

*Laws of Her Majesty's Province of Newfoundland*, passed in the year 1863.

26 Victoria – Chapter 12

**An Act to make further Provision for the Punishment of Persons convicted of certain Offences under circumstances of Aggravation. (Passed 25th March, 1863.)**

Whereas it is expedient to make further provision for the Punishment of Persons convicted of certain Offences under circumstances of aggravation:

Be it therefore Enacted by the Governor, Council and Assembly, in Legislative Session convened, as follows:

- I. When any Person shall be Convicted in any Court of Record, or before any Stipendiary Justice of the Peace in this Island, of any Felony or Misdemeanor, and it shall be proved at the trial, to the satisfaction of the Court or Justice, that such Person has been previously convicted before any Court of Record or Stipendiary Justice of the Peace in this Island, of the same or of any other Felony or Misdemeanor, it shall be lawful for such first mentioned Court or Justice, if they shall think fit, to direct and adjudge that, in addition to any other Punishment that may be by Law inflicted for such second Offence, such Person shall be once, twice, or thrice publicly or privately Whipped; and in such adjudication to prescribe the number of Stripes to be given on each occasion; and such adjudication shall be carried into effect by the Gaoler of the Prison in which such Person may be confined: Provided that not more than Twenty-five Stripes shall be given at any one time.
- II. Every Person confined in any Gaol in this Island who shall wilfully Injure or Destroy any part of the Furniture of such Gaol, or Damage any of the Walls, Floors, or other parts thereof, or shall Assault any Officer or Prisoner of or in such Gaol, shall be guilty of a Misdemeanor, and may be tried therefor in a summary manner before any Stipendiary Justice of the Peace, and upon conviction shall be subject to further Imprisonment not exceeding One Calendar Month, and in the discretion of the said Justice shall also be liable to be punished by Whipping, to the extent and in manner provided in the preceding Section of this Act.
- III. No Female shall be subject to the operation of this Act.