



ANNO DECIMO-SEPTIMO

## VICTORIÆ REGINÆ,

No. 3.

*By His Excellency SIR WILLIAM THOMAS DENISON, Knight,  
Lieutenant-Governor of the Island of Van Diemen's Land  
and its Dependencies, with the Advice and Consent of the  
Legislative Council.*

***AN ACT to make temporary provision for the better  
Confinement and Classification of Prisoners imprisoned  
in the Gaols at Hobart Town and Launceston.***

[5th August, 1853.]

## PREAMBLE.

Sheriff empowered  
to remove trans-  
ported offenders  
imprisoned in the  
Gaols at Hobart  
Town and Laun-  
ceston to a Peni-  
tentiary or  
Factory.

**W**HEREAS the Gaols at Hobart Town and Launceston are insufficient for the proper accommodation classification and treatment of the Prisoners confined therein—AND WHEREAS it is expedient for temporary remedy thereof that there should be conferred upon the Sheriff of Van Diemen's Land the power of removing transported offenders who may be imprisoned in any such Gaol in the case of males to some Penitentiary used for the reception and punishment of transported male offenders and in the case of females to some Factory used for the reception and punishment of transported female offenders in manner hereinafter provided—BE IT THEREFORE ENACTED by His Excellency SIR WILLIAM THOMAS DENISON Knight 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 from and after the passing of this Act it shall be lawful for the Sheriff of Van Diemen's Land for the time being or for any Under Sheriff of such Sheriff and they are hereby respectively authorised and empowered from time to time by order in writing under the hand of such Sheriff or of any such Under Sheriff to direct the removal of and cause to be removed any transported offender then or at any time thereafter imprisoned in any Gaol at Hobart Town or Launceston over which the said Sheriff then hath or thereafter shall have the order and control—in the case of transported male offenders imprisoned in any such Gaol at Hobart Town to some Penitentiary at Hobart Town used for the reception and punishment of transported male offenders—in the case of transported female offenders imprisoned in any such Gaol at Hobart Town to some Factory at

17 VICT. No. 3.

Hobart Town used for the reception and punishment of transported female offenders—in the case of transported male offenders imprisoned in any such Gaol at Launceston to some Penitentiary at Launceston used for the reception and punishment of transported male offenders—and in the case of transported female offenders imprisoned in any such Gaol at Launceston to some Factory at Launceston used for the reception and punishment of transported female offenders any law or usage to the contrary in anywise notwithstanding.

II. AND BE IT ENACTED that upon the production of any such order in writing as aforesaid the person for the time being having the actual charge or superintendence of any such Penitentiary or Factory as aforesaid as the case may be shall receive such transported offender thereby ordered to be removed into his custody and him or her safely keep and detain in such Penitentiary or Factory as the case may be until removed therefrom as hereinafter provided or otherwise discharged by due course of law.

Keeper of Penitentiary or Factory to receive prisoners so removed.

III. AND BE IT ENACTED that the person for the time being having the actual charge or superintendence of any such Penitentiary or Factory as aforesaid to which any such transported offender shall have been so removed as hereinbefore provided shall and he is hereby enjoined from time to time whenever thereunto required by the Sheriff of Van Diemen's Land or any such Under Sheriff as aforesaid by order in writing under the hand of such Sheriff or Under Sheriff (which order the said Sheriff and any such Under Sheriff are hereby respectively authorised and empowered to make) redeliver and restore any such transported offender in custody in such Penitentiary or Factory as the case may be by virtue of any such order of removal as aforesaid to the custody of such Sheriff who shall thereupon have the lawful custody and control of such transported offender as if no such removal as aforesaid had taken place or been made.

Keeper of Penitentiary or Factory to redeliver up prisoners so removed upon demand made by the Sheriff.

IV. AND BE IT ENACTED that every transported offender whilst in custody in any such Penitentiary or Factory by virtue of any such order of removal as aforesaid shall be subject and liable to all rules and regulations then by law in force for the order and control of such Penitentiary or Factory as the case may be and to such punishments as may be then by law imposed for the breach of such rules or regulations or for other offences committed in such Penitentiary or Factory as the case may be in the same manner to all intents and purposes as any other transported offender confined in such Penitentiary or Factory as the case may be—PROVIDED ALWAYS that no such rule or regulation or any such punishment imposed as lastly hereinbefore mentioned shall in anywise hinder delay or prevent obedience by the person having the actual charge or superintendence of any such Penitentiary or Factory to any such order as aforesaid for the re-delivery and restoration of any such transported offender to the custody of the Sheriff but the same shall upon production thereof be forthwith complied with and obeyed in manner hereinbefore provided.

Prisoners so removed whilst in custody of Keeper of Penitentiary or Factory to be subject to the rules and regulations in force therein.

Law of escape &c.  
to apply to re-  
moved prisoner  
whilst confined in  
Penitentiary or  
Factory.

V. AND BE IT ENACTED that all laws at the time of the passing of this Act or thereafter in force in anywise providing for the offences of escape prison breach or rescue and regulating the punishment for the same shall be deemed and taken to extend and apply to and shall extend and apply to any transported offender confined in any such Penitentiary or Factory as aforesaid by virtue of any such order of removal as aforesaid as fully and amply to all intents and purposes as though such transported offender were a prisoner actually confined in any such Gaol as aforesaid and as though such Penitentiary or Factory as the case may be were any such Gaol under the order and control of the Sheriff as aforesaid.

Law of escape &c.  
to apply to Keeper  
of Penitentiary or  
Factory in respect  
of removed pri-  
soners whilst con-  
fined therein  
instead of to the  
Sheriff.

VI. AND BE IT ENACTED that during the period any such transported offender shall be in custody in any such Penitentiary or Factory as aforesaid by virtue of any such order of removal as aforesaid the said Sheriff shall be exempt from all pains penalties liabilities and forfeitures to which he would by the laws then in force be subject and liable in respect of any escape by such transported offender or otherwise in relation to such transported offender if such transported offender had continued in his custody as such Sheriff and all such pains penalties liabilities and forfeitures shall extend and apply to the person for the time being having the actual charge or superintendence of any such Penitentiary or Factory as aforesaid in which any such transported offender shall be confined by virtue of any such order of removal as aforesaid in as full and ample a manner to all intents and purposes whatsoever in respect of any escape by such transported offender or otherwise in relation to such transported offender whilst in the custody of such person as aforesaid as though such person having such charge or superintendence as aforesaid were the Sheriff of Van Diemen's Land and as such Sheriff had the custody of such transported offender as aforesaid.

Duration of Act.

VII. AND BE IT ENACTED that this Act shall continue and be in force until the end of the first Session of the Legislative Council of this Island which shall be holden in the year One thousand eight hundred and fifty-six and no longer.

RICHARD DRY, *Speaker.*

Passed the Legislative Council this twenty-  
eighth day of July, one thousand eight  
hundred and fifty-three.

FR. HARTWELL HENSLOWE.  
*Clerk of the Council.*

In the name and on the behalf of Her Majesty I assent to this Act.

W. DENISON,  
*Lieut.-Governor.*

*Government House, Hobart Town,  
5th August, 1853.*

JAMES BARNARD,  
GOVERNMENT PRINTER, VAN DIEMEN'S LAND.