

No. III.

RUNAWAY CONVICTS. An Act to prevent the harbouring of Runaway Convicts and the encouraging of Convicts tippling or gambling. [19th January, 1825.]

Preamble. WHEREAS the harbouring and employing of Runaway Convicts greatly encourage them to abscond from their lawful services and mislead the thoughtless into bad courses of life and the harbourers and employers of such Convicts frequently become the receivers of stolen goods and conceal dangerous offenders from justice
Now

Runaway Convicts Harbouring.

Now therefore be it enacted by His Excellency the Governor of New South Wales with the advice of the Council that from and after the first day of February next any householder settler or other person in the Colony of New South Wales or any of its Dependencies harbouring in or about his or her house lands or otherwise or in any manner employing any person illegally at large shall pay to our Lord the King a fine of not less than Five Dollars nor more than Fifty Dollars for every such offence and a further sum of One Dollar for each and every day he she or they shall so harbour or employ such person whether knowing or not knowing him or her to be illegally at large and the said fine or fines shall be leviable upon conviction of the said ^{Fines for harbouring runaway Convicts.} ^{How leviable.} harbourer or harbourers employer or employers by two Justices of the Peace in a summary way upon the oath of one witness or other legal proof.

2. Provided always that if any householder settler or other person who shall be desirous of employing any laborer or other servant and of ascertaining whether such laborer or other servant is at large contrary to the legal regulations of the said Colony it shall be lawful for such householder settler or other person to apply to any Justice of the Peace residing within the district where such laborer or other servant is engaged or intended to be employed to enquire into the fact whether such laborer or other servant is or is not at large ^{Justices may enquire into the cases of servants brought before them} contrary to such regulations and such Justice of the Peace is hereby authorised and required upon such application forthwith to cause every such laborer and other servant to come before him and to enquire into such fact as aforesaid and if it shall appear to the satisfaction of the said Justice of the Peace that such laborer or other servant is not at large contrary to the said regulations and such Justice shall grant a certificate to that effect under his hand to such householder settler or other person so applying it shall be lawful for such householder settler or other person to employ such laborer or other servant without incurring or being liable to any fine or fines as aforesaid. ^{and grant certificates exempting their employers from fines.}

3. And whereas Convicts in the service of the Crown or assigned to private settlers and other individuals frequently resort to drinking or gambling houses to the great injury of their masters and detriment to public order Now therefore for the prevention thereof and in order to compel such Convicts duly to confine themselves to their lawful stations and business be it further enacted that the occupier or person in possession of every house being duly licensed to sell Ale Beer or Spirituous Liquors shall pay to the King a fine not exceeding Twenty Dollars nor less than Four Dollars and the occupier or person in possession of every house not being so licensed shall pay to the King a fine not exceeding Forty Dollars nor less than Eight Dollars for every such Convict as aforesaid who shall be proved by the oath of one person or by any other legal proof before any two Justices of the Peace in a summary way to have been and been received in such house as aforesaid for the purpose of drinking or gambling as aforesaid without the leave of his or her overseer master or mistress and in every such case as last aforesaid the leave of the master or mistress shall be proved by the owner of the house or it shall be held not to have been given and if the said offence of employing or entertaining Convicts as aforesaid shall have been committed on a Sunday or Sundays the fine or fines to be imposed in consequence therof shall be at the least Ten Dollars and not exceed Fifty Dollars. ^{Fines for receiving Convicts in houses for the purpose of drinking or gambling.}

4. And be it further enacted That if any of the said fine or fines hereinbefore imposed shall not be paid within three days after such convictions as aforesaid respectively the same may be enforced by any two Justices by attachment and sale of the goods and effects ^{How leviable.} ^{of}

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of the person or persons convicted as aforesaid and in case no such goods and effects shall be found whereon to levy the said fine or fines then it shall and may be lawful for such Justices before whom such convictions as aforesaid shall have taken place to issue their warrant to apprehend the person or persons so convicted and to cause such person or persons to be imprisoned and if the said Justices shall think fit put to hard labor for any time not less than ten days nor more than three calendar months.

Appropriation of such fines.

5. Provided that all fines which will be paid or levied under this Act shall be for the local purposes of the district wherein the same shall be levied and shall be paid and appropriated at the discretion and by the order of the Justices of the Court of Sessions holden for such district in the rewarding of such persons as shall inform against and prosecute to conviction any offender or offenders against this or any other Act or law for the peace order and good government of the said Colony and shall from time to time be duly accounted for to the Governor or Acting Governor of the said Colony and a true account of the appropriation of all such fines as aforesaid shall be published quarterly in the public newspapers.

Magistrates may suspend execution of sentences and rescind them.

6. And be it further enacted That it shall and may be lawful for the Magistrates aforesaid empowered by this Act to exercise a summary jurisdiction under special circumstances to suspend for ten days execution of any sentence had before them and if in their opinion a *fraud* not to have been detected by ordinary precaution may have been practised on the party receiving such sentence they are hereby directed to rescind the aforesaid sentence but after ten days shall have expired execution shall be peremptorily had thereupon Provided also that if any person or persons shall feel himself herself or themselves aggrieved by any conviction or sentence as aforesaid it shall be lawful for him her or them to appeal to the next Court of General or Quarter Sessions and if it shall be made to appear to the satisfaction of the Justices in the said Sessions that any fine or fines imposed as aforesaid is or are grievous it shall be lawful for such Justices of the Sessions to mitigate such fine or fines to such sum or sums as they in their discretion may think fit Provided also that such appeal shall in no case operate as a stay of the proceedings of the Justices of the Peace by whom any such conviction as aforesaid shall have been made.

Persons aggrieved by convictions or sentences may appeal to the Quarter Sessions.

The same forms of conviction to be used as are prescribed for the Courts of Quarter Sessions.

7. And to prevent inconveniences which often arise in summary proceedings before one or more Justices of the Peace from a want of a general form of conviction be it enacted that every conviction to be had under or by virtue of this Act or under any other Act hereafter to be passed in which summary convictions shall be authorised and no particular form for the record thereof shall be directed shall be drawn up in such manner and form as in and by certain rules and regulations made and published by His Excellency the Governor with the assistance of the Chief Justice of the Supreme Court for the conduct and despatch of business in the Quarter Sessions and bearing date the 26th day of October now last past is directed and prescribed.