

No. V.

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

HARD LABOR ON
ROADS &c.

WHEREAS it is expedient to give the several Courts of Criminal Preamble. 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.

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.

2. 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.

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

3. 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.

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