

VAN DIEMEN'S LAND.

COPIES of the LAWS and ORDINANCES passed by the Governor and Council
of the Colony of *Van Diemen's Land*: 1826—1830.

Anno Septimo GEORGII IV. REGIS. No. 1.

By his Excellency Colonel *George Arthur*, Lieutenant Governor of the
Island of Van Diemen's Land and its Dependencies, with the Advice of
the Legislative Council.

AN ACT for the Summary Punishment of disorderly Conduct in Female Offenders in the Service of the Government, or of any Inhabitant of Van Diemen's Land; and for vesting in the Principal Superintendent of Convicts the like Powers and Authorities as are given to the several Justices of the Peace, by a Law or Ordinance made in the Sixth Year of His Majesty's Reign, by his Excellency Sir *Thomas Brisbane*, late Governor of New South Wales, with the Advice of the Council of that Colony, intituled, "An Act for the Summary Punishment of disorderly Conduct in any Offender in the Service of Government, or of any Inhabitant of New South Wales or Van Diemen's Land," and by the present Act.

WHEREAS, under and by virtue of the said Law or Ordinance, the several Justices of the Peace in this Colony are authorized to take cognizance, in a summary way, of every complaint made against any such male offender as is therein described, for misbehaviour or disorderly conduct during the term of his transportation or subsisting conviction; and upon conviction of any such offender, to inflict or cause to be inflicted such moderate punishment as in and by the said Law or Ordinance is mentioned and allowed, subject nevertheless to the proviso and restriction therein in that behalf contained; But no provision is thereby made for punishing the misbehaviour and disorderly conduct of female offenders of the like description; For remedy whereof be it Enacted, by his Excellency the Lieutenant Governor of Van Diemen's Land, with the advice of the Legislative Council, That it shall and may be lawful for any Justice assigned to keep the peace within this Colony, to take cognizance, in a summary way, of any complaint made before him against any female offender convicted in Great Britain, or other parts of The King's dominions, and transported to this Colony, or convicted in this Colony and under sentence or order of transportation for misbehaviour or disorderly conduct during such her term of transportation, or during the time she shall be under such sentence or order of transportation, whether such female offender be in the service of the Government or of any inhabitant of this Colony or its dependencies, and upon conviction to punish such female offender, either by solitary confinement on bread and water, in any place appointed for safe custody, for any term not exceeding Fourteen days, or by confinement and hard labour in such place for any term not exceeding Three calendar months, according to the nature and degree of the misbehaviour or disorderly conduct.

Provided alway, That a quarterly return of all sentences imposed by every such Justice, under the authority of this Act, shall be made to the Governor or Acting Governor for the time being of this Colony.

And whereas, under and by virtue of an Act of Parliament made and passed in the Fifth year of His Majesty's reign, intituled, "An Act for the Transportation of Offenders from Great Britain," His Majesty is authorized to direct that male offenders

offenders convicted in Great Britain, and being under sentence or order of transportation, shall be removed to any part of His Majesty's dominions out of England, and there confined and kept to hard labour, under the custody and management of a Superintendent and an Overseer, to be respectively appointed as therein mentioned; and such Superintendent and Overseer are thereby respectively authorized to inflict upon any such offender who shall be guilty of any misbehaviour or disorderly conduct, during such custody, such moderate punishment as shall be allowed by one of His Majesty's Principal Secretaries of State; and such Superintendent is thereby authorized, in every such place of confinement, to act in every respect as a Justice of the Peace:

And whereas the duties of the Principal Superintendent of Convicts in this Colony are similar to those of the said Superintendent mentioned in the said Act of Parliament:

And whereas the necessity of resorting to the police and other magistrates for the punishment of such male offenders as aforesaid, in the service of the Government, as have been guilty of misbehaviour and disorderly conduct, hath frequently occasioned great hindrance both to the magistrates in the execution of their offices, and to the carrying on of the public works, and the maintenance of good order amongst such male and female offenders as aforesaid would be greatly facilitated by giving and conveying to the said Principal Superintendent of Convicts the powers and authorities hereinafter contained in that behalf:

Be it therefore further Enacted, by the authority and with the advice aforesaid, That it shall be lawful for the Principal Superintendent of Convicts for the time being to take cognizance, in a summary way, of every complaint made before him against any male or female offender convicted in Great Britain, or any other part of the King's dominions, and transported to this Colony, or convicted in this Colony, and being under sentence or order of transportation for any misbehaviour or disorderly conduct during his or her term of transportation, or during such time as he or she shall be under sentence or order of transportation, whether such offender be in the service of the Government, or of any inhabitant of the said Colony or its dependencies; and to examine into, hear, and determine the matter of every such complaint; and upon proof by one or more credible witnesses upon oath, (which oath such Principal Superintendent of Convicts is hereby authorized to administer,) to convict or acquit the offender against whom such complaint shall be made; and also, without the complaint of any other person, and without examination of any witness or witnesses, to convict any such male or female offender, being in the service of the Government, of any misbehaviour or disorderly conduct committed by him or her within the view of the said Principal Superintendent of Convicts; and upon every such conviction as aforesaid, to order and cause such moderate punishment to be inflicted upon the offender convicted, as under and by virtue of the said recited Law or Ordinance, and of the present Act, or either of them, any Justice of the Peace is authorized to inflict or cause to be inflicted in a like case.

Provided always, That nothing herein contained shall be deemed to authorize any Justice of the Peace, or the said Superintendent of Convicts, to take cognizance of any misbehaviour or disorderly conduct of any such offender as aforesaid, who, at the time of such misbehaviour or disorderly conduct, shall be in the private service of such Justice, or the said Principal Superintendent of Convicts respectively.

Provided also, That the said Principal Superintendent of Convicts shall make a weekly Return, on Monday in every week, to the Governor or Acting Governor for the time being of this Colony, of all convictions made and all punishments ordered by him, under the authority of this Act, during the week preceding every such Report.

Provided also, That this Act shall continue and be in force for the term of Two years from and after the making hereof, and no longer.

GEORGE ARTHUR.

Passed the Council this 1st day of August 1826.

John Montagu, Clerk of the Council.