



ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

By His Excellency SIR CHARLES AUGUSTUS FITZ ROY, Knight Companion of the Royal Hanoverian Guelphic Order, Governor-General of all Her Majesty's Australian Possessions, and Captain-General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, with the advice and consent of the Legislative Council.

No. V.

An Act to Authorise Sentences to hard labor on the Roads or other Public Works, in cases where Sentences of imprisonment with hard labor, may now be awarded. [Assented to, 1st December, 1851.]

WHEREAS it is expedient to give the several Courts of Criminal Jurisdiction and Justices the powers hereinafter conferred: Be it therefore enacted by His Excellency the Governor of New South Wales, with the advice and consent of the Legislative Council thereof, That when any male offender shall hereafter be convicted in any Court of competent jurisdiction in New South Wales, or before any Justice or Justices of the Peace, of any offence now or hereafter punishable by law with imprisonment in any Gaol or House of Correction with hard labor, it shall be lawful for such Court, Justice or Justices, at discretion, either to sentence such offender to imprisonment in any Gaol or House of Correction with hard labor for such term as by law in that behalf provided, or in lieu thereof to award and direct that he be kept to hard labor on the roads or other public works of the Colony for such term as the said Court, Justice or Justices, shall think fit, not being more in any case than the terms of imprisonment fixed by law for such offence.

Preamble.

Courts having competent jurisdiction, or Justices, may sentence offenders to hard labor on the roads, in lieu of imprisonment with hard labor;

for terms not exceeding those limited by law.

II.

The Governor may appoint the places at which offenders may be detained under certain limitations.

Not to affect Her Majesty's Royal Prerogative of Mercy.

II. And be it enacted, That it shall be lawful for the Governor for the time being of the said Colony, to keep any male offender who shall have been sentenced as aforesaid, during the term of his sentence, or any part or parts thereof, as circumstances may render expedient and proper, and as His Excellency shall think fit, to hard labor at any place or places which shall have been duly appointed as a place or places at which male offenders under sentence of transportation, or under sentence to hard labor on the roads or other public works, in lieu of transportation, shall be detained, or in any Gaol or House of Correction in the said Colony.

III. And be it declared and enacted, That nothing in this Act contained doth or shall in any manner affect Her Majesty's Royal Prerogative of Mercy.

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

CHARLES NICHOLSON,
Speaker.

WM. MACPHERSON,
CLERK OF THE COUNCIL.

In the name and on the behalf of Her Majesty, I assent to this Act.

CH^s. A. FITZ ROY,
GOVERNOR-GENERAL.

Govt. House, Sydney, 1st December, 1851.