



# SUPPLEMENT

TO THE

NEW SOUTH WALES

## GOVERNMENT GAZETTE

OF WEDNESDAY, JULY 11, 1838.

Published by Authority.

SATURDAY, JULY 14, 1838.

ANNO SECUNDO  
VICTORIÆ REGINÆ.  
No. 1.

By His Excellency Sir George Gipps, Knight,  
Captain General and Governor in Chief of the  
Territory of New South Wales and its Depend-  
encies, and Vice Admiral of the same, with the  
Advice of the Legislative Council.

*"An Act for the Conditional Remission of  
Sentences of Convicts transported to Nor-  
folk Island and Moreton Bay, and to en-  
force the conditions thereof;"*

**W**HEREAS it is expedient for the Public  
Service in New South Wales, that Con-  
victs transported under sentence of the Colonial  
Courts, or under commutation thereof, to Norfolk  
Island or Moreton Bay, whose conduct has been  
good since their removal to either of such places,  
should obtain a remission of their sentences, or  
terms of transportation, upon condition of working  
in irons on the roads or public works within the  
located parts of the said Colony, for a limited  
time; and whereas the power of keeping to hard  
labour in irons, within such parts of the Colony,  
those Convicts whose Colonial sentences or terms  
of transportation it may please His Excellency the  
Governor to remit, as aforesaid, requires to be  
confirmed by law: Be it therefore enacted, by  
His Excellency the Governor of New South Wales,  
with the Advice of the Legislative Council thereof,  
that when, and as often as, any Convict under  
sentence of transportation of any competent Court  
of the said Colony, or whose sentence shall have  
been, or may hereafter be, commuted to that of  
transportation to Norfolk Island or Moreton Bay,

for seven years, shall have served one year of such  
sentence or term of transportation; and as often as  
any Convict under a like sentence or commutation  
thereof for fourteen years, shall have served three  
years; and as often as any Convict under a like  
sentence or commutation thereof for life, shall have  
served five years, and the said Governor shall, in  
his discretion, see fit to remit the remainder of the  
sentence or term of transportation of such Convict  
as aforesaid, upon condition of working in irons  
in the located parts of the said Colony, for any  
shorter period of time than the unexpired remain-  
der of any such sentence or term of transportation,  
and not more than three years in the whole;  
it shall and may be lawful for the said Governor to  
allow to such Convict the benefit of a Conditional  
Pardon, under, and according to the terms of such  
condition, and to make an order for the immediate  
transmission of such Convict from Norfolk Island or  
Moreton Bay respectively, to some other part of the  
Colony of New South Wales, there to be dealt with  
according to the terms of such condition; and every  
such order shall subject the persons respectively,  
whose sentences or terms of transportation shall be  
so remitted, to be conveyed to such part of the  
Colony as is therein mentioned, and dealt with for  
and during the time specified in such condition, in  
like manner as persons under sentence of hard  
labour in irons on the roads or public works  
thereof, duly passed by any competent Court, may  
be dealt with, during the term of their sentences.

*(Convicts whose sentences of transportation are  
remitted on condition of working in irons on the  
roads and public works, to be subject to the*

*regulations for the custody and management of offenders originally sentenced to such labour.*

II. And be it further enacted, That as soon as the sentence or term of transportation of any Convict shall be so remitted under the provisions of this Act, all the provisions, rules, regulations, clauses, authorities, powers, penalties, matters and things contained in any Statute or Act of Council concerning the safe custody, confinement, treatment, and punishment of any offender undergoing a sentence of hard labour in irons on the roads or public works of the said Colony, shall extend, and be construed to extend, to every person whose sentence shall be so remitted, during the time of the condition that shall be annexed to the same, as fully and effectually, to all intents and purposes, as if such person had been serving a sentence of hard labour in irons, pronounced by any competent Court.

*(Not to affect sentences passed in England or other places out of the Colony of New South Wales.)*

III. Provided always, and it is hereby declared,

that nothing in this Act contained shall affect any sentence or order of transportation to this Colony passed upon any offender in England or elsewhere, but shall apply to those sentences only which have been, or shall be passed, by the Colonial Courts of New South Wales, or any commutation of the same: And provided also, that nothing herein contained shall be construed to alter or diminish the legal effect of a breach of the condition of any pardon or remission of sentence granted in virtue of this Act, or to prevent the restoration of the party breaking any such condition to the operation of his original sentence, in respect of which such conditional pardon or remission of sentence shall be so granted.

" G. GIPPS."

*Passed the Legislative Council  
this twenty-sixth day of  
June, one thousand eight  
hundred and thirty-eight.*

WM. MACPHERSON,  
Clerk of Council.