

No. II.

An Act to make better provision for carrying out
Sentences to Hard Labor. [30th June, 1858.]

Preamble.

WHEREAS it is expedient that employment should in all cases be provided for prisoners sentenced to hard labor. And whereas such sentence cannot be properly carried out within the precincts of certain gaols of the Colony. Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Governor may
sanction labor out-
side gaols.

1. It shall be lawful for the Governor with the advice of the Executive Council by an instrument in writing under his hand to direct and authorize the Sheriff or other officer for the time being in charge of any gaol whenever he may see fit to remove any prisoner under

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under sentence of hard labor to any distance without the walls not exceeding two miles for the purpose of carrying out the labor portion of any sentence.

2. Such Sheriff or other officer shall on every occasion of such sufficient guard to removal provide a proper and sufficient guard to prevent the escape of ^{be provided.}

any prisoner so removed.

3. Every prisoner escaping or attempting to escape from any ^{Escape of prisoner to be felony.} person in whose charge he may be placed for the purpose aforesaid shall be guilty of felony and may on conviction be sentenced to hard labor on the roads or public works for any period not exceeding five years or to imprisonment with or without hard labor for any period not exceeding three years which periods respectively shall be in addition to any pending term of punishment.

4. Every person lawfully placed in charge of any prisoner so removed wilfully or negligently permitting him to escape shall be ^{for negligent or wilful permission to escape.} subject to all the like fines and penalties to which any constable or police officer is now by law liable for a like offence and shall while so in charge as aforesaid have all the powers and privileges by law appertaining to a constable.
