



ANNO UNDECIMO

GEORGII IV. REGIS.

No. 9.

By His Excellency Colonel GEORGE ARTHUR, Lieutenant-Governor of the Island of Van Diemen's Land, with the advice of the Legislative Council.

AN ACT to facilitate the Prosecution of Servants for Larceny and Embezzlement, and of Persons aiding the Escape of Felons or Offenders under Sentence of Transportation.

WHEREAS by the Act of Parliament passed in the ninth year of **Preamble.**
the reign of His present Majesty intituled "An Act to provide for the **9 G. 4 c. 83 s. 34.**
"Administration of Justice in New South Wales and Van Diemen's Land
"and for the more effectual Government thereof and for other purposes
"relating thereto" it is enacted and declared that any person or persons
who shall in any manner contrive aid abet or assist in the escape or
intended escape from any part of Van Diemen's Land or its Depend-
encies of any person or persons there being under or by virtue of any
judgment or sentence of transportation is and are and shall be deemed
guilty of a Misdemeanor and be liable to such punishment as is therein
in that behalf mentioned—AND WHEREAS it is expedient that the
strict proof required by Law of the conviction and sentence or order of
Transportation of a transported Felon or other offender should in all
prosecutions for any such Misdemeanor be dispensed with and that such
prosecutions should be in other respects facilitated as herein provided
for—**BE IT THEREFORE ENACTED** by His Excellency Colonel

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Information for
aiding escape.

GEORGE ARTHUR Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council that in any Information or Indictment for any such Misdemeanor it shall be sufficient to allege that the person whose escape or intended escape was contrived aided abetted or assisted was at the time of such escape or intended escape an offender under sentence of Transportation for a term then unexpired without setting forth or alleging any Information or Indictment against or trial or conviction of or judgment sentence or order of Transportation upon such last-mentioned person or any Pardon or intention of Mercy or signification thereof in respect of such transported person.

What shall be evi-
dence upon trial of
such information.

II. AND BE IT ENACTED that in every such prosecution as aforesaid if the person whose escape or intended escape was so contrived abetted or assisted shall at the trial be proved to have been at the time of such escape or intended escape a person ordinarily dealt with as and generally taken and reputed to be a Felon or other offender under an unexpired and unremitted sentence or order of Transportation and the Defendant charged with such Misdemeanor shall not by some certificate or instrument under the hand of some competent or authorized person in that behalf or by some other mode of proof show to the satisfaction of the Court that such sentence or order had at the time of such escape expired or been remitted then and in every such case the person whose escape or intended escape was so contrived aided abetted or assisted shall be deemed and taken accordingly to have been in fact at the time of such escape or intended escape an offender within this Island under and by virtue of a sentence of Transportation within the meaning of the said provision of the said Act of Parliament the non-production of the record of the conviction of such person or of any such sentence or order of Transportation or of an examined copy thereof in any such case notwithstanding.

III. AND WHEREAS by the Act of Parliament passed in the seventh and eighth years of the reign of His present Majesty intituled "An Act for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith" certain provisions are made for the punishment of Larceny and of Embezzlement and also of other Offences of a like nature committed by Clerks and Servants and it is expedient to remove doubts whether a Felon or other Offender under sentence of Transportation whose services are assigned or lent by the Government to any person or his or her Master for the time being can be deemed or dealt with as a Clerk or Servant within the meaning of the said Act of Parliament without proof of the conviction or sentence or order of Transportation of such person—BE IT THEREFORE

ENACTED that in every case where any person charged with any such offence as aforesaid against the said Act as a Clerk or Servant shall be proved to have been at the time of the commission of such offence a person ordinarily dealt with as and generally taken and reputed to be a Felon or Offender under an unexpired and unremitted sentence or order of Transportation and a person at such time in fact employed by the person named in the Information or Indictment as the Master or Mistress of such person in the capacity either of Clerk or Servant as the case may be such person shall be deemed and taken to have been a Clerk or Servant as the case may be within the intent and meaning of the said Act and shall be dealt with and punished accordingly unless such person so charged as such Clerk or Servant shall by some certificate or instrument under the hand of some competent or authorized person in that behalf or by some other mode of proof show to the satisfaction of the Court that such sentence or order of Transportation hath expired or been remitted—PROVIDED ALWAYS that in every such case as aforesaid the person so charged would have been deemed a Clerk or Servant as the case may be within the meaning of the same Act in case he or she had not been under any such sentence but had been so employed by and with his or her own consent,

In prosecutions against Clerks or Servants what shall be evidence of clerk ship or service.

IV. AND BE IT DECLARED AND ENACTED that no temporary or partial remission of sentence only by Ticket of Leave shall be deemed a remission of sentence within the intent or meaning of this Act.

Ticket of Leave not to be deemed a remission of sentence.

GEORGE ARTHUR,

Passed the Legislative Council this twenty-fourth day of April one thousand eight hundred and thirty,

W. T. PARRAMORE, *Clerk of the Council.*

JAMES BARNARD, GOVERNMENT PRINTER, HOBART TOWN. 1839,

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