

T A S M A N I A.



1868.

ANNO TRICESIMO-SECUNDO

VICTORIÆ REGINÆ,

No. 10.



AN ACT for the better Security of the Crown and Government of the United Kingdom. [17 September, 1868.]

WHEREAS it is expedient to make provision for the better Security of the Crown and Government of the United Kingdom : Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

PREAMBLE.

1 From and after the passing of this Act the provisions of an Act of the Parliament of *Great Britain* passed in the Thirty-sixth year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the Safety and Preservation of His Majesty's Person and Government against treasonable and seditious Practices and Attempts*, made perpetual by an Act of the Parliament of *Great Britain* passed in the Fifty-seventh year of the same Reign, intituled *An Act to make perpetual certain Parts of an Act of the Thirty-sixth year of His present Majesty, for the Safety and Preservation of His Majesty's Person and Government against treasonable and seditious Practices and Attempts, and for the Safety and Preservation of the Person of His Royal Highness the Prince Regent against treasonable Practices and Attempts*, and all the provisions of the last-mentioned Act in relation thereto, save such of the same respectively as relate to the compassing, imagining, inventing, devising, or intending Death or Destruction, or any bodily Harm tending to Death or Destruction, Maim or Wounding, Imprisonment or Restraint of the Person of the Heirs and Successors of His said Majesty King *George* the Third, and the expressing, uttering, or declaring of such compassings, imaginations, inventions, devices, or

Provisions of 36 G. 3, c. 7, and 57 G. 3, c. 6, except as to offences against the Person of the Sovereign, not to be in force in this Colony.

Treason Felony.

intentions, or any of them, shall not henceforth be deemed to extend to this Colony or be of any force within the same.

Offences declared Felonies by this Act to be punishable by Imprisonment.

2 If any person within this Colony compasses, imagines, invents, devises, or intends to deprive or depose Our Most Gracious Lady the Queen, Her Heirs or Successors, from the Style, Honour, or Royal Name of the Imperial Crown of the United Kingdom, or of any other of Her Majesty's Dominions and Countries, or to levy War against Her Majesty, Her Heirs or Successors, within any part of this Colony, in order by force or constraint to compel Her or Them to change Her or Their Measures or Counsels, or in order to put any force or constraint upon or in order to intimidate or overawe both Houses or either House of Parliament of the United Kingdom or of the Parliament of this Colony, or to move or stir any Foreigner or Stranger with force to invade this Colony or any other Her Majesty's Dominions or Countries under the obeisance of Her Majesty, Her Heirs or Successors, and such compassings, imaginations, inventions, devices, or intentions, or any of them, shall express, utter, or declare by publishing any Printing or Writing, or by any overt Act or Deed, every person so offending shall be guilty of Felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for Life or for any term not exceeding Fifteen years.

In Informations more than one overt act may be charged.

3 It shall be lawful, in any Information for any Felony under this Act, to charge against the offender any number of the matters, acts, or deeds by which such compassings, imaginations, inventions, devices, or intentions as aforesaid, or any of them, shall have been expressed, uttered, or declared.

Nothing herein to affect provisions of 25 *Edw.* 3, c. 2.

4 Nothing herein contained shall lessen the force of or in any manner affect anything enacted by the Statute passed in the Twenty-fifth year of King *Edward* the Third, *A Declaration which Offences shall be adjudged Treason.*

Informations for Felony under this Act valid, though the facts may amount to Treason.

5 If the facts or matters alleged in an Information for any Felony under this Act amount in Law to Treason, such Information shall not by reason thereof be deemed void, erroneous, or defective; and if the facts or matters proved on the trial of any person tried for any Felony under this Act amount in Law to Treason, such person shall not by reason thereof be entitled to be acquitted of such Felony; but no person tried for such Felony shall be afterwards prosecuted for Treason upon the same facts.

As to the punishment of Accessories before and after the fact.

6 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 in the same manner as the Principal in the First degree is by this Act punishable; and every Accessory after the fact to any such Felony shall on conviction be liable to be imprisoned for any term not exceeding Two years.

As to offences committed before the passing hereof.

7 Nothing in this Act contained shall affect the proceedings against any person for any offence committed before the passing hereof.

Short Title.

8 This Act may be cited as "The Treason Felony Act."