



**S U P P L E M E N T**  
TO THE  
**NEW SOUTH WALES**  
**GOVERNMENT GAZETTE,**  
OF WEDNESDAY, DECEMBER 30, 1840.  
Published by Authority.

THURSDAY, DECEMBER 31, 1840.

ANNO QUARTO  
VICTORIÆ REGINÆ.  
No. 26.

By His Excellency Sir George Gipps, Knight, Captain-General, and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, with the advice of the Legislative Council.

*An Act for ascertaining the number of the Inhabitants of the Colony of New South Wales, in the Year One thousand eight hundred and forty-one.*

**W**HEREAS, it is expedient that provision should be made for ascertaining the Presmble number of Inhabitants within the Colony of New South Wales, as well those who are free as those who are serving under sentence of transportation: Be it therefore enacted, by Justices to His Excellency the Governor of New South Wales, with the advice of the Legislative Council thereof, That on or before the first day of February, in the year One thousand eight hundred and forty-one, the Police Magistrates for the several and respective Police Districts, the boundaries whereof are set forth in a certain Government Notice, published by order of His Excellency the Governor, in the *New South Wales Government Gazette*, and bearing date the twelfth day of August, One thousand eight hundred and forty, and in any such Police District where there is no Police Magistrate, the Justices of the Peace, assembled in Petty Sessions at the chief place within the same, and the several and respective Commissioners of Crown Lands, in places beyond the boundaries allotted for location, in their respective districts, shall, and they are hereby required and directed to cause general notices to be affixed on the several Churches, Chapels, Market

Houses, and Court Houses, and on such other conspicuous places as they shall deem proper, within the said Colony, requiring every householder, employer of servants, and proprietor or occupier of land therein, to be prepared, upon the second day of March next ensuing, or on the days immediately subsequent thereto, to give all such information as is required by the Schedule hereunto annexed, marked A, to such persons as shall be appointed in manner hereinafter mentioned to collect the same.

*(Justices to appoint persons to collect the information hereby required.)*

II. And be it enacted, That the said Police Magistrates, Justices in Petty Sessions, and Commissioners, shall, on or before the fifteenth day of February next, appoint one or more fit and proper person or persons for each district, to collect the information hereby required; and the said person shall, on the said second day of March next, and on the days immediately subsequent thereto, if one day shall not be sufficient, proceed to take an account in writing, of the number of persons at that time being within the limits of their respective districts, and inform themselves of the several particulars specified in the said schedule, distinguishing the county or reputed county, as well as the parish in the County of Cumberland, and town or reputed town in which each such person shall be or reside, and the district, if beyond the boundaries prescribed for location to settlers; and the better to enable such persons to take such accounts, they are hereby authorised and empowered to ask such questions of the persons residing or being within their respective districts, concerning themselves and the number, quality, class, age, and trade or calling of the persons constituting their respective families, and all such other particulars as shall be necessary to fill up the said Schedule; and every such person re-

fusing or neglecting to answer, or wilfully giving a false answer to any such question, shall, for every such refusal or neglect, or false answer, forfeit and pay a sum not exceeding five pounds, nor less than forty shillings, at the discretion of the Justice or Justices before whom complaint thereof shall be made.

*(Persons so appointed to deliver over to the Justices their accounts of inhabitants within a certain time.)*

III. And be it enacted, That the persons so to be appointed as aforesaid, shall, within fourteen days after the said second day of March next, deposit with the respective Police Magistrates, Justices in Petty Sessions, and Commissioners as aforesaid, the several original accounts so taken in writing and subscribed by them, and shall make affidavit to the same in the form contained in the Schedule hereunto annexed, marked B, before the said Police Magistrates, Justices, or Commissioners, who are hereby authorised to take such affidavit, and shall answer all such questions as shall be put to them concerning such accounts by the said Police Magistrates, Justices or Commissioners; and if any such person shall fail or neglect to take such accounts, or shall knowingly make any false statement therein, or shall omit to deposit the same in manner hereby required, or shall refuse to answer, or wilfully give a false answer to any such question, he shall, on conviction, forfeit and pay for every such offence, a sum not exceeding five pounds, nor less than forty shillings.

