

## No. X.

An Act to suppress Robbery and Housebreaking  
and the harbouring of Robbers and House-  
breakers. [21st April, 1830.]

ROBBERS AND  
HOUSEBREAKERS.

**W**HEREAS the crimes of Robbery and Housebreaking have increased to an alarming degree and it is become necessary to restrain the same as much as possible by temporary provision suited to the emergency of the occasion Be it therefore enacted That it shall be lawful for any person whatsoever having reasonable cause to suspect and believe any other person to be a transported felon unlawfully at large immediately by himself or with the assistance of other persons and without a warrant for such purpose to apprehend or cause to be apprehended every such suspected person and him to take or cause to be taken before any Justice of the Peace of the Colony for examination as hereinafter provided.

Preamble.

Persons suspected to be transported felons unlawfully at large may be apprehended

2. And be it further enacted That every suspected person who shall be taken before any Justice of the Peace as aforesaid shall be obliged to prove to the reasonable satisfaction of such Justice that he is not a felon under sentence of transportation and in default of such proof such Justice of the Peace may cause such person to be detained in safe custody until it can be proved whether he is a transported felon or free and in every such case the proof of being free shall be upon the person alleging himself to be free Provided always that every such Justice of the Peace may in his discretion cause every such suspected person to be securely removed to Sydney to be there examined and dealt with in like manner as aforesaid.

and detained until they prove otherwise.

Proviso for sending such persons to Sydney to be examined.

3. And be it further enacted That every person whatsoever who shall be found on the roads or in any other part of the said Colony with fire-arms or other instruments of a violent nature in his possession under circumstances affording a reasonable ground for suspecting that such person may be or intend to be a robber every such suspected person shall be liable to be apprehended and taken before a Justice of the Peace in like manner and be dealt with in all respects as hereinbefore is provided in reference to persons suspected of being transported felons unlawfully at large and in every such case the proof that such fire-arms or other instruments of a violent nature were not intended for an illegal purpose shall be upon the person in whose possession the same shall be found as aforesaid.

Persons found with fire-arms may be apprehended—

4. And be it further enacted That it shall be lawful for any person having reasonable cause for suspecting and believing that any other person may have any fire-arms or other instrument of a deadly nature concealed about his person to search or cause to be searched every such suspected person and in case of discovering any such fire-arms or other instrument of a violent nature to apprehend or cause to be apprehended such person and to take him before any Justice of the Peace to be dealt with in all respects as hereinbefore is provided in reference to persons found with fire-arms or other weapons in their possession.

Or suspected of having them concealed may be searched.

5. And be it further enacted That it shall be lawful for any Justice of the Peace having credible information that any robbers or housebreakers are harboured in the county or district wherein such Justice of the Peace shall be or reside to grant a general search warrant to any one or more Constables to search any dwelling-house or tenement or other place within or reputed to be within such county or district and it shall be lawful for any such Constable or Constables

Justices may grant general warrants to search houses where robbers are suspected to be harboured.

*Robbers and Housebreakers.*

Constables in virtue of such general warrant to break enter and search by day or by night any dwelling-house tenement or other place within or reputed to be within such county or district and to apprehend or cause to be apprehended every person whom such Constable or Constables shall have reasonable cause for suspecting and believing to be a robber or housebreaker and to seize and to secure all fire-arms and other arms or instruments of a violent nature and all goods and chattels which such Constable or Constables shall have reasonable ground for suspecting and believing to be stolen and also to apprehend all persons found in or about any such dwelling-house or tenement or other place and whom such Constable or Constables shall have reasonable grounds for suspecting and believing to harbour and conceal any such robbers and housebreakers as aforesaid and all persons arms goods and chattels so found seized and apprehended as aforesaid shall by such Constable or Constables be forthwith taken before a Justice of the Peace for examination and to be further dealt with according to law.

How persons and goods found therein shall be dealt with.

Robbers and housebreakers shall be speedily tried and punished.

6. And whereas it is expedient that robbers and housebreakers should be tried and punished as speedily as may be consistent with the ends of justice Be it therefore further enacted That all persons who shall be fully committed for the crime of robbery or of entering and plundering any dwelling-house with arms and violence shall be brought to trial as soon as possible and being lawfully convicted of any such crime and sentenced to suffer death shall be executed according to law on the day next but two after sentence passed unless the same shall happen to be Sunday and in that case on the Monday following and such sentence shall be passed immediately after the conviction of such offender unless the Court or Judge shall see reasonable cause for postponing the same.

Penalty for persons found with fire-arms unlawfully in their possession.

7. And be it further enacted That every person who shall be found with any fire-arms or other instrument of a violent nature in his possession and shall not prove to the satisfaction of such Justice of the Peace as aforesaid that the same was or were not intended to be illegally used as hereinbefore is provided shall be deemed to be guilty of a high misdemeanor and being thereof lawfully convicted shall be liable at the discretion of the Court to be imprisoned for any time not exceeding three years.

All persons shall be liable to assist in executing this law.

8. And for the more effectual enforcing this Law or Ordinance be it further enacted That all His Majesty's subjects shall be liable to be called upon to aid and assist any Constable or other person in executing and enforcing the several provisions thereof and every person who shall be so called upon to aid and assist and shall refuse or neglect so to do shall be liable to a fine not exceeding Five Pounds to be recovered and levied in a summary manner before any Justice of the Peace over and above any other punishment to which such person shall be liable by law.

Indemnifying persons for any thing done in furtherance of the objects hereof.

9. And be it further enacted That if any action or suit shall be brought against any Justice of the Peace Constable or other person or persons for any act or thing since the tenth day of this instant month of April or at any time during the continuance of this Act done in furtherance of the objects or in pursuance of the provisions of this Law or Ordinance the defendant or defendants in every such action or suit may plead the general issue and may give this Act and the special matter in evidence at any trial to be had thereupon and if the verdict shall be for the defendant or defendants in any such action or suit or if the plaintiff or plaintiffs be nonsuited or discontinue his her or their action or suit after the defendant or defendants shall have appeared or if upon demurrer judgment shall be given against plaintiff or plaintiffs the defendant or defendants shall have treble costs and shall

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*Publicans Licensing Acts Consolidation.*

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shall have like remedy for the same as any other defendant or defendants hath or have in any other case to recover costs by law.

10. And be it further enacted That this Law or Ordinance shall Continuance of Act. continue in force for two years from the passing and publication thereof.

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