

No. V.

MALE CONVICTS
PUNISHMENT.

An Act for the Summary Punishment of Misbehaviour or Disorderly Conduct in any Offender in the Service of Government or of any Inhabitant in New South Wales or Van Diemen's Land. [8th February, 1825.]

Preamble

WHEREAS by an Act passed in the fifth year of the reign of His Majesty King George the Fourth intituled "*An Act for Transportation of Offenders from Great Britain*" His Majesty is authorised to direct that male offenders convicted in Great Britain be kept to hard labor in any part of His Majesty's Dominions and that such male offenders should be under the management of a superintendent or overseer to be appointed as therein directed and further that such superintendent should have the same powers as are incident to the office of a sheriff or gaoler and if any offender as aforesaid should be guilty of any misbehaviour or disorderly conduct that the superintendent or overseer as aforesaid should have power to inflict or cause to be inflicted such moderate punishment or correction as therein allowed and further that such superintendent should have power to act in every respect as a Justice of the Peace for the place in which such offender as aforesaid should be employed to hard labour And whereas it is expedient that the powers and authorities in and by the said recited Act vested in any such superintendent or overseer as aforesaid over any such offenders so to be kept to hard labor within the Colony of New South Wales or the Dependencies thereof agreeably to the provisions of the said Act should be given and conveyed to the several and respective Justices of the Peace within the said Colony over every male offender convicted in Great Britain or other parts of His Majesty's Dominions and transported to the said Colony or convicted in the said Colony of any offence for which by law such offender would be subject to transportation

portation either directly or by means of the conditional mercy of the Crown. Now therefore be it enacted by His Excellency the Governor of New South Wales with the advice of the Council that the several and respective Justices assigned to keep the Peace within the Colony of New South Wales and Van Dieman's Land shall have power and authority in a summary way to take cognizance of all and every complaint made against any male offender for misbehaviour or disorderly conduct during such his term of transportation or subsisting conviction whether such offender be in the service of the Crown or of any inhabitant of the said Colony or its Dependencies and upon conviction of any such offender as aforesaid to inflict or cause to be inflicted such moderate punishment either by sentencing such offender to be worked at a public tread-mill for any number not exceeding ten days or to receive any number not exceeding fifty lashes or to solitary confinement on bread and water in any place appointed for safe custody for any time not exceeding seven days or to confinement and hard labor for any term not exceeding three calendar months according to the degree of the offence and as the same shall appear in justice to deserve. Provided always that nothing herein contained shall be held to authorise any Justice or Justices of the Peace within the said Colony or its Dependencies to inflict any such punishment as aforesaid upon any such offender who shall or may have been assigned to and who shall or may at the time of such misbehaviour or disorderly conduct be in the service of such Justice or Justices as aforesaid. Provided also that a quarterly Return of all Sentences imposed by the said Justices respectively shall be made to the Governor or Acting Governor for the time-being of the said Colony or its Dependencies. Provided also that this Act or Ordinance shall be and continue in force for two years from and after the passing thereof and then shall cease and determine.

Justices of the Peace
empowered to exercise a summary jurisdiction over male convicts serving under sentence

but may not inflict punishment on offenders in their own service.

Quarterly Returns of Sentence to be made.

Act to cease in two years.