



ANNO QUARTO

VICTORIÆ REGINÆ,

No. 5.

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 Her 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 to amend the Laws of this Colony relating to Robbery and Stealing from the Person.

WHEREAS the Laws of England relating to Robbery and stealing from the Person have been amended by an Act passed in the first year of the reign of Her present Majesty intituled *An Act to amend the Laws relating to Robbery and Stealing from the Person* and it is expedient to adopt the provisions of the said Act with such modifications and alterations as the circumstances and condition of the Colony require—**BE IT THEREFORE ENACTED** 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 Her Majesty's Royal Navy Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council of the said Island that so much of the said recited Act as repeals an Act made and passed in the seventh and eighth years of the reign of King George the Fourth intituled *An Act to consolidate and amend the Laws in England relative to Larceny and other Offences connected therewith* as relates to any person who shall rob any other person of any chattel money or valuable security—**AND** so much of the same PREAMBLE.
 Act as relates to any person who shall accuse or threaten to accuse any other person of any infamous crime with a view or intent to extort gain from him and who shall by intimidating him by such accusation or threat extort or gain from him any chattel money or valuable security 7 & 8 Geo. 4, c. 20.
 —**AND** so much of the same Act as relates to the punishment of principals in the second degree and of accessories before and after the fact respectively to such of the felonies punishable under the said last-mentioned Act as are hereinbefore referred to shall from and after the First day of October next so far as the same relates to the said several offences extend to and be applied in the administration of justice accordingly—**EXCEPTING** as to offences committed on or before that day which shall be dealt with and punished as if this Act had not been passed.

Punishment of robbery attended with cutting and wounding.

II. AND BE IT ENACTED that whosoever shall rob any person and at the time of or immediately before or immediately after such robbery shall stab cut wound beat strike or use any personal violence to any person or being armed with any offensive weapon or instrument shall rob any person shall be guilty of felony and being convicted thereof shall suffer death.

Robbery or attempting to obtain property by menace and assault with intent to rob.

III. AND BE IT ENACTED that whosoever shall rob or assault any person with intent to rob or shall with menaces demand any property of any person with intent to steal the same shall be guilty of felony and be liable at the discretion of the Court to be transported beyond the sea for life or for any term not less than fifteen years or to be imprisoned for any term not exceeding three years.

Punishment for obtaining property by threat of accusing of unnatural crime.

IV. AND BE IT ENACTED that whosoever shall accuse or threaten to accuse any person of the abominable crime of buggery committed either with mankind or with beast or of any assault with intent to commit the said abominable crime or of any attempt or endeavour to commit the said abominable crime or of making or offering any solicitation persuasion promise or threat to any person whereby to move or induce such person to commit or permit the said abominable crime with a view or intent in any of the cases aforesaid to extort or gain from such person and shall by intimidating such person by such accusation or threat extort or gain from such person any property shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be transported beyond the sea for the term of his or her natural life or for any term not less than fifteen years or to be imprisoned for any term not exceeding three years.

Punishment of accessories.

V. AND BE IT ENACTED that in the case of every felony punishable under this Act every principal in the second degree and every accessory before the fact shall be punishable with death or otherwise in the same manner as the principal in the first degree is by this Act punishable and every accessory after the fact to any felony punishable under this Act excepting only a receiver of stolen property shall on conviction be liable to be imprisoned for any period not exceeding two years.

Offences punishable by imprisonment.

VI. AND BE IT ENACTED that where any person shall be convicted of any offence punishable under this Act for which imprisonment may be awarded it shall be lawful for the Court to sentence the offender to be imprisoned or to be imprisoned and kept to hard labour in the common Gaol or House of Correction and also to direct that the offender should be kept in solitary confinement for any portion or portions of such imprisonment or of such imprisonment with hard labour not exceeding three months in one year as to the Court in its discretion shall seem meet.

Construction of the word "property."

VII. AND BE IT ENACTED that the word "property" shall throughout this Act be deemed to denote every thing included under the words chattel money or valuable security used in the said Act of the seventh and eighth years of the reign of King George the Fourth.

JOHN FRANKLIN.

Passed the Legislative Council this twenty-sixth day of August, one thousand eight hundred and forty,

RONALD C. GUNN, *Clerk of the Council.*