*(Justices to examine the accounts and to transmit an abstract thereof to the Colonial Secretary.)*

IV. And be it enacted, That the said Police Magistrates, Justices in Petty Sessions, and Commissioners, shall, as soon after the receipt of such original accounts as may be, appoint a convenient day for examining the same, at which the persons so appointed as aforesaid shall attend, to answer all such questions as shall be put to them touching such accounts, and the correctness thereof; and such Police Magistrates, Justices, and Commissioners respectively, shall make a note of any apparent error therein, and shall cause an abstract of such accounts to be made according to the Form contained in the Schedule hereunto annexed, marked C, and shall subscribe a certificate in the terms therein set forth; and if the district for which such Police Magistrates or Justices shall act, shall comprise more than one County, or Parish in the County of Cumberland, or any Town or reputed Town, such Police Magistrates or Justices shall transmit a separate abstract in the form before mentioned of the persons residing or being in each such County, reputed County, or Parish in the County of Cumberland, or Town or reputed Town, and shall subscribe the same in manner aforesaid; and such Police Magistrates, Justices, and Commissioners respectively shall, on or before the first day of June next, transmit to the Colonial Secretary of New South Wales, the said abstracts, together with the said original accounts and the notes of apparent error, if any, as aforesaid; and if any Police Magistrate, Justice, or Commissioner, shall fail or neglect to perform the duties required in the premises, or any of them, he shall forfeit and pay the sum of fifty pounds, to be sued for and recovered in the Supreme Court.

*(As to District of Port Phillip.)*

V. And whereas, in the district of Port Phillip,

the boundaries of the Counties or reputed Counties of Bourke, Grant, and Normanby have not yet been definitively arranged and proclaimed: Be it enacted, That it shall be lawful for His Honor the Superintendent of the district of Port Phillip, for the purposes of this Act, to define the boundaries of the same, and the Police Magistrates of Melbourne, Geelong, and Portland, shall perform the several duties and have the like powers and immunities under this Act, within the said Counties or reputed Counties respectively, as are hereby imposed on and granted to the Police Magistrates of the Police Districts the boundaries whereof have been notified as aforesaid; and the Commissioners of Crown Lands in the said district of Port Phillip, shall, in parts thereof other than the said Counties or reputed Counties, perform the duties and have the like powers and immunities in their respective districts, as are respectively imposed upon and granted to the Commissioners in districts beyond the boundaries of location, as aforesaid.

*(Allowance to persons appointed by the Justices.)*

VI. And be it enacted, That it shall be lawful for the said Police Magistrates, Justices in Petty Sessions, or Commissioners as aforesaid, to cause an allowance for the number of days which any such person shall be actually employed in taking such account as aforesaid, at a rate not exceeding such account as aforesaid, at a rate not exceeding ten shillings a day, if employed on foot, and fifteen shillings a day, if employed on horseback, to be paid to the persons so to be appointed as aforesaid.

*(Fines to be recovered in a summary way.)*

VII. And be it enacted, That all the fines imposed under and by virtue of this Act shall be recovered in a summary manner before any one or more Justice or Justices of the Peace, unless hereinbefore otherwise provided, and if not immediately paid, shall be levied by distress and sale of the offenders' goods and chattels, by virtue of a warrant under the hand or hands and seal or seals of such Justice or Justices, rendering to the said offender the overplus (if any) after the charge of such distress and sale shall be deducted; and in case sufficient distress shall not be found, then it shall be lawful for such Justice or Justices to commit such offender to the common gaol, there to remain without bail or mainprize for a term not exceeding three months, unless the said fine and charges shall be sooner paid; and all fines imposed by this Act, when recovered, shall be paid one half to the informer or person who shall sue for the same, and the other to the Treasurer of the said Colony, to be applied towards defraying the expense of carrying this Act into execution.

*(Act not to extend to New Zealand.)*

VIII. And be it enacted, that nothing in this Act contained shall be deemed or construed to extend to that part of the Territory of New South Wales situated within the Islands of New Zealand.

"GEORGE GIPPS,"

Passed the Legislative Council  
this twenty-third day of October, One thousand eight hundred and forty.

Governor.

WILLIAM MACPHERSON,  
Clerk of Councils.

Reviewed under the 22nd section of the Act of

[ 1431 ]

Parliament, 9th Geo. IV. cap. 83, amended by the addition of an explanatory clause by way of rider, and finally passed the Council this sixteenth day of December, One thousand eight hundred and forty.

