

Laws of Her Majesty's Province of Newfoundland, passed in the year 1865. J. C. Withers,
Queen's Printer, 1865.

28 Victoria – Chapter 9

An Act to continue the Punishment of Banishment in certain cases. (Passed 7th April, 1865.)

Whereas by reason of recent changes in that part of the Criminal Law of England which relates to the Transportation of Convicts, the Laws of this Island on the subject of the Banishment of Criminal Offenders, have become, in a great degree, inoperative; and whereas it is expedient to continue the Punishment of Banishment in certain cases:

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

- I. It shall be lawful for the Supreme and Circuit Courts of this Colony, when any Person shall be convicted, before them, of any Felony not a Capital Felony, if they shall think fit, to adjudge and sentence such Person to be Banished from this Colony and its Dependencies for life, or for a term of years.
- II. Every such Judgment or Sentence shall be carried into effect by the Sheriff of the District in which, at the time of such Judgment being given, the Court pronouncing the same shall preside, or, in cases where the Offender shall be removed to the Central District, under the provisions hereinafter contained, by the Sheriff of the District last mentioned.
- III. If any Person upon whom such Judgment shall have been pronounced and carried into effect, shall, before the expiration of the time for which he shall have been Banished, return to this Colony or its Dependencies, his punishment in that behalf not having been lawfully remitted, such Person shall be guilty of Felony, and, upon conviction, shall be sentenced to be again Banished for the same term for which he was at first sentenced; and shall, in addition, prior to such second Banishment, be imprisoned, with hard labor, for any period not exceeding Twelve Months, or be otherwise dealt with as now by Law provided with respect to parties convicted for the second time of Felony; and such second sentence of Banishment shall be carried into effect in manner hereinbefore provided.
- IV. It shall be lawful for the Sheriffs of the Northern and Southern Districts of this Island, for the purpose of carrying into effect any sentence of Banishment adjudged in the Courts of the said Districts, and when deemed expedient, to remove the Person upon whom such sentence shall have been pronounced, to the Central District, and to deliver such Offender to the Sheriff of the Central District, by whom he shall be committed to Gaol in Saint John's until the sentence of Banishment can be carried into effect.