

No. XVIII.**An Act to amend the Eighth Section and the
Four hundred and forty-sixth and Four
hundred and forty-ninth Sections of the
"Criminal Law Amendment Act of 1883."
[22nd May, 1884.]**CRIMINAL LAW
AMENDMENT.

WHEREAS by the eighth section of the Act passed to consolidate Preamble. and amend in certain respects the Criminal Law provision was made for reducing penal servitude sentences in certain cases from their prescribed fixed terms to minimum terms of penal servitude or in certain other cases to minimum terms of imprisonment. And whereas by the four hundred and forty-sixth section (extended by the four hundred and forty-ninth section) of the said Act any wanton or unprovoked assault is made punishable as therein mentioned only when the same is committed in company with another person and the said sections require amendment in those respects. Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. Where by any section of the said Act an offender is made liable to penal servitude for life or any other fixed term and the Judge shall in open Court declare in any case that in his opinion having regard to all the circumstances a less term of punishment than the minimum limited by the said eighth section ought to be awarded whether of servitude or imprisonment as the case may be it shall be lawful for such Judge to pass sentence for a less term. In certain cases a less punishment may be awarded than now allowed.
2. Nothing in this Act shall authorize a sentence to penal servitude for any less term than three years or in respect of sentences to imprisonment shall prevent the awarding of hard labour or solitary confinement or whipping where at present by law authorized or directing the offender to enter into recognizances to keep the peace and for good behaviour. Powers as to solitary confinement whipping &c., retained.
3. The words "in company with any other person" in that portion of section four hundred and forty-six of the Act aforesaid which indicates an offence by the italic letter (a) are hereby repealed. Provided that such repeal shall not affect any offence committed before the passing of this Act. Whipping for assault by one person.
4. This Act may be cited as the "Criminal Law Amendment Short title. Act of 1884."