



ANNO OCTAVO

# Gulielmi IV. Regis.

No. 1.

*By His Excellency SIR JOHN FRANKLIN Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Greek Order of the Redeemer and a Captain in His Majesty's Royal Navy, Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council.*

*AN ACT for extending to this Colony sundry Statutes passed for the amendment of the Criminal Law.*

**W**HEREAS an Act was passed in England in the Third and Fourth year of His Majesty's Reign intituled "*An Act to Repeal so much of two Acts of the seventh and eight years and the ninth year of King George the Fourth as inflicts the punishment of Death upon persons breaking entering and stealing in a Dwelling House—also for giving power to the Judges to add to the punishment of Transportation for Life in certain cases of Forgery and in certain other cases*" by which said Act (amongst other things) the punishment of Transportation for Life or for any term not less than seven years is substituted for the penalty of Death in cases of House-breaking:—

Recites 3 & 4 Will. 4, c. 44, passed 1833.  
(House-breaking.)

**AND** WHEREAS an Act was passed in the fourth and fifth year of His Majesty's Reign intituled "*An Act to abolish the practice of Hanging the Bodies of Criminals in Chains.*"

Recites 4 & 5 Will. 4, c. 26, passed 1834.  
(Murder.)

AND WHEREAS it is expedient to extend the provisions of the said recited Acts to this Colony :—

The said Acts extended to this Colony.

BE IT THEREFORE ENACTED by His Excellency Sir John FRANKLIN Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council that from and after the fifteenth day of August now next ensuing the said two recited Acts of the third and fourth year and the fourth and fifth year of His Majesty's Reign shall extend to and be in force within this Island and its Dependencies and the several provisions thereof shall respectively be applied in the Administration of Justice accordingly.

Recites 5 & 6 Will. 4, c. 81, passed 1835.  
(*Letter stealing and Sacrilege.*)

II.—AND WHEREAS an Act was passed in England in the fifth and sixth year of His Majesty's Reign intituled "*An Act for abolishing Capital Punishments in cases of Letter Stealing and Sacrilege*" and it is expedient to extend the said Act to this Colony :—

The said Act extended to this Colony.

BE IT THEREFORE ENACTED that from and after the fifteenth day of August now next ensuing the said Act of the fifth and sixth year of His Majesty relating to Letter Stealing and Sacrilege shall extend to and be in force within this Island and its Dependencies and be applied in the Administration of Justice accordingly. *Provided* that in order to prevent any advantage being taken of a certain clerical error in the said Statute the words now next following inserted by mistake therein (that is to say) "*said Act so specified*" shall be read and taken as if they had been written and printed "*said Acts so specified*" and every person convicted of either of the offences in the said Act mentioned shall be dealt with and punished accordingly.

Proviso as to convictions before Act comes in force.

III.—PROVIDED ALWAYS that every person who on or before the said fifteenth day of August shall be convicted of Murder or House-breaking or of Letter Stealing or Sacrilege or of aiding abetting procuring or counselling either of those crimes shall be liable to be dealt with and punished the same as if this present Act had not been passed.

Recites 6 & 7 Will. 4, c. 30, passed 1836.  
(*Murder.*)

IV.—AND WHEREAS an Act was passed in England in the sixth and seventh year of His Majesty's Reign intituled "*An Act to repeal so much of two Acts of the ninth and tenth years of King George the Fourth as directs the period of the Execution and the Prison-Discipline of persons convicted of the crime of Murder.*"

Recites 6 & 7 Will. 4, c. 66, passed 1836.  
(*Lotteries.*)

AND WHEREAS another Act was passed in the same sixth and seventh year of His Majesty's Reign intituled "*An Act to prevent the advertising of Foreign and other illegal Lotteries.*"

Act as to Execution and Prison Discipline of Murderers, extended to this Colony.

AND WHEREAS it is expedient to extend the provisions of the said two last mentioned Acts to this Colony in the manner hereinafter provided. BE IT THEREFORE ENACTED that from and after the said fifteenth day of August next the said recited Act of the sixth and seventh year of His Majesty respecting the period of Execution and Pri-

son-Discipline of persons convicted of Murder shall extend to and be in force within this Island and its Dependencies and that from and after that day Sentence of Death may be pronounced after Convictions for Murder in the same manner and the Judge shall have the same power in all respects as after Convictions for other Capital Offences.

V.—AND BE IT ENACTED that if after the fifteenth day of August next any person shall print or publish or cause to be printed or published any Advertisement or other notice of or relating to any Lottery to be drawn in this Colony which shall not have been authorised by Act of Council or any Advertisement or other notice of or relating to the sale or other disposal of any Ticket Chance or Share of or in any Lottery not so authorised such person so offending shall forfeit and pay for every such offence the sum of Fifty Pounds to be recovered with full costs of Suit by Action of Debt or Information one moiety thereof to the use of His Majesty and the other to the use of the person informing or suing for the same.

Enactment as to illegal Lotteries, extended to this Colony.

VI.—AND WHEREAS an Act was passed in England in the sixth and seventh year of His Majesty's Reign intituled "*An Act to prevent the fact of a previous Conviction being given in evidence to the Jury on the case before them except when evidence to Character is given*" by which said Act the mode of proceeding is regulated in cases of Prosecutions for Felony committed after any previous Conviction for Felony.

Recites 6 & 7 Will. 4, c. 111, passed 1836.  
(Prosecutions for Felony after previous Conviction for Felony.)

AND WHEREAS another Act was passed in the same sixth and seventh year of His Majesty's Reign intituled "*An Act for enabling persons indicted of Felony to make their defence by Counsel or Attorney*" by which said Act (amongst other things) persons tried for Felony are allowed to make full defence by Counsel or (in certain cases) by Attorney and also are permitted to inspect and (in certain cases) to have copies of the Depositions taken against them.

Recites 6 & 7 Will. 4, c. 114, passed 1836.  
(Defence of Prisoners by Counsel.)

AND WHEREAS it is expedient to extend the provisions of the said two Statutes to this Colony.

BE IT THEREFORE ENACTED that from and after the fifteenth day of August next the said two last recited Statutes of the sixth and seventh year of His Majesty and the several provisions thereof shall extend to and be in force within this Island and its Dependencies and be applied respectively in the Administration of Justice accordingly. *Provided* that no Transported Offender under an existing sentence shall be entitled to make defence by Counsel or Attorney where upon Trial summarily before any Justice or two Justices only.

The said two Statutes extended to this Colony.

JOHN FRANKLIN.

Passed the Legislative Council  
this seventeenth day of July One  
thousand eight hundred and thirty-  
seven.

ADAM TURNBULL,  
*Clerk of the Councils.*

AN ACT

*For extending to this Colony  
sundry Statutes passed for the  
amendment of the Criminal  
Law.*