



ANNO DECIMO

## VICTORIÆ REGINÆ,

No. 16.

*By His Excellency SIR JOHN EARDLEY EARDLEY-WILMOT,  
Baronet, Lieutenant-Governor of the Island of Van Diemen's  
Land and its Dependencies, with the Advice of the Legislative  
Council.*

*AN ACT to define the Offence of absconding by transported Offenders and for providing further Punishment for the same in certain Cases.*

**W**HEREAS doubts have arisen as to the meaning of the offence of absconding by transported Offenders mentioned in the Fourteenth Section of the Act of this Island intituled *An Act to consolidate and amend the Laws in respect to the Constitution of Courts of General and Quarter Sessions to define the Jurisdiction Powers and Authorities of such Courts and of Justices of the Peace in certain Cases relating to transported and other Offenders and for other Purposes connected therewith* as also with respect to the meaning of the terms "transported and absconded offender" used in an Act of this Island intituled *An Act for the Control of transported Offenders and for other Purposes relating thereto* and it is expedient that such doubts be resolved—**BE IT THEREFORE ENACTED** by His Excellency SIR JOHN EARDLEY EARDLEY-WILMOT Baronet Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies by and with the Advice of the Legislative Council that every transported Offender who shall unlawfully depart or absent himself or be for whatever time absent from the service of his master or mistress or other employer or who shall depart or absent himself from his appointed residence or place of punishment confinement or labour or from the service of the Government with intent to escape from the Colony or with intent to remain absent more than twelve hours or with intent to prevent his lawful apprehension or who shall with whatever intent be unlawfully absent for more than twelve hours from the service of his master mistress or other employer or from his appointed residence or place of punishment confinement or labour or from the service of the Government shall be and be deemed and taken to be guilty of the offence of absconding and be dealt with as a transported and absconded Offender within the meaning of the said recited Acts.

PREAMBLE.

Absconding by transported Offenders defined.

II. AND BE IT ENACTED that if any transported Offender Absconding in

certain cases made  
a felony.

who shall be under sentence or order of confinement at or removal to Port Arthur or any other part of Tasman's Peninsula or Forestier's Peninsula or if any transported offender who shall have been or shall be lawfully sentenced to imprisonment with hard labour in or out of chains or ordered to be kept to hard labour in or out of chains in or on any of the Public Roads or Works shall afterwards and whilst under such sentence or order of confinement or removal as aforesaid or whilst directed to be worked with any chain gang or party kept to hard labour unlawfully depart from his place of punishment confinement labour or removal or shall escape out of custody during any such sentence or order of confinement or removal or hard labour as aforesaid he shall be guilty of felony and upon conviction thereof shall be transported beyond the seas for any term not exceeding Fifteen Years and any such transported Offender shall be deemed and taken to be a transported and absconded Offender within the meaning of the said recited Acts.

Discretionary  
power to Justices.

III. PROVIDED ALWAYS that in order to provide for cases requiring only a milder punishment in every such case of feloniously absconding as aforesaid if any two Justices shall think fit any such Offender or transported Offender as aforesaid shall and may be tried and dealt with for such offence of absconding under the Fourteenth and Twenty-ninth Sections of the said first recited Act in a summary way before or by such two Justices and shall or may be punished accordingly as by the said last-mentioned Fourteenth Section of the said Act is provided.

Resisting appre-  
hension being  
armed—felony.

IV. AND BE IT ENACTED that if any transported and absconded Offender shall resist or oppose his lawful apprehension being at the time armed with any offensive weapon or instrument he shall be guilty of felony and upon conviction thereof shall be transported beyond the seas for any term not exceeding Fifteen Years.

Persons sentenced  
to hard labour for  
felony may be  
dealt with as  
Convicts.

V. AND BE IT ENACTED that every person who shall be sentenced to hard labour or imprisonment with hard labour for felony or other infamous crime shall during the continuance of any such sentence be amenable to all the laws now or hereafter affecting or to affect transported Offenders and every such person shall and may be dealt with and punished for any offence committed by him in the same manner as transported Offenders can or may be dealt with and punished for the same offences committed by them and every person harbouring sheltering or concealing any person who shall at the time be under sentence of hard labour or imprisonment with hard labour for felony or other infamous crime and shall have absconded during such sentence shall be liable to such and the same penalties as are by any law now or hereafter to be made in that respect imposed or to be imposed for harbouring sheltering or concealing transported and absconded Offenders.

Harbouring them.

E. EARDLEY-WILMOT.

Passed the Legislative Council, this twenty-  
first day of September, one thousand eight  
hundred and forty-six,

ADAM TURNBULL, *Clerk of the Council.*