

ANNO SECUNDO

VICTORIAE REGINAE

No. 31

By His Excellency Sir John Franklin
 Knight Commander of the Royal Hanoverian
 Guelphic Order Knight of the Greek Order
 of the Redeemer and a Captain in Her
 Majesty's Royal Navy Lieutenant Governor
 of the Island of Van Diemen's Land and its
 Dependencies with the advice of the
 Legislative Council.

AN ACT to rectify and amend certain errors and supply certain omissions in the Act lately passed for the more perfect constitution of Courts of General Quarter Sessions and to provide for the more effectual punishment and control of transported and other offenders.

WHEREAS certain errors have been made and omissions have occurred in Various Sections of the Act passed on the Thirtieth day of October last past intituled "An Act for the more perfect constitution of Courts of General Quarter Sessions and to provide for the more effectual punishment and control of transported and other Offenders" rendering such Sections imperfect And it is desirable and necessary therefore to rectify such errors and supply such omissions Be it therefore Enacted By His Excellency Sir John Franklin Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council that from and after the passing of this present Act the sixth section of the said Act so as before entitled be amended by adding to the same after the word "England" the words "Provided always that in any case in which any Offender may become liable to Transportation for any period not exceeding seven years it shall be lawful for the said Court to sentence any such Offender to be transported beyond the Sea for any term not exceeding seven years nor less than three years."

II AND BE IT FURTHER ENACTED that the Seventh Section of the said Act be amended by inserting in the Second line thereof after the word "Years" the words "committed by any transported offender" and by inserting in the sixth line thereof between the words "to" and "labour" the word "hard" and by erasing from the said section after the word "Years" in the said sixth line thereof the words "or by solitary confinement for any term not exceeding three months in manner hereinafter mentioned" And by erasing from the said section after the word "extension" in the seventh line thereof the words "or solitary confinement".

III AND BE IT FURTHER ENACTED that the fifteenth section of the said Act be in like manner amended by inserting in the second line thereof between the words "for" and "absconding" the words "insubordination or" and by erasing from the said Section after the word "together" in the sixth line thereof the words "or by solitary confinement as hereinafter mentioned".

IV AND BE IT FURTHER ENACTED that the sixteenth section of the said Act be in like manner amended by striking thereout the word

"disorderly" in the third line thereof and by inserting the syllable "mis" before and adding the same to the word "conduct" in the third line of the said section.

V AND BE IT FURTHER ENACTED that the Eighteenth Section of the said Act be in like manner amended by striking thereout the words "Thirteenth or Fourteenth" in the first line thereof and inserting in lieu thereof the word "Seventh" and by striking thereout the word "Sixth Seventh" in the fourth line of the said section.

VI AND BE IT FURTHER ENACTED that the Nineteenth Section of the said Act be in like manner amended by inserting after the words "such Court" in the first line thereof the words "or two or more Justices" and by inserting in the second line after the words "such Court" the words "or two or more Justices" and by erasing from the third line of the said section the words "and tenth year" and by inserting in the same line between the words "Majesty" and "respectively" the words "or of the tenth year of His Majesty King George the Fourth" and by inserting in the third line thereof between the words "Court" and "May" the words "or Justices".

VII AND BE IT FURTHER ENACTED that the Twenty second Section of the said Act be in like manner amended by striking thereout from the fourth line of the said section after the word "kept" the words "in solitary confinement as hereinafter directed".

VIII AND BE IT FURTHER ENACTED that the Twenty fourth section of the said Act be in like manner amended by striking thereout from the second line thereof the word "Third" and inserting in lieu thereof the word "Ninth".

IX AND BE IT ENACTED that the twenty sixth section of the said Act be in like manner amended by striking thereout the word "nineteenth" in the sixth line thereof and substituting therefor the words "twenty second" and by striking out the word "seventeenth" in the same line and inserting the words "nineteenth" instead thereof.

X AND BE IT FURTHER ENACTED that the thirtyfirst section of the said Act be in like manner amended by striking thereout from and after the word "months" in the third line thereof the words "and in addition thereto it may be directed that the Offender shall be publicly or privately whipped if such Court or Justices or Justice shall think fit so to order".

XI AND BE IT FURTHER ENACTED that the sixty seventh section of the said Act be amended by erasing therefrom the word "next" between the words "said" and "preceding" in the fifth line of the said Section.

XII AND BE IT FURTHER ENACTED that the seventy seventh Section of the said Act be in like manner amended by striking out the word "fifth" and inserting in the stead thereof the word "sixth" after the word "twenty" in the first line thereof and by erasing the word "without" in the fifth line of the said last mentioned Section and inserting in the place thereof the word "with".

XIII AND BE IT FURTHER ENACTED that the several alterations and

insertions hereinbefore made in the sixth seventh fifteenth sixteenth eighteenth nineteenth twenty fourth twenty sixth and seventy seventh Sections of the said Act shall for all purposes connected therewith be deemed and taken to be and to have been parts and portions of the said Act and that the several matters hereinbefore erased from the Twenty second Thirty first and Sixty seventh Sections of the said Act shall be deemed not to have formed and shall not form any part or portion thereof.

XIV AND BE IT FURTHER ENACTED that the said Act with the several alterations and additions and erasures hereinbefore made shall be so printed and published accordingly.

XV AND BE IT FURTHER ENACTED that the several alterations insertions and erasures hereinbefore directed to be made shall immediately after the commencement of this Act be made by the Registrar of the Supreme Court and that the said several alterations insertions and erasures whenever made by him shall be taken to have been made immediately upon and after the commencement of this Act.

Passed the Legislative Council
this twenty eighth^{day} of November
one thousand eight hundred and
thirty eight.

JOHN FRANKLIN

ADAM TURNBULL
Clerk of the Councils
