much of recited Act as gives the Custody, &c. of Male Offenders out of England to the Superintendent in England, &c. repealed, and Powers to be exercised by the Governor in each Colony.

of the same, That so much of the said Act as gives the Custody and Management of any such Male Offenders out of *England* to the Superintendent of Convicts confined in *England* under Sentence of Transportation, shall be repealed; and that the Governor of every Colony named in any such Order or Orders in Council shall be by virtue of his Office the Superintendent of such Male Offenders as shall be removed from *Great Britain* under Sentence or Order of Transportation, and kept to Labour in such Colony under any such Order or Orders in Council, and shall exercise all the Powers and fulfil all the Duties vested in and imposed on the said Superintendent by the said Act with respect to such Offenders kept to Labour in such Colony, and that no other Superintendent, nor any Assistant or Deputy to such Superintendent, shall be appointed for any such Colony under the said Act; and that the Overseer already appointed or hereafter to be appointed for any such Colony under the said Act shall exercise his Authority and perform the Duties required of him by the said Act under the Direction of the Governor; and that every Overseer hereafter to be appointed under the said Act in any of Her Majesty's Colonies shall be appointed and may be suspended or dismissed by the Governor of the Colony for which he is appointed, subject in each Case of Appointment or Dismissal to the Approval of One of Her Majesty's Principal Secretaries of State.

Upon the next Vacancy in the Office of Superintendent of Convicts, &c. the same shall be abolished.

II. And be it enacted, That, upon the next Vacancy in the Office of Superintendent of Convicts in *England* under Sentence or Order of Transportation, so much of the said Act as provides for the Appointment of such Superintendent by Her Majesty, or any Overseer or any Assistant or Deputy to such Superintendent, shall be repealed; and that all Male Offenders in *England* under Sentence or Order of Transportation shall be thenceforth in the Custody and Management of such Person or Persons as shall be for that Purpose appointed by One of Her Majesty's Principal Secretaries of State; and the Provisions of the first-recited Act, not altered by this Act, with respect to the Superintendent and Overseer having Custody of any Offenders under the said Act, shall apply to the Persons severally having the Custody and Management of such Offenders under this Act.

Act to be construed with 5 G. 4. c. 84.

III. And be it enacted, That this Act shall be construed with and as Part of the said Act.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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