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Enclosed in Lord J: Russell's Despatch No 96 1840

Copy At the Court at Buckingham  
Palace the 22<sup>nd</sup> day of May 1840.

Present

The Queens Most Excellent Majesty  
in Council.

Whereas by an Act passed in the 5<sup>th</sup> year of the Reign of His late Majesty King George the 4<sup>th</sup> entitled "An Act for the Transportation of Offenders from Great Britain" it was amongst other things enacted that it should be lawful for His Majesty by and with the advice of His Privy Council from time to time to appoint any place or places

beyond

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beyond the seas either within or without His Majesty's Dominions to which Felons and other Offenders under Sentence or Order of Transportation or Punishment should be conveyed. And Whereas by an order Made by the Advice of his said late Majesty's privy Council on the 23<sup>rd</sup> June 1824. His said late Majesty was pleased in pursuance of the powers so vested in Him as aforesaid to appoint New South Wales and Van Dieman's Land and all Islands adjacent thereto, to be

places

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places to which Felons and other offenders then being, or thereafter to be under Sentence, or Order of Transportation or Punishment should be conveyed under the provisions of the said recited Act.

And Whereas by the said Act it was farther enacted that it should be lawful for His Majesty by any order or Orders in Council to declare His Royal Will and Pleasure that Male Offenders convicted in Great Britain and being under Sentence or Order of  
Transportation

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Transportation should be kept to labor in any part of His Majesty's Dominions out of England to be named in such Order or Orders in Council. And Whereas His said late Majesty in pursuance of the powers so vested in him was further pleased by and with the advice aforesaid by the Order in Council aforesaid to declare His Royal Will and Pleasure that Male Offenders convicted in Great Britain, and being under sentence

or

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or Order of Transportation should be kept to hard labor in His Majesty's Colony of Bermuda.

An Whereas by an Act of Parliament passed in the 6<sup>th</sup> year of the Reign of His said late Majesty entitled.

An Act for Punishing Offences committed by Transports Kept to labor in the Colonies and better regulating the Powers of justices of the Peace in New South Wales it was among other things enacted that it should and might be lawful

for

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for His said late Majesty by any order or Orders to be by Him from time to time for that purpose issued with the advice of His Privy Council to appoint, or by any such order or orders in Council to authorize the Governor, Lieutenant Governor or other person for the time being, administering the Government of any His Majesty's Foreign Possessions, Colonies or Plantations to appoint the Place or Places within

His

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His Majesty's Dominions to which any Offenders convicted in any such Foreign Possessions Colonies or Plantations and being under Sentence or Order of Transportation shall be sent or transported and it was thereby enacted that all such persons should within the place, or places to which in pursuance of any such Order or orders in Council, they should, or might be so sent or transported, be subject and liable to all

such

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such and the same Law Rules and Regulations as were or should be in force in any such Place or Places with respect to Convicts transported from Great Britain.

And Whereas in pursuance of the said last recited Act of Parliament and in exercise of the Powers thereby vested in Him His said late Majesty on the 11<sup>th</sup> day of November 1825 by and with the advice of His Privy Council did order that the Governor Lieutenant

Governor

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Governor or other persons for the time being administering the Government of any of His Majesty's Foreign Possessions, Colonies or Plantations should from time to time by Proclamation to be by them respectively for that purpose issued appoint the place or places within His Majesty's Dominions to which any Offender convicted in any

such Foreign Possessions, Colonies or Plantations and being under Sentence or order of Transportation should be sent or transported.

And

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And Whereas it hath seemed fit to Her Majesty on the advice of Her Privy Council to revoke the said recited Orders in Council, and to substitute in lieu there: of such other provisions as are hereinafter mentioned.

Now therefore in pursuance and exercise of the Powers vested in Her Majesty in Council by the said recited Acts of Parliament, her Majesty by and with the advice of Her Privy Council doth Order, and it is hereby Ordered that upon and from the 1<sup>st</sup> day of August

in

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in this present year 1840 the said recited Orders in Council of the 23<sup>rd</sup> day of June 1824 and of the 11 day of November 1825 shall be and the same are hereby revoked so far as respects any act, matter, or thing to be done from and after the said first day of August 1840 in the premises. And it is hereby further ordered by the advice aforesaid and in pursuance and exercise of the authority aforesaid that from and after the said 1<sup>st</sup>

day

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day of August 1840 the Island of Van Diemens Land and Norfolk Island and the Islands adjacent to and comprised within the Government of the Van Diemens Land shall be the places to which Felons and other Offenders in the United Kingdom there being or thereafter to be under Sentence or Order of Transportation shall be conveyed under the provisions of the said recited Act of the 5<sup>th</sup> year of the Reign of His late Majesty King George the 4<sup>th</sup> and it is hereby further ordered by the

advice

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advice aforesaid, and in pursuance and exercise of the authority aforesaid that Male Offenders convicted in the United Kingdom shall from and after the said first day of August 1840, in pursuance of the provisions of the said last recited Act, be kept to hard labour in her Majesty's Colony of Bermuda and it is further ordered by the advice aforesaid in pursuance and exercise of the authority aforesaid that from and after the said first day of August 1840 the respective Governor's

Lieutenant

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Lieutenant Governors and persons other for the time being administering the Government of any of Her Majesty's Colonies shall in pursuance of the provisions of the said recited Act of the 6<sup>th</sup> year of the Reign of His said late Majesty by Proclamation to be by them respectively for that purpose issued, appoint the place or places within Her Majesty's Dominions to which any Offenders convicted in any such Colonies and being under Sentence, or order of trans-

portation

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portation shall be sent or transported provided that neither the said Colony of Bermuda, nor any of Her Majesty's Colonies in new Holland or in the Southern Ocean be so appointed for that purpose by any such Proclamation as aforesaid, other than the said Island of Van Diemens Land and Norfolk Island and the Islands adjacent to and comprised within the Govern- ment of Van Diemens Land. And the Most Noble the

Marquis

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Marquis of Normanby and the Right Honorable Lord John Russell two of Her Majesty's principal Secretaries of State are to give the necessary Instructions herein accordingly as to them may respectively appertain.

Signed Wm L . Bathurst