



ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

A.D. 1868.

No. 2.

An Act for the better security of the Crown and Government of the United Kingdom within the Province of South Australia.

[Assented to, 24th November, 1868.]

WHEREAS it is expedient to provide for the better security of the Crown and Government of the United Kingdom, within the Province of South Australia, by assimilating the Law respecting Treasonable Offences in the said Province, to the Law of the United Kingdom—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

1. The provisions of the Act of the Parliament of Great Britain, passed in the thirty-sixth year of the reign of his late Majesty George the Third, intituled “An Act for the safety and preservation of His Majesty’s person and Government against treasonable and seditious practices and attempts;” and also the provisions of another Act of the said Parliament, passed in the fifty-seventh year of the same reign, intituled “An Act to make perpetual certain parts of an Act of the thirty-sixth year of the reign of His present Majesty for the safety and preservation of His Majesty’s person and Government against treasonable and seditious practices and attempts, and for the safety and preservation of the person of His Royal Highness the Prince Regent against treasonable practices and attempts,” save such of the same respectively as relate to the compassing, imagining, inventing, devising, or intending death or destruction, or any bodily harm

Repeal of 36 Geo. III., c. 7, and 57 Geo. III., c. 6, except as to offences against the person of the Sovereign.

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harm tending to death or destruction, maim or wounding, imprisonment or restraint of the person of the heirs and successors of His said Majesty King George the Third, and the expressing, uttering, or declaring of such compassings, imaginations, inventions, devices, or intentions, or any of them, shall be and the same are hereby repealed.

Offences declared felonies by this Act to be punishable by imprisonment, with hard labor, for life, or not less than six months.

2. If any person whatsoever shall compass, imagine, invent, devise, or intend to deprive or depose our Most Gracious Lady the Queen, Her heirs or successors, from the style, honor, or Royal name of the Imperial Crown of the United Kingdom or of any other of Her Majesty's dominions and countries, or to levy war against Her Majesty, Her heirs or successors, within any part of the United Kingdom or any other of Her Majesty's dominions, in order by force or constraint to compel Her or them to change Her or their measures or counsels, or in order to put any force or constraint upon, or in order to intimidate or overawe both Houses or either House of the Parliament of the United Kingdom, or the Parliament of this Province, or to move or stir any foreigner or stranger with force to invade the United Kingdom or any other Her Majesty's dominions or countries under the obeisance of Her Majesty, Her heirs or successors, and such compassings, imaginations, inventions, devices, or intentions, or any of them shall express, utter, or declare by publishing any printing or writing, or by open and advised speaking, or by any overt act or deed, every person so offending shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned and kept to hard labor for the term of his natural life, or for any term not less than six months.

Time within which prosecution shall be commenced, and warrant issued.

3. No person shall be prosecuted for any felony by virtue of this Act in respect to such compassings, imaginations, inventions, devices, or intentions as aforesaid, in so far as the same are expressed, uttered, or declared by open and advised speaking only, unless information of such compassings, imaginations, inventions, devices, and intentions, and of the words by which the same were expressed, uttered, or declared, shall be given, upon oath, to one or more Justice or Justices of the Peace within six days after such words shall have been spoken, and unless a warrant for the apprehension of the person by whom such words shall have been spoken shall be issued within ten days next after such information shall have been given as aforesaid, and no person shall be convicted of any such compassings, imaginations, inventions, devices, or intentions as aforesaid, in so far as the same are expressed, uttered, or declared by open or advised speaking as aforesaid, except upon his own confession in open Court, or unless the words so spoken shall be proved by two credible witnesses.

In informations more than one overt act may be charged.

4. It shall be lawful in any information for any felony under this Act to charge against the offender any number of the matters, acts, or deeds by which such compassings, imaginations, inventions, devices, or intentions as aforesaid, or any of them shall have been expressed, uttered, or declared.

5. Nothing

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5. Nothing herein contained shall lessen the force of or in any manner affect anything enacted by the Statute passed in the twenty-fifth year of King Edward the Third, "A declaration which offences shall be adjudged Treason."

Nothing herein to affect 25 Ed. 3, c. 2.

6. If the facts or matters alleged in an information for any felony under this Act shall amount in law to treason, such information shall not by reason thereof be deemed void, erroneous, or defective, and if the facts or matters proved on the trial of any person informed against for any felony under this Act shall amount in law to treason, such person shall not by reason thereof be entitled to be acquitted of such felony, but no person tried for such felony shall be afterwards prosecuted for treason upon the same facts.

Information for felony under this Act valid though the facts may amount to treason.

7. In the case of every felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this Act punishable, and every accessory after the fact to any such felony shall, on conviction, be liable to be imprisoned, with or without hard labor, for any term not exceeding two years.

As to the punishment of accessories.

8. It shall not be lawful for any Court before which any person shall be prosecuted or tried for any felony under this Act, to order payment to the prosecutor, or the witnesses, of any costs which shall be incurred in preferring or prosecuting any such information.

No costs allowed in prosecutions under this Act.

9. This Act may be cited for all purposes as the "Treason Felony Act, 1868."

Short title.

In the name and on behalf of the Queen I hereby assent to this Act.

F. G. HAMLEY, Governor.