

agreement, without some lawful cause, before the expiration of his or her term of transportation or banishment, every such offender shall be guilty of Felony, and shall be liable to be transported beyond the Seas, for his or her natural life,† and previously to transportation shall be imprisoned for any term not exceeding four years;‡ and every such offender may be tried either in the District, County or Place where such offender shall be found at large, or in the District, County or Place in or at which such sentence, or order of transportation or banishment was passed or made.

Allegation of sentence, &c., of transportation sufficient, without reference to indictment.

XXVI. And be it enacted, That in any Indictment or Information against any offender for being at large in this Province contrary to the provisions of this Act, or of any other Act hereafter to be in force in this Province, it shall be sufficient to allege the sentence or order of transportation or banishment of such offender, without alleging any indictment, information, trial, conviction, judgment or other proceeding, or any pardon or intention of mercy, or signification thereof, of or against or in any manner relating to such offender.

Certificate of the sentence, by the Clerk of the Court, sufficient evidence, &c.

XXVII. And be it enacted, That the Clerk of the Court or other Officer having the custody of the Records of the Court where any such sentence or order of transportation or banishment shall have been passed or made, or his Deputy, shall, at the request of any person on behalf of Her Majesty, make out and give a certificate in writing, signed by him, containing the effect and substance only (omitting the formal part) of any indictment, information, and conviction of such offender, and of the sentence or order for his or her transportation or banishment, (not taking for the same more than the sum of five shillings,) which certificate shall be sufficient evidence of the conviction and sentence or order for the transportation or banishment of such offender; and every such certificate shall be received in evidence upon proof of the signature of the person signing the same.

The Court may order hard labor or solitary confinement as part of the sentence of imprisonment.

XXVIII. And be it enacted, That where any person shall be convicted of any offence punishable under this Act, for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour in the Common Gaol, or House of Correction, and also to direct that the offender shall be kept in solitary confinement for any portion or portions of the term of such imprisonment or of such imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year, as to the Court in its discretion, shall seem meet.\*

XXIX.

† But see 6 Vic. cap. 5. sec. 4. as to transportation.

‡ But see 6 Vic. cap. 5. sec. 2.

\* But see 6 Vic. cap. 5. sec. 2. and 14 & 15 V. c. 2, s. 2, if the imprisonment be for more than two years.