



1850.

No. 14.

ORDINANCE Enacted by the Governor of South Australia, with the advice and consent of the Legislative Council thereof.

To amend the Laws of the Province of South Australia relative to Larceny, and other Offences connected therewith.

[6th August, 1850.]

WHEREAS an Act of the Imperial Parliament was passed in the Twelfth Year of Her Majesty, intituled "An Act to amend the Laws in England and Ireland relative to Larceny, and other offences connected therewith," whereby, amongst other things, so much of an Act passed in the 7th and 8th Year of King George the Fourth, intituled "An Act for consolidating and amending the Laws in England relative to Larceny, and other offences connected therewith," as makes any person convicted of Simple Larceny, or of any Felony by such Act made punishable like Simple Larceny (except in the cases thereafter otherwise provided for), liable to be Transported beyond the Seas for the term of Seven Years is repealed, subject to certain provisions in the said first recited Statute mentioned:

Preamble.

7 and 8 G. 4, c. 29.

mentioned: And whereas it is expedient to abolish the punishment of Transportation for the offence of Simple Larceny and for Felonies by the said in part repealed Act, made punishable like Simple Larceny, subject to the provisions hereinafter contained:

Punishment of transportation taken away in the case of Simple Larceny.

Be it therefore Enacted by the Governor of South Australia, with the advice and consent of the Legislative Council thereof—That from and after the commencement hereof, any person convicted of Simple Larceny, or of any Felony by such in part repealed Act, made punishable like Simple Larceny (except in the cases therein otherwise provided for), shall no longer be liable to be Transported beyond the Seas for the term of Seven Years, but every person so convicted shall be liable, at the discretion of the Court, to be otherwise punished as by the said in part repealed Act is provided.

Except in Larcenies of property exceeding the value of £5, and of cattle.

II. Provided always, and be it Enacted, That this Ordinance shall not extend to any Larceny of any goods, chattels, or other property, being of a value exceeding Five Pounds, nor to any Larceny of any horse, sheep, or animal of the kind commonly called cattle; but every such Larceny shall be punishable in the like manner as if this Ordinance had not been passed.

Larceny, &c., after two previous summary convictions, punishable as before the passing of this Ordinance.

7 and 8 G. 4, cap. 30.

No. 5, of 1850, sec. 62.

III. Provided also, and be it Enacted, That where any person has been twice convicted of any of the offences punishable upon summary conviction under the provisions of the said in part repealed Act, or an Act of the Eighth Year of King George the Fourth, intituled “An Act for consolidating and amending the “Laws in England relative to malicious injuries to property,” or of any Misdemeanor under the provisions of an Ordinance of the Governor of South Australia, with the advice and consent of the Legislative Council thereof, bearing date the Twelfth day of March, One Thousand Eight Hundred and Fifty, “For the recovery of “Small Debts, and Trial and Punishment of Minor Offences in “South Australia,” whether each of the convictions has been in respect of an offence of the same description or not, and whether such convictions, or either of them, be before or after the passing of this Ordinance, or when any person has been once or oftener convicted of any Felony, whether upon summary conviction, or upon an indictment and trial by jury, if the person so twice convicted of Misdemeanor, or once or oftener so convicted of Felony, shall afterwards commit the offence of Simple Larceny, or any offence by the said in part repealed Act made punishable like Simple Larceny, such offender, being convicted thereof, shall be liable to be punished as if this Ordinance had not been passed.

IV. And

IV. And be it Enacted, That in any indictment against any person who shall have been before convicted of any Felony, or twice before convicted of any such Misdemeanor as aforesaid, it shall be sufficient to state that such person was at a certain time and place, or at certain times and places so convicted as aforesaid, without otherwise describing the offence or offences of which such person was so convicted as aforesaid, and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for the previous Felony, purporting to be signed by the Master, Clerk, or other Officer, having the custody of the Records of the Supreme Court, upon proof of the identity of the person of the offender, shall, in the case of a previous conviction before any Judge of the Supreme Court, and a copy of any such conviction, certified by the proper officer of the Court before which such conviction shall have been made, or proved to be a true copy, with like proof of the identity of the offender, shall, in the case of a summary conviction, be sufficient evidence to prove such previous conviction or convictions, and every such summary conviction shall be presumed to be unappealed against unless the contrary be shewn.

In indictments against persons twice convicted, it shall be sufficient to state the fact, and certified copies of convictions to be evidence.

V. And be it Enacted, That this Ordinance shall commence and take effect from and after the passing thereof. Commencement.

H. E. F. YOUNG,
Lieutenant-Governor.

*Passed the Legislative Council,
this Sixth day of August,
One Thousand Eight Hundred
and Fifty.*

W. L. O'HALLORAN,
Clerk of Council.