

Court of Sessions

St. John's



ANNO QUARTO

GULIELMI IV. REGIS.

(2ND SESSION.)

CAP. V.

An ACT to provide for the Banishment of Persons convicted of certain Offences, and also to provide certain modes of Punishment in divers Criminal Cases.

[12th June, 1834.]

WHEREAS it is expedient to make further provision for the punishment of Persons convicted of certain Offences in Newfoundland, and to authorize the infliction of other punishments upon Offenders than those which may now be legally awarded: *Be it therefore enacted*, by the Governor, Council and Assembly of Newfoundland, in Parliament assembled, and by the authority of the same, that when any Person shall be convicted of any crime for which he or she shall be liable by Law to be Transported, or to receive any Infamous or Corporal Punishment, the Court before which such Person shall be so convicted, or any Court holden for the same place having like jurisdiction, instead of the sentence of Transportation, or of such Infamous or Corporal Punishment, shall and may, should it think fit so to do, order and adjudge that such person be Banished from this Island, for and during such a number of Years, or for Life, as to the Court in its discretion shall seem meet: and shall also adjudge that such person be confined and kept to Hard Labour, until such person shall have procured, or have been provided with, a passage to some Port or Place, beyond the Government of Newfoundland, and shall have been there landed, put on shore, and discharged by the Master of the Vessel.

Preamble.

Offenders liable to transportation or corporal punishment may, under this Act, be banished;

---and kept at hard labour till a passage be provided.

II.—*And be it further enacted*, that it shall and may be lawful for the Sheriff of Newfoundland for the time being, or for any Justice of the Peace having jurisdiction where such person shall have been convicted, to contract with the Master or Owner of any such Vessel, bound for any Port not being within the Government of this Island, for the removal of any Convict under sentence of Banishment; and upon delivering such Convict on board such Vessel, to issue his Warrant to the Master of such Vessel, committing the said Convict to the custody of such Master, who shall thereupon be punishable

Sheriff or Justices of Peace to contract with masters of vessels for such passage.

Masters liable to be punished for escape of such convicts.

for the escape of any such Convict from the said Vessel to any place within the Government of Newfoundland, in like manner as any Constable, or other Peace Officer, having the custody of any Prisoner, by virtue of any Warrant from any Justice of the Peace, would be liable to be punished for the escape of such Prisoner with whose custody he should be so charged.

Offenders so banished, returning to the colony, to be whipped.

III.—*And be it further enacted*, that if any Person on whom such sentence of Banishment shall have been passed as aforesaid, or to whom His Majesty, His Heirs or Successors, shall be graciously pleased to extend the Royal Mercy, on condition of his or her leaving this Island, for any term of years or for life, shall be found at large in any part thereof, without some lawful cause, after he or she shall have been so put on board as aforesaid, before the expiration of the Term for which such Convict shall have been so banished, or shall have so consented to leave the Island, every such Offender being thereof lawfully convicted, shall be sentenced to be kept at Hard Labour for such period as the Court passing such sentence shall think proper; or shall, in addition thereto, be sentenced to be once, twice or thrice publicly or privately Whipped, and to be Banished, for the term of his or her Natural Life, as to the Court shall seem meet: *Provided nevertheless*, that the punishment of Whipping shall not in any case be inflicted on a Female.

Proviso: whipping not to be inflicted on females.

Offenders liable to imprisonment and hard labour, to be kept at work on the high-ways;

—and to wear an iron clog or shackle;

—and may also be kept in solitary confinement.

IV.—*And be it further enacted*, that when any Person shall be convicted of any Offence for which, by the Law of England, Imprisonment and Hard Labour may be awarded, it shall and may be lawful for the Court, in its discretion, to direct such Offender to be kept at Hard Labour in some Gaol, or House of Correction, or to be employed on the High Ways, Streets or Roads, in any part of this Island, or both, and during the hours of Labour to wear an Iron Clog, or other Shackle, to prevent the escape of such Offender; and also to direct that the said Offender shall be kept in Solitary Confinement for the whole, or any portion or portions of such Imprisonment as to the Court, in its discretion, may seem meet; and to make such other order for the safe-keeping of such Offender, when off work, as to the said Court shall seem expedient and necessary.

Supreme Court to make regulations for prison discipline.

V.—*And be it further enacted*, that it shall and may be lawful for the Supreme Court of Newfoundland to make such Rules and Regulations touching the Care, Custody, Treatment, Superintendence, Hours of Labour, Food, and General Management of Prisoners, either before or after Conviction and Sentence, as to the said Court shall seem fit and necessary for the support of a proper Prison Discipline.