WILLIAM MACPHERSON,  
*Clerk of Councils.*

**EXPLANATORY CLAUSE OR RIDER  
REFERRED TO.**

Provided always, and be it declared and enacted, by the authority aforesaid, that nothing in this Act contained shall be deemed to authorise any person appointed to collect information under the

provisions of the same, to ask any other person directly any question relating to his or her Civil Condition, or to render any person to whom such a question may have been proposed, liable to any penalty under this Act for refusing to answer the same.

"GEORGE GIPPS,"  
*Governor.*

*Passed the Legislative Council  
this sixteenth day of December  
One thousand eight hundred  
and forty.*

WILLIAM MACPHERSON,  
*Clerk of Councils.*

**SCHEDULES REFERRED TO.**

A.

**NEW SOUTH WALES.**

(*Census of the Year 1841.*)

County, Parish, Town or District.

Return, No.

Name of Householder, Employer of Servants,  
or Person in Charge.

Place of Residence, and Street, if in a Town.

Questions to be proposed to every Householder, Employer of Servants, and Proprietor or Occupier of Land, in the Colony, by Persons appointed by the Justices of the several Towns, and Districts, respectively, to collect the information required by the Act.

Replies to be inserted by the Householder if able to write; otherwise, by one of the Collectors appointed by the Justices; under a Penalty, in case of failure, or neglect, or of giving a false answer, of not less than Forty shillings, nor more than Five pounds.

1. What is the Name of the Person at the head, or in charge of, this House, or Establishment? and who is the Proprietor thereof?
2. Is the Dwelling-house built of Stone? of Brick? or of Wood?
3. Is it completed, or unfinished?
4. Is it inhabited, or uninhabited?
5. How many Persons are residing in this House, or Establishment, including yourself?
6. How many of those persons are Free?
7. Be pleased to give me a Return of those Persons, in the Form annexed, distinguishing Males, and Females, and shewing the number of each Age, Religion, and Calling, as therein specified.

**Numerical RETURN shewing the Age, Sex, Religion, Occupation, Condition, and Trade or Calling, of Persons in the said House, or Establishment.**

		SEX.				
		MALE.		FEMALE.		TOTAL.
		Married.	Single.	Married.	Single.	
Numbers of each Age.	Under 2 Years .....					
	2, and under 7 .....					
	7, and under 14 .....					
	14, and under 21 .....					
	21, and under 45 .....					
	45, and under 60 .....					
	60, and upwards .....					
	* Totals....					
Civil Condition.	Born in the Colony .....					
	Arrived Free .....					
	Other Free Persons .....					
	Holding Tickets-of-Leave .....					
	In Government Employment .....					
	In Private Assignment .....					
	* Totals....					
Religion.	Church of England .....					
	Church of Scotland .....					
	Wesleyan Methodists .....					
	Other Protestant Dissenters .....					
	Roman Catholics .....					
	Jews .....					
	Mahomedans and Pagans .....					
	* Totals....					
Occupation.	Land Proprietors, Merchants, Bankers, and Professional Persons .....					
	Shopkeepers, and other Retail Dealers ....					
	Mechanics and Artificers .....					
	Shepherds, and others in the care of Sheep .....					
	Gardeners, Stockmen, and Persons employed in Agriculture .....					
	Domestic Servants .....					
	All other Persons not included in the foregoing classes .....					
	* Totals....					

Dated at

1841.

Signature of \_\_\_\_\_ Householder,  
Collector

\* N.B. These Totals, if the Return be correct, should correspond.

## B.

## FORM OF AFFIDAVIT.

I do hereby make Oath and Swear, that the Accounts numbered from \_\_\_\_\_ to \_\_\_\_\_ inclusive, severally signed, and now delivered by me, contain a true statement of the Number and Quality of the Persons residing within the District (or Town) of \_\_\_\_\_ to the best of my knowledge and belief.

Sworn before me at

This day \_\_\_\_\_ of \_\_\_\_\_ 1841. }  
J.P.

(Signed) A. B.

