

The Provincial Statutes of Lower-Canada, Being the second session of the fifteenth Provincial Parliament of Lower-Canada. Quebec: John Carleton Fisher & William Kemble, Law Printer to the King's Most Excellent Majesty, 1836.

6 William IV – Chapter 1

An Act for the Transportation of certain offenders from this Province to England, to be thence again Transported to New South Wales or Van Diemen's Land. (18th November, 1835.)

MOST GRACIOUS SOVEREIGN.

Whereas by the laws in force in this Province offenders convicted of certain offences are liable to be punished, under sentence of His Majesty's Courts of this Province, other than Courts Martial, by Transportation, and other convicts adjudged in the same Courts to suffer death may have received or may receive His Majesty's most gracious Pardon upon condition of Transportation: And Whereas by an Act passed in the United Kingdom of Great Britain and Ireland, in the fifth year of the Reign of His late Majesty George the Fourth, Chapter eighty-four, intituled, "An Act for the Transportation of Offenders from Great Britain," it is amongst other things enacted, that whenever any such Convict shall be brought to England in order to be Transported, it shall and may be lawful to imprison any such Convict, until such Convict shall be transported or shall become entitled to his liberty, and that after such imprisonment, certain provisions, rules, regulations, clauses, authorities, powers, penalties, matters, and things provided, by the Law of the United Kingdom concerning the safe custody, confinement, treatment, and transportation of any offenders convicted in Great Britain, shall extend and be construed to extend to every such Convict as aforesaid, as fully and effectually as if any such Convict, had been convicted and sentenced in England; And whereas in conformity to, and by virtue of the Act passed in the United Kingdom of Great Britain and Ireland, in the sixth year of the Reign of His late Majesty George the Fourth, chapter sixty-nine, intituled, "An Act for punishing offences committed by Transports kept to labour in the Colonies; and better regulating the powers of Justices of the Peace in New South Wales," or the Colony of Van Diemen's Land, as His Majesty shall be pleased to direct, to be the place within His Majesty's Dominions to which such Convicts brought to England as aforesaid from this Province shall hereafter transported: and whereas by His Message, dated at Quebec, the ninth day of November, in the year last aforesaid, His Excellency the Governor in Chief of this Province did by His Proclamation, dated at Quebec, the seventh day of October, in the year one thousand eight hundred and thirty-five, appoint the Colony of New South Wales or the Colony of Van Diemen's Land, as His Majesty shall be pleased to direct, to be the place within His Majesty's Dominions to which such Convicts brought to England as aforesaid from this Province shall be hereafter transported: And whereas by His Message, dated at Quebec, the ninth day of November, in the year last aforesaid, His Excellency the Governor in Chief offered to this Province the power to avail itself of the advantages held out by His Majesty's Government, in conformity to the enactments and provisions aforesaid, and recommended that provision should be made to defray the

expense of transporting such Convicts from this Province to England And whereas it, is expedient that this Province should avail itself of the advantages so held out by His Majesty's Government with regard to such Convicts, and that provision should be made for meeting the; expense of sending such Convicts to England; May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province;" And it is hereby enacted by the authority of the same, that from and after the passing of this Act, whenever any offender of offenders shall have been lawfully sentenced by any of His Majesty's Courts in this Province other than Courts Martial, to transportation for a term not less than seven years, or whenever any Convict or Convicts adjudged to suffer death by sentence of the same Courts, shall have received or shall receive His Majesty's Most Gracious Pardon upon condition of transportation, it shall and may be lawful to the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, from-time to time, to cause any one or more of such Convicts to. be removed from any place of confinement in this Province to any other safe place of custody, and thence to be sent to England, to be there imprisoned according to the provisions of the seventeenth Section of the Act above herein first cited, to be thereafter transported to the Colony of New South Wales, of to the Colony of Van Diemen's Land, as His Majesty shall please to direct, and further to be dealt with (until the said Convict or Convicts shall be-come entitled to his, her, or their liberty) as fully and effectually, and according to such laws, rules, and regulations as may have been or may hereafter be established With regard to Convicts sentenced and convicted at any Session of Gaol Delivery holden for any County within England, and subject to all the provisions, rules, regulations, clauses, authorities, powers, penalties, matters and things by Law established or to be established concerning the safe custody, confinement, treatment and transportation of any offender convicted in Great Britain.

