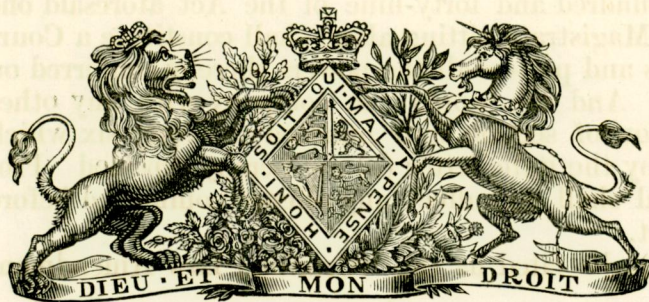


This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council Chamber,
Sydney, 27th March, 1884. }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUADRAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. .

An Act to amend the Eighth Section and the Four hundred and forty-sixth and three following Sections of the "Criminal Law Amendment Act of 1883."

WHEREAS by the eighth section of the Act passed to consolidate Preamble.
and amend in certain respects the Criminal Law provision was made for reducing penal servitude sentences in certain cases from their prescribed fixed terms to minimum terms of penal servitude or in certain other cases to minimum terms of imprisonment And whereas by the four hundred and forty-sixth section (extended by the four hundred and forty-ninth section) of the said Act any wanton or unprovoked assault is made punishable as therein mentioned only when the same is committed in company with another person and the punishment of whipping for any offence within the said four hundred and forty-sixth section can be inflicted only by the adjudication of two or more Justices and the said sections require amendment in those respects Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. Where by any section of the said Act an offender is made liable to penal servitude for life or any other fixed term and the Judge shall in open Court declare in any case that in his opinion having regard to all the circumstances a less term of punishment than the In certain cases a less punishment may be awarded than now allowed.
minimum

Criminal Law Amendment.

minimum limited by the said eighth section ought to be awarded whether of servitude or imprisonment as the case may be it shall be lawful for such Judge to pass sentence for a less term.

2. Nothing in this Act shall authorize a sentence to penal servitude for any less term than three years or in respect of sentences to imprisonment shall prevent the awarding of hard labour or solitary confinement or whipping where at present by law authorized or directing the offender to enter into recognizances to keep the peace and for good behaviour.

Powers as to solitary confinement whipping &c. retained.

3. Notwithstanding anything to the contrary in sections four hundred and forty-six four hundred and forty-seven four hundred and forty-eight and four hundred and forty-nine of the Act aforesaid one Police or Stipendiary Magistrate sitting alone shall constitute a Court under the said sections and possess all the powers thereby conferred on

One Stipendiary Magistrate to have jurisdiction in summary flogging cases.

two or more Justices And the words "in company with any other person" in that portion of section four hundred and forty-six which indicates an offence by the italic letter (*a*) are hereby repealed Provided that such repeal shall not affect any offence committed before the passing of this Act.

Whipping for assault by one person.

4. This Act may be cited as the "Criminal Law Amendment Act of 1884."

Short title.

Sydney: Thomas Richards, Government Printer.—1884.

[3d.]

VICTORIÆ REGINÆ

No.

An Act to amend the Eighth section and the four hundred and forty-sixth and three following sections of the "Criminal Law Amendment Act of 1883."

WHEREAS by the eighth section of the Act passed to consolidate and amend in certain respects the Criminal Law provision made for reducing penal servitude sentences in certain cases from their prescribed fixed terms to minimum terms of penal servitude or in certain other cases to minimum terms of imprisonment. And whereas by the four hundred and forty-sixth section (extended by the four hundred and forty-ninth section) of the said Act any warrant or unprovoked assault is made punishable as therein mentioned only when the same is committed in company with another person and the punishment of whipping for any offence within the said four hundred and forty-sixth section can be inflicted only by the adjudication of two or more justices and the said sections require amendment in those respects. It is therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. Where by any section of the said Act an offender is made liable to penal servitude for life or any other fixed term and the Judge shall in open Court declare in any case that in his opinion having regard to all the circumstances a less term of punishment than the minimum

CRIMINAL LAW AMENDMENT BILL (No. 2).

SCHEDULE of the Amendments referred to in Message of 16 April, 1884.

STEPHEN W. JONES,
Clerk of the Legislative Assembly.

