



ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

No. 18.

An Act to provide for the commutation of Sentences of Transportation; and to substitute Imprisonment, with Hard Labor, as a Punishment in lieu of Transportation, and for the employment of Prisoners sentenced to hard Labor.

[Assented to 2nd January, 1852.]

*Repealed by
no 3-1854-*

WHEREAS it is expedient to provide for the commutation of any sentence of transportation which may have been heretofore pronounced, and not hitherto carried into effect, and also to substitute imprisonment with hard labor as a punishment for those offences which are now by law punishable with transportation, and to provide for the employment of any prisoners sentenced to hard labor.

Preamble.

Be it therefore Enacted, by the Governor of South Australia, by and with the advice and consent of the Legislative Council thereof, that whenever any person shall have been heretofore sentenced to be transported beyond the seas, and such sentence shall not have been carried into effect at the time of the passing of this Act, it shall be lawful for the Governor to commute such sentence into a sentence of imprisonment with hard labor, for any period not exceeding the period of such original sentence.

Governor may commute sentence of transportation.

2. And be it Enacted, That whenever by law the punishment of transportation beyond the seas is annexed to any offence, it shall be lawful

Sentence of imprisonment with hard labor to be substituted for transportation.

lawful for any Court having jurisdiction therein, and such Court is hereby required, to sentence any person convicted of such offence to imprisonment with hard labor, for a space of time not exceeding the period of transportation now by law annexed to such offence.

Proviso for remission
of part of sentence.

3. And whereas it is expedient, with a view to the orderly conduct and reformation of persons sentenced to imprisonment with hard labor, that power should be given to remit a portion of their sentence as a reward for good behaviour, Be it Enacted, That it shall be lawful for the Governor, by any regulations published in the *South Australian Government Gazette*, after the same shall have been for three weeks laid upon the table of the Legislative Council, to provide for the remission of a part of any sentence of imprisonment with hard labor upon certain conditions in such regulations to be specified, and upon compliance with such conditions to remit such portion of any sentence as in such regulations specified: Provided that no such regulation shall authorise any remission to be granted until the expiration of at least one third part of the time of any sentence to be remitted; and that no such regulation shall authorise the free pardon of any convict until after the expiration of at least one half of the term of the sentence of such convict.

Convicts to be employed on public roads at the discretion of the Governor.

4. And be it Enacted, That it shall and may be lawful for the Lieutenant-Governor to employ such prisoners under sentence of imprisonment with hard labor, and to divide the said prisoners into such number of working parties as to him shall seem desirable, and from time to time to appoint such working parties to labor at such portions of the public works of this Colony, as he shall for the time being deem most advantageous, under such regulations as he shall deem fit to prescribe, with the advice of the Executive Council; but not on public roads where the prisoners would be associated with free labourers.

JOHN MORPHETT, Speaker.

*Passed the Legislative Council this Twenty-
ninth day of December, One Thou-
sand Eight Hundred and Fifty-one.*

WM. B. GILBERT,
Pro Clerk of Council.

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

H. E. F. YOUNG,
Lieutenant-Governor

Government House, Adelaide,
2nd January, 1852.