# NEW SOUTH WALES.—CENSUS OF THE YEAR 1841.

ABSTRACT of the RETURNS of the POPULATION, in the COUNTY, PARISH, TOWN, or DISTRICT, (as the Case may be) of

[illegible]

*WE, the Justices in Petty Sessions assembled, (or I, the Commissioner, as the case may be) do hereby certify that We (or I) have carefully examined the Original Accounts, from which this Abstract is made out, and have caused any apparent error to be noted thereon; and We (or I) believe this Abstract is correctly made out, according to the same.*

COMMISSIONERS.

$$\begin{array}{c} \text{or} \\ \hline P:P:P \\ J:J:J \end{array}$$

ANNO QUARTO  
VICTORIÆ REGINÆ.  
No. 29.

By His Excellency Sir George Gipps, Knight, Captain-General, and Governor-in-Chief of the Territory of New South Wales, and its Dependencies, an Vice Admiral of the same, with the advice of the Legislative Council.

*"An Act for the regulation of Gaols, Prisons, and Houses of Correction, in the Colony of New South Wales and its Dependencies, and for other purposes relating thereto."*

**W**HEREAS the Laws now in force in England for regulating Gaols and Houses of Correction, and for the classifica-

Preamble. tion, government, and instruction of the prisoners confined therein, are not applicable to the Colony of New South Wales, and it is expedient to make provision for the better regulation of Gaols, Prisons, and Houses of Correction in the said Colony and its Dependencies: Be it therefore enacted, by His Excellency the Governor of New South Wales, with the advice of the Legislative Council thereof, That the said Laws, now in force in England, shall not be construed to apply to the said Colony, and that from and after the passing and publication of this Act, all the Houses, Buildings, Enclosures, or places now used, occupied, and supported by the

Government of the said Colony as Public Gaols, Prisons, or Houses of Correction, and which are particularly specified in the Schedule to this Act annexed, marked A, shall be, and are hereby declared to be, respectively, the Public Gaols, Prisons and

Houses of Correction belonging to the said Colony of New South Wales and its Dependencies, respectively, and shall be subject to the several provisions hereinafter made for the regulation, management, care, and discipline of the same, and of the Prisoners therein respectively confined.

*(Governor may, by Proclamation, appoint places to be used as Public Gaols, &c.)*

II. And be it enacted, That all Buildings, Erections, Houses, and Premises which shall hereafter be erected, built, purchased, enlarged, or maintained at the Public expense, as and for Public Gaols, Prisons, and Houses of Correction, within the said Colony and its Dependencies, and which shall, by Proclamation to be from time to time published in the *New South Wales Government Gazette*, by order of the Governor for the time being of the said Colony, be declared and notified as such Public Gaols, Prisons, or Houses of Correction, shall from and after the publication of such notification, be severally deemed and taken to be the Public Gaol, Prison, or House of Correction of the Place or District where the same is or shall be situated within the said Colony or its Dependencies respectively, and shall be subject to the several provisions hereinafter made for the regulation, management, care, and discipline of the Public Gaols, Prisons, and Houses of Correction belonging to the said Colony and its Dependencies, and of the prisoners confined within the same.

*(Sheriff to have control of all Gaols, &c., and custody of all Prisoners confined therein.)*

III. And be it enacted, That all the said Public Gaols, Prisons, and Houses of Correction already established or used, and hereby declared to be the

Public Gaols, Prisons, and Houses of Correction in the said Colony and its Dependencies, and also all other Public Gaols, Prisons, or Houses of Correction which under the provisions of this Act shall hereafter be notified in manner aforesaid, to be and to be used as such within the said Colony or its Dependencies respectively, shall be, and are hereby declared to be (except as hereinafter excepted) under the charge, care, and direction of the Sheriff of New South Wales, subject however to the control of the Governor for the time being of the said Colony; and that all Prisoners committed for any crimes, offences, or misconduct to such Public Gaols, Prisons, and Houses of Correction, respectively, shall be deemed to be in the custody of the said Sheriff; and that all the Keepers and Under Keepers of the said Public Gaols, Prisons, and Houses of Correction, respectively, and the Assistants of such Keepers or Under Keepers, and all other persons required and employed for the safety and care of the said Public Gaols, Prisons, and Houses of Correction, and of the Prisoners confined therein, respectively, shall be nominated and appointed by the said Sheriff, subject to the approbation of the Governor for the time being of the said Colony: Provided, however, that the House of Correction now existing at or near the Carter's Barracks, in Sydney, shall be exempted altogether from the charge or control of the said Sheriff; and that it shall be lawful for the Governor for the time being of the said Colony, to exempt from the control of such Sheriff any other House of Correction, which either is, or hereafter may be, detached from any Gaol or prison, or separated therefrom by a substantial wall, and that every such House of Correction shall be exclusively under the control of the Visiting Justice or Justices, to be appointed in manner hereinafter directed.

