

## No. 18.—1842.

AN ORDINANCE to make provision for the Punishment of certain Offences.

(L. S.) C. CHICHESTER,

*Acting Governor, Lieut.-Colonel 81st Regiment.*

WHEREAS it is expedient to make provision for the punishment of the several offences hereinafter mentioned, Be it enacted by His Excellency the Governor and Commander-in-chief of the said Island and its Dependencies, by and with the advice and consent of the Council of Government thereof, That from and after the passing of this Ordinance, if any offender, who shall have been or shall be sentenced or ordered to be transported or banished out of this Colony, either for life, or for any number of years, shall be afterwards at large within this Colony, without some lawful cause, before the expiration of the term for which such offender shall have been sentenced or ordered to be transported or banished, every such offender so being at large shall be guilty of felony, and being convicted thereof, shall be transported for the term of his natural life.

Returning from transportation before expiration of sentence.

Felonies, punishable.

Certain offences.

2. And be it enacted, That whenever any person shall be convicted of any of the following offences, that is to say—Breaking out of any prison in which such person shall be detained under sentence for any felony, or to which such person shall have been committed for any felony, or on suspicion thereof; the rescue of or attempt to rescue or set at liberty any person convicted of any capital felony going to execution or during execution; or the rescue of, or aiding or assisting in the rescue of any person convicted of felony, or of any person charged with or suspected of, or committed for any felony, or on suspicion thereof, where the person so charged, suspected, or committed, shall be afterwards convicted of the felony,—every such offender shall be guilty of felony, and shall suffer such punishment by imprisonment for such term not exceeding three years, and with or without hard labour, during the whole

Felonies, how punishable.

or such portion or portions of such imprisonment, as the Court shall see fit to direct.

3. And be it enacted, That when any person shall be convicted of any of the following offences, that is to say—Any attempt to commit any offence being felony at common law in England, or made felony by any Statute of the Imperial Parliament, Order in Council, or Ordinance in force in this Colony, at the time of such attempt being made; blasphemy, writing and publishing, or printing and publishing, any blasphemous libel: bribery, conspiracy, escape, or aiding or assisting in, or voluntarily or negligently permitting any escape: breaking out of any prison in which such person shall be lawfully detained on any civil process, or under sentence for any misdemeanor, or to which such person shall have been committed on any charge of misdemeanor: Any rescue of, or attempt to rescue any person, when such offence shall not be punishable as a felony: Keeping a common gaming-house, a common bawdy-house, or a common ill-governed and disorderly house: Wilful and corrupt perjury, or subornation of perjury: *Affray*.\* Sending any challenge with intent to provoke, or otherwise endeavouring to provoke any person to commit a breach of the peace: Sedition: Writing and publishing, or printing and publishing, any seditious libel, or publishing any obscene print, writing, or picture—in each and every of the above cases, every such offender shall be guilty of a misdemeanor, and shall suffer such punishment by fine or imprisonment, with or without hard labour, for such term not exceeding two years, or by both fine and imprisonment, as the Court shall think fit to direct.

Attempt to commit felony and certain other offences, to be misdemeanors.

Punishable by fine or imprisonment, with or without hard labour not exceeding two years.

4. And be it further enacted, That whenever any person shall be convicted of any of the following offences, that is to say—Writing and publishing, or printing and publishing, any scandalous or defamatory libel: Wilfully and knowingly selling any unwholesome provisions; or any nuisance of a public nature: Every such offender shall be guilty of a misdemeanor, and shall suffer such punishment by fine or imprisonment, for such term not exceeding one year, or by both fine and imprisonment, as the Court shall think fit to direct.

Certain other offences to be misdemeanors, punishable by fine or imprisonment not exceeding one year.

\* This word is repealed by Ordinance 7 of 1879.

Rule of construction.

5. And be it further enacted, That all and every act or acts which, if done or committed in England, would, according to the law of England, amount to or constitute any of the above-mentioned offences, shall be held to amount to and constitute the same offence in this Colony.

Court may order solitary confinement when imprisonment is with hard labour.

6. And be it further enacted, That when any person shall be convicted of any offence under this Ordinance, for which imprisonment with hard labour may be awarded, it shall be lawful for the Court to direct the offender to be kept in solitary confinement for such portion or portions of such imprisonment not exceeding one month at a time, and not exceeding three months in any one year, as to the Court in its discretion shall seem meet.

Commencement of Ordinance.

7. And be it enacted, That this Ordinance shall take effect from and immediately after the promulgation thereof.

Passed in Council this thirty-first day of December,  
one thousand eight hundred and forty-two.

THOMAS F. JOHNSTON,  
*Clerk of Council.*

## No. 6.—1843.

AN ORDINANCE to alter and amend the Laws which restrain the free disposition of Property by persons leaving heirs in the direct descending or ascending line.

(L. S.) H. MACLEOD.

**W**HEREAS by the laws in force in this Colony, all testamentary and other voluntary dispositions of the property of persons leaving heirs in the direct ascending or descending line, are voidable and may be set aside, so far as the legitima, or share, or portion of the inherit-