II. And be it further enacted by the authority aforesaid, that whenever any such Convict or Convicts shall be about to be sent to England, in conformity of the provisions of this Act, the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, may give orders for his, her, or their removal to the ship or vessel to be employed for such transportation, and may authorize the Sheriff or Coroner for any District in this Province to make a contract for his, her, or their effectual conveyance to England, and safe delivery to such persons or authorities and at such places as may have been, or may be lawfully designated and appointed.

III. And be it further enacted by the authority aforesaid, that no such Convict shall be removed to any such ship or vessel without having been examined by an experienced Physician, and certified to such Sheriff or Coroner to be free from any putrid or infectious disease, and fit to be transported as aforesaid.

IV. And be it further enacted by the authority aforesaid, that such Sheriff or Coroner shall deliver every such Convict to the Contractor, together with an attested copy of the sentence of the Court by which each such Convict was sentenced or ordered for transportation, containing the sentence or order for transportation by virtue whereof such Convict shall be in custody, and also a certificate specifying concisely the description of his, or her crime, his or her age, whether married or unmarried, his or her trade or profession, and an account of his or her behaviour in prison before and after trial, and such information concerning his or her temper, disposition, connexions and former course of life, as may have come within such Sheriff or Coroner's knowledge, or of which he shall be possessed, together with such document and information as may be received from the Governor, Lieutenant Governor, or person administering the Government for the time being, with regard to any such Convict or Convicts; and such Contractors shall give a receipt in writing to the Sheriff or Coroner as his discharge.

V. And be it further enacted by the authority aforesaid, that before any such Convict shall be delivered to any such Contractor to be transported, such Contractor shall give sufficient security by a bond to His Majesty to be received by the said Sheriff or Coroner, that he will effectually transport or cause to be transported every such convict included in his contract to such place in England as shall be specified therein, and procure from the proper authorities to whom he shall be directed, a certificate of the delivery of such Convict, (death and casualties by sea excepted,) and that until so delivered, such Convict shall not be suffered to return to any part of His Majesty's Dominions in America, by the willful default of such Contractor or of any person employed by him.

VI. And be it further enacted by the authority aforesaid, that from and after the delivery of any such Convict or Convicts to such Contractor, his, her, or their transportation to England, safe custody, treatment and confinement, until they be delivered to the proper authorities in England as aforesaid, shall be regulated to all intents and purposes by the provisions of the said Act, intituled, "An Act for the transportation of offenders from Great Britain," and by all other laws, rules, or regulations which are now or may hereafter be in force and apply with respect to Convicts transported from Great Britain.

VII. And be it further enacted by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant Governor, or person administering the Government, by Warrant under his hand, and out of any unappropriated monies in the hands of the Receiver General, to advance and pay for all just and reasonable expenses incurred in carrying the provisions of this Act into effect, a sum not exceeding Fifteen pounds current money of this Province, for each Convict so delivered to be transported to England, thence again to be transported as aforesaid.

VIII. And be it further enacted by the authority aforesaid, that every person to whom shall be entrusted the expenditure of any portion of the monies hereby appropriated, shall make up detailed accounts of such expenditure, shewing the sum advanced to the accountant, the

sum actually expended, the balance (if any) remaining in his hands, and the amount of the monies hereby appropriated to the purpose for which such advance shall have been made, remaining unexpended in the hands of the Receiver General; and that every such account shall be supported by vouchers, therein distinctly referred to by numbers corresponding to the numbering of the items in such account; and shall be made up to and closed, on the tenth day of April, and tenth day of October in each year, during which such expenditure shall be made, and shall be attested before a Justice of the Court of King's Bench, or a Justice of the Peace, and shall be transmitted to the Officer whose duty it shall be to receive such account within fifteen days next after the expiration of the said periods respectively.

IX. And be it further enacted, by the authority aforesaid, that the due application of the monies appropriated by this Act, shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners, of His Majesty's Treasury for the time being, In, such manner and form as His Majesty, His Heirs and Successors shall direct, and that, a detailed account of the expenditure of all such monies shall be laid before the several branches of the Provincial Legislature within the first fifteen days of the then next Session thereof.

X. And be it further enacted and declared, that this Act shall continue and be in force until the first day of May, Eighteen hundred and thirty-eight, and no longer: Provided always, that the expiration of this Act shall not in any way affect or be construed to affect any convict who shall then have been delivered on board of any ship or vessel, to be conveyed to England as in this Act provided, or any matter or thing done or to be done in consequence of the delivery of such Convict as aforesaid; but this Act shall, with regard to such Convict, matter or thing be considered to be, and shall be in full force and effect until all the requirements and enactments thereof shall in that behalf have been fully complied with and accomplished.