*(Power of Judges to order imprisonment of offenders in any Gaol or House of Correction.)*

IV. And be it declared and enacted, That the Supreme Court of New South Wales, and the several Judges thereof, shall have full power and authority to order and direct the imprisonment of any offender, whether with or without hard labour, to take effect in any particular Gaol or House of Correction whatever, whether the same be under the control of the Sheriff, or any Deputy Sheriff, or not.

*(All Gaols, &c., shall be governed by regulations made by the Governor: Proviso as to regulations for management of Debtors' Prison.)*

V. And be it enacted, That all Gaols, Prisons, and Houses of Correction throughout the said Colony, shall be governed by such rules and regulations as shall from time to time be made for the good management of the same, by the Governor of New South Wales for the time being, with the advice of the Executive Council; Provided always, that it shall be lawful for the Judges of the Supreme Court at Sydney, and for the Resident Judges at Port Phillip and New Zealand respectively, to make all such rules and regulations for the management of all such Gaols or Buildings as now are or hereafter shall be appointed, or set apart, or used, for the imprisonment of Debtors, and to make such rules and regulations for the control of such Debtors therein respectively confined, as to the said Judges respectively shall seem meet.

*(Gaols to be also Houses of Correction, unless otherwise appointed.)*

VI. And be it enacted, that unless where it is otherwise provided by this Act, or the Schedule annexed thereto, or where it shall be otherwise declared or appointed by the Governor, under the authority of this Act, every Public Gaol shall be, and be taken for all purposes as being, equally a House of Correction, and also a Prison for Debtors, and also that every House of Correction shall be taken to be a Prison.

*(Governor may appoint Visiting Justices—their Duties.)*

VII. And be it enacted, That it shall and may be lawful for the said Governor to nominate and appoint some fit and proper person, being a Magistrate of the Territory, to be the Visiting Justice of each Gaol, Prison, or House of Correction within the said Colony, and the said Visiting Justice to remove or displace, and to appoint another or others in his stead; and every Visiting Justice so appointed shall be required to visit such Gaol, Prison, or House of Correction, at least once in every week, unless prevented by illness, or other sufficient cause, and shall from time to time make such reports to the Colonial Secretary as may be required by order of the said Governor: Provided that nothing herein contained shall be taken to abridge or affect the power of any Judge of the Supreme Court to visit and examine any such Gaol, House of Correction, or Prison, at any time, how, and when he may think fit.

*(Any Justice may visit Gaols, &c.—Penalty on Gaolers or others refusing admittance, &c.)*

VIII. Provided also and be it enacted, That it shall be lawful for any and every Justice of the Peace for the said Territory of New South Wales, as often as he may think fit, to enter and examine any Gaol, Prison, or House of Correction, within the said Territory, and any Gaoler, Turnkey, or other person employed in any such Gaol, Prison, or House of Correction, who shall refuse admittance to any such Justice of the Peace, or offer to him any hindrance or obstruction, shall, on conviction of the same, before any other two Justices, forfeit and pay the sum of Ten Pounds.

*(Persons imprisoned, but not sentenced to hard labour, may be set to work by Visiting Justices, unless they have the means of supporting themselves.)*

IX. And whereas persons convicted of offences are frequently sentenced to imprisonment, without being sentenced to hard labour; Be it enacted, That it shall be lawful for the Sheriff or Visiting Justice of any Gaol, Prison, or House of Correction, to order all such persons, except such Prisoners as maintain themselves, to be set to some work or labour, provided the same be not severe: Provided that no such Prisoner who has the means of maintaining himself, shall have any claim to be supplied at the public expense.

