

*Criminal Law*

## WESTERN AUSTRALIA

ANNO TRIGESIMO SECUNDO

VICTORIÆ REGINÆ

No. 10

An Ordinance for the better security of the Crown and Government.  
*[Assented to 5th August, 1868.]*

**W**HEREAS it is expedient to assimilate, as far as possible, the law of this Colony respecting treasonable offences to the law of the United Kingdom: Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

Preamble

1. If any person or persons whatsoever shall compass, imagine, invent, devise or intend death or destruction, or any bodily harm tending to death or destruction, maim or wounding, imprisonment or restraint of the person of our Sovereign Lady the Queen her heirs and 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 any overt act or deed; being legally convicted thereof upon the oaths of two lawful and credible witnesses upon trial, or otherwise convicted or attainted by due course of law, then every such person and persons, so as aforesaid offending, shall be deemed, declared and adjudged to be a traitor and traitors, and shall suffer pains of death, and also lose and forfeit as in cases of high treason.

Offences against  
the person of, the  
Sovereign—  
Treason

2. If any person whatsoever, after the passing of this Ordinance, shall, within the said Colony and its Dependencies, compass, imagine, invent, devise or intend to deprive or depose our Most Gracious Lady the Queen, her heirs or successors, from the style, honour 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 within this Colony and its Dependencies, or within any other part of Her Majesty's dominions or countries under the obeisance of Her Majesty, 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 Parliament, or intimidate or overawe the Governor and Legislative Council or other the Legislature for the time being of any such Colony, dominion or country, or to move or stir any foreigner or stranger with force to invade the United Kingdom, this Colony 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 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 penal servitude for the term of his or her natural life or for any term not less than seven years, or to be imprisoned for any term not exceeding two years, with or without hard labour, as the Court shall direct.

Offences declared  
felonies by this  
Ordinance, to be  
punishable by  
penal servitude  
or imprisonment

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In informations more than one overt act may be charged

3. It shall be lawful in any information or indictment for any felony under this Ordinance 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.

Informations for felony under this Ordinance valid though the facts may amount to treason

4. If the facts or matters alleged in any information or indictment for any felony under this Ordinance shall amount in law to treason, such information or indictment shall not by reason thereof be deemed void, erroneous or defective; and if the facts or matters proved on the trial of any person arraigned for any felony under this Ordinance 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.

As to the punishment of accessories before and after the fact

5. In the case of every felony punishable under this Ordinance, 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 Ordinance punishable; and every accessory after the fact to any such felony shall on conviction be liable to be imprisoned, with or without hard labour, for any term not exceeding two years.

Not to affect provisions of 25 Ed. III., c. 2

6. 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 the reign of King Edward the Third, 'A Declaration which Offences shall be adjudged Treason.'

J. S. HAMPTON,  
GOVERNOR AND COMMANDER-IN-CHIEF.