Page 1, Preamble, lines 9 to 12. *Omit* “ and the punishment of whipping for any offence
“ within the said four hundred and forty-sixth section can be inflicted only by
“ the adjudication of two or more Justices ”

Page 2, clause 3, lines 10 to 15. *Omit* “ Notwithstanding anything to the contrary in
“ sections four hundred and forty-six four hundred and forty-seven four
“ hundred and forty-eight and four hundred and forty-nine of the Act aforesaid
“ one Police or Stipendiary Magistrate sitting alone shall constitute a Court
“ under the said sections and possess all the powers thereby conferred on two
“ or more Justices And ”

One Stipendiary Magistrate to have jurisdiction in summary flogging cases.

Page 2, clause 3, line 16. *After* “ forty-six ” *insert* “ of the Act aforesaid ”

THE SOUTH STATES



OF THE

WILLIAM B. BEGGS

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This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

*Legislative Council Chamber,
Sydney, 27th March, 1884.* }

JOHN J. CALVERT,
Clerk of the Parliaments.

The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with Amendments.

*Legislative Assembly Chamber,
Sydney, 16 April, 1884.* }

STEPHEN W. JONES,
Clerk of Legislative Assembly.

New South Wales.



ANNO QUADRAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. .

An Act to amend the Eighth Section and the Four hundred and forty-sixth and three following Sections of the "Criminal Law Amendment Act of 1883."

WHEREAS by the eighth section of the Act passed to consolidate and amend in certain respects the Criminal Law provision was made for reducing penal servitude sentences in certain cases from their prescribed fixed terms to minimum terms of penal servitude or in certain other cases to minimum terms of imprisonment And whereas by the four hundred and forty-sixth section (extended by the four hundred and forty-ninth section) of the said Act any wanton or unprovoked assault is made punishable as therein mentioned only when the same is committed in company with another person and the punishment of whipping for any offence within the said four hundred and forty-sixth section can be inflicted only by the adjudication of two or more Justices and the said sections require amendment in those respects Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. Where by any section of the said Act an offender is made liable to penal servitude for life or any other fixed term and the Judge shall in open Court declare in any case that in his opinion having regard to all the circumstances a less term of punishment than the minimum

Preamble.

In certain cases a less punishment may be awarded than now allowed.

c 39—

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Criminal Law Amendment.

minimum limited by the said eighth section ought to be awarded whether of servitude or imprisonment as the case may be it shall be lawful for such Judge to pass sentence for a less term.

5 2. Nothing in this Act shall authorize a sentence to penal servitude for any less term than three years or in respect of sentences to imprisonment shall prevent the awarding of hard labour or solitary confinement or whipping where at present by law authorized or directing the offender to enter into recognizances to keep the peace and for good behaviour.

Powers as to solitary confinement whipping &c. retained.

10 3. ~~Notwithstanding anything to the contrary in sections four hundred and forty six four hundred and forty seven four hundred and forty eight and four hundred and forty nine of the Act aforesaid one Police or Stipendiary Magistrate sitting alone shall constitute a Court under the said sections and possess all the powers thereby conferred on two or more~~

One Stipendiary Magistrate to have jurisdiction in summary flogging cases.

15 Justices And The words "in company with any other person" in that portion of section four hundred and forty-six of the Act aforesaid which indicates an offence by the italic letter (a) are hereby repealed Provided that such repeal shall not affect any offence committed before the passing of this Act.

Whipping for assault by one person.

20 4. This Act may be cited as the "Criminal Law Amendment Act of 1884."

Short title.

Sydney: Thomas Richards, Government Printer.—1884.

[3d.]

VICTORIÆ REGINÆ

No.

An Act to amend the Eighth section and the Four hundred and forty-sixth and three following sections of the "Criminal Law Amendment Act of 1883."

WHEREAS by the eighth section of the Act passed to consolidate and amend in certain respects the Criminal Law provisions made for reducing penal servitude sentences in certain cases from their prescribed fixed terms to minimum terms of penal servitude or in certain other cases to minimum terms of imprisonment: And whereas for the four hundred and forty-sixth section (extended by the four hundred and forty-seventh section of the said Act any woman or girl whose offence is made punishable as therein mentioned only when the same is committed in company with another person and the punishment is imprisonment or penal servitude for two or more years) and the said section requires amendment in those respects as are mentioned in the Schedule to the Bill for the purpose of giving effect to the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:

1. Where by any section of the said Act an offence is made punishable by penal servitude for life or any other fixed term and the Judge shall in open Court declare in any case that in his opinion having regard to all the circumstances a less term of punishment than the minimum