*(Separate confinement of Prisoners.)*

X. And be it enacted, That in order to prevent the contamination arising from the association of Prisoners, any Prisoner may be, by order of the Sheriff or Visiting Justice, separately confined during the whole or any part of his or her imprisonment; and such separate imprisonment shall not be deemed solitary confinement within the meaning of any Act forbidding the continuance of solitary confinement for more than a

limited time: Provided always that no cell shall be used for the separate confinement of any Prisoner which is not of such a size and so ventilated and lighted that a Prisoner may be confined therein without injury to health; and every Prisoner so confined, shall have the means of taking air and exercise, at such times as shall be deemed necessary by the Surgeon.

*(Penalty on persons introducing, or attempting to introduce Spirituous or Fermented Liquors into and Prison.)*

XI. And be it enacted, That if any person whomsoever shall carry, bring, or attempt or endeavour to carry or bring into any Prison to which the provisions of this Act shall extend, any Spirituous or Fermented Liquor, it shall be lawful for the Gaoler, Keeper, Turnkey, or any of their Assistants, to apprehend, or cause to be apprehended, such Offender, and to take him or her before a Justice of the Peace, who is hereby empowered and required to hear and determine such offence in a summary way; and if the said Justice shall lawfully convict such person of such offence he shall forthwith commit such Offender to some common Gaol or House of Correction, there to be kept in custody for any time not exceeding three months, without bail or mainprize, unless such Offender shall immediately pay down such sum of money, not exceeding Twenty Pounds nor less than Ten Pounds, as the said Justice shall impose upon such Offender, to be paid, one moiety to the informer, and the other moiety to the Colonial Treasurer of New South Wales, for the Public uses of the said Colony and in support of the Government thereof; and if such Offender shall be a Convict under a sentence of Transportation then unexpired it shall be lawful for the said Justice to sentence such Offender to be worked in irons upon any public works in the said Colony, for any term not exceeding two years.

*(Powers of Visiting Justices to punish parties offending in Prison.)*

XII. And be it enacted, That the Visiting Justice shall have power to hear and determine all complaints touching any of the following offences:—that is to say, disobedience of the Rules of the Prison; Assaults by one person confined in such Gaol upon another, where no dangerous wound or bruise is given; Profane Cursing and Swearing; any Indecent Behaviour; and any Irreverent Behaviour at or during Divine Service or Prayer; all which are hereby declared to be offences under this Act, if committed by any description of Prisoners whatsoever confined within any such Gaol, Prison, or House of Correction; and the said Visiting Justice shall also hear and determine all complaints of Idleness or Negligence in work, or wilful mismanagement of work, which are also hereby declared to be offences under this Act, if committed by any Prisoner under conviction for any Crime; and if the party complained of shall be convicted of any of the offences aforesaid, it shall be lawful for the said Visiting Justice to sentence such party to be confined in a solitary cell, on bread and water, for any term not exceeding seven days.

*(Punishment for repeated Offences, or Offences not mentioned in previous Section.)*

XIII. And be it enacted, That in case any Prisoner under sentence for any Crime shall be guilty of repeated Offences against the Rules of the

Prison, or shall be guilty of any greater offence than hereinbefore mentioned, upon complaint thereof to two or more Justices of the Peace, of whom the Visiting Justice may or may not be one, such Justices shall have power upon oath to inquire into and determine the matter of such complaint, and to order the Offender, on conviction, to be punished by close confinement for any term not exceeding one Calendar Month, or by personal correction, in case of prisoners convicted of felony, or sentenced to hard labour.

*(Punishment for conveying into any Prison any Disguise, Instrument, or Arms, to assist the Escape of any Prisoner.)*

XIV. And be it enacted, That if any person shall convey or cause to be conveyed into any Prison or House of Correction, any mask, visor, or other disguise, or any instrument or arms proper to facilitate the escape of any Prisoner, and the same shall deliver, or cause to be delivered, to any prisoner in such prison, or to any other person therein, for the use of any such prisoner, without the consent and privity of the Keeper of such Prison or House of Correction, every such person shall be deemed to have delivered such visor or disguise, instrument or arms, with intent to aid and assist such prisoner to escape, or attempt to escape; and if any person shall by any means whatsoever aid and assist any prisoner to escape, or in attempting to escape from any Prison or House of Correction, every person so offending, whether an escape be actually made or not, shall be guilty of Felony, and being convicted thereof, shall be transported beyond the Seas for any term not exceeding fourteen years.

