

No. XV.

An Act to amend the Law relative to the places at which Prisoners under sentence or commutation to hard labor on the Roads or other Public Works may be detained and employed. [24th August, 1853.]

HARD LABOR
CONVICTS.

WHEREAS by the Act of Council passed in the eleventh year of Her Majesty's reign intituled "*An Act to substitute other punishments for Transportation beyond the Seas*" and by other enactments it is enacted that certain male offenders may be put to labor on the roads or other public works of the Colony and by the said recited Act it is amongst other things enacted that it shall be lawful for the Governor to appoint places at which such offenders shall be detained and that such offenders shall be liable to be kept to hard labor at such places but it is also by the said Act enacted that it shall not be lawful for any person whomsoever to be found at or near or in any manner to communicate with any such place so appointed without the permission of the Governor or some other proper officer first had and obtained and that any person who shall be found at or near or in any manner communicate with any such place as aforesaid without such permission shall be guilty of a misdemeanor and upon conviction thereof shall be punished as therein mentioned And whereas by reason of the last-mentioned enactment it is considered that the Governor cannot cause any such offenders to be worked on the roads or at any other place which the public are entitled to resort to or use whereby the labor of such offenders is prevented from being directed to the needful repair of public thoroughfares And whereas it is expedient to provide a remedy for the said inconvenience And whereas it is expedient to make provision for the more ready employment of male offenders under sentences to imprisonment with hard labor Be it therefore enacted by His Excellency the Governor of New South Wales by and with the advice and consent of the Legislative Council thereof as follows:—

1. It shall be lawful for the Governor to cause any male offenders under sentence to hard labor on the roads or other public works of this Colony or who shall be liable to be put to such labor under any commutation of sentence to be put to hard labor on any of the public roads or upon any of the public streets or other public places of any city or town or upon any public work in or upon any harbour or navigable river or creek and for the purposes of such employment to cause such offenders to be detained whilst not at work in any gaol lock-up or watch-house or any house or other building or place or in any ship or other vessel at or adjacent to or in the neighbourhood of the places of such employment.

Certain prisoners under sentence may be employed on the public highways and in the streets &c. of towns and be kept in convenient places whilst not at work.

2. In all cases in which Justices of the Peace shall upon conviction have duly sentenced any offender to be imprisoned with hard labor for any term not exceeding fourteen days it shall be lawful for such Justices to direct such hard labor to be performed on any public road or any public street or place of any town in the neighbourhood of the gaol house of correction lock-up or watch-house to which such offender shall have been committed and every such offender shall be put to such hard labor accordingly under the direction and control of such person or persons as the Justices in Petty Sessions at the place of such conviction shall have appointed in that behalf and if any

Justices may direct persons under sentence to hard labor for fourteen days to be employed on the streets &c.

Maitland Roads.

Penalty for refusing or neglecting work.

such offender shall refuse or neglect to perform such hard labor according to such directions as the said Justices in Petty Sessions shall have given in that behalf or shall escape or attempt to effect an escape such offender shall for every such offence be liable upon conviction before any Justice of the Peace to be imprisoned and kept to hard labor for a further period of not more than fourteen days.

Provisions in substitution for section 6 of 11 Vic. No. 34 for preventing unauthorized communication with prisoners so employed.

3. The sixth section of the said recited Act shall not apply to any road street or other place of public resort or use at which any such offenders may be ordered to be employed but in lieu thereof be it enacted That it shall not be lawful for any person whomsoever to communicate in any manner with or to loiter near or endeavour to communicate with the offenders so employed except the persons who may be placed in authority over them or employed to guard and keep them and persons who may first have obtained the permission of the Sheriff or of the principal person in charge of such offenders and if any person except as aforesaid shall communicate in any manner with any such offender or shall loiter near (after being warned to leave) or endeavour to communicate with them whilst so employed he shall be guilty of a misdemeanor and being thereof convicted before any two Justices of the Peace shall be liable to a penalty not exceeding five pounds or in default of payment thereof to be imprisoned for any period not exceeding one month.