*(As to the Removal of Prisoners, to allow of the repair or enlargement of Prisons, or in consequence of infectious disease.)*

XV. And be it enacted, That whenever it shall appear to the Governor for the time being of the said Colony, that it is necessary that the Debtors or other Prisoners, or any of them, confined in any Public Gaol, Prison, or House of Correction within the said Colony or its Dependencies, should be removed therefrom, in order that the same may be repaired, improved, enlarged, or re-built, or on account of any contagious or infectious disease therein, or of the overcrowded state of such Gaol, Prison, or House of Correction, or for any of the purposes of this Act, and due and sufficient notice thereof, in writing, shall, by order of the said Governor, be given to the Sheriff of the said Colony, it shall be lawful for the said Sheriff to remove such Debtors and other Prisoners, or any of them, to such other Gaol, Prison, or House of Correction, or other place of confinement within his jurisdiction, as the said Governor shall appoint, and consign them to during the time such Gaol, Prison, or House of Correction shall be repairing, improving, or re-building, or during the continuance of such contagious disease on account of which the said prisoners were removed, or during such time as may be requisite for any purpose of this Act; and when such Gaol, Prison, or House of Correction shall be made fit for the reception and safe keeping of such debtors and other prisoners, it shall be lawful for the said Sheriff to remove back thereto all such Prisoners as shall then be in his custody;— and, further, in case any newly-erected Gaol, or building previously used for other purposes, shall,

by Proclamation as aforesaid, be declared to be adopted, and directed to be thenceforth appropriated and used as a Public Gaol, Prison, or House of Correction for any particular place or district, it shall be lawful for the said Sheriff, on the day of the publication of such Proclamation, or at any time thereafter, to remove all Prisoners in his custody in such place or district, to such Gaol, Prison, or House of Correction, according to the sentences of the respective Prisoners.

*(As to the removal of Prisoners in cases of Contagious Disease or other emergency, where the order of the Governor cannot be previously obtained in seasonable time.)*

XVI. And be it enacted, That whenever any contagious disease, or other emergency, shall render necessary the immediate removal of the prisoners, or any of them, confined in any Gaol, Prison, or House of Correction, and that previous thereto it shall be impossible to obtain for that purpose the order of the Governor of the said Colony for the time being, it shall and may be lawful for the Visiting Justices, or the Police Magistrate of the district in which such Gaol, Prison, or House of Correction shall be situate, and he is hereby empowered, to issue an order to the Keeper of such Gaol, Prison, or House of Correction, to remove such Prisoners, or any of them, to such other Prison or Place of Confinement, within his jurisdiction, as shall be specified in such order: Provided always that every such removal shall be subject to all such restrictions, as to its duration, as are hereby required and directed in other similar cases of removal by order of the said Governor; and that every such order of the Visiting Justice, or Police Magistrate, together with the causes thereof, shall be forthwith notified to the said Governor, and also to the Sheriff of the said Colony: Provided, further, that no such removal under this Act shall be deemed, or taken to be an escape, and that nothing herein contained shall extend to discharge the Sheriff, or other Officer, from being answerable for the actual escape of any Prisoner in his custody.

*(Removing Prisoners from one Gaol to another, or to Hospital if necessary.)*

XVII. And be it enacted, That it shall be lawful for the Sheriff, or his Deputy, and for the Deputy-Sheriffs of Port Phillip and New Zealand respectively, to remove any Prisoner whatever from any Gaol under his or their control respectively, to any other Gaol being also under his or their control respectively; or in case of illness, to any Hospital or Infirmary, as occasion shall seem from time to time to require: Provided that no such removal shall actually take place without the leave of a Judge of the Supreme Court, on application made to him for that purpose.

*(Recovery and application of the Penalties, &c.)*

XVIII. And be it enacted, That all Fines, Forfeitures, and Penalties, imposed by this Act, or which shall be imposed by virtue of any Rule to be made in pursuance thereof, shall, on conviction of the offender, be levied by distress and sale of the Offender's Goods and Chattels, by warrant under the hand and seal of the Justice or Justices before whom such conviction shall be had; and for want of sufficient distress, such Offender shall be committed to the Common Gaol, or House of Correction, for such term, not exceeding six calendar months, as such Justice or Justices shall think