

ANNO SECUNDO

VICTORIÆ REGINÆ.

No. I.

An Act for the Conditional Remission of Sentences of Convicts transported to Norfolk Island and Moreton Bay and to enforce the conditions thereof. [26th June, 1838.]

TRANSPORTS' SENTENCES REMISSION.

WHEREAS it is expedient for the public service in New South Wales that Convicts transported under sentence of the Colonial Courts or under commutation thereof to Norfolk Island or Moreton Bay whose conduct has been good since their removal to either of such places should obtain a remission of their sentences or terms of transportation upon condition of working in irons on the roads or public works within the located parts of the said Colony for a limited time and whereas the power of keeping to hard labor in irons within such parts of the Colony those Convicts whose Colonial sentences or terms of imprisonment it may please His Excellency the Governor to remit as aforesaid requires to be confirmed by law Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council thereof That when and as often as any Convict under sentence of transportation of any competent Court of the said Colony or whose sentence shall have been or may hereafter be commuted to that of transportation to Norfolk Island or Moreton Bay for seven years shall have served one year of such sentence or term of transportation and as often as any Convict under a like sentence or commutation thereof for fourteen years shall have served three years and as often as any Convict under a like sentence or commutation thereof for life shall have served five years and the said Governor shall in his discretion see fit to remit the remainder of the sentence or term of transportation of such Convict as aforesaid upon condition of working in irons in the located parts of the said Colony for any shorter period of time than the unexpired remainder of any such sentence or term of transportation and not more than three years in the whole it shall and may be lawful for the said Governor to allow to such convict the benefit of a Conditional Pardon under and according to the terms of such condition and to make an order for the immediate transmission of such Convict from Norfolk Island or Moreton Bay respectively to some other part of the Colony of New South Wales there to be dealt with according to the terms of such condition and every such order shall subject the persons respectively whose sentences or terms of transportation shall be so remitted to be conveyed to such part of the said Colony as is therein mentioned and dealt with for and during the time specified in such condition in like manner as persons under sentence of hard labor in irons on the roads or public works thereof duly passed by any competent Court may be dealt with during the term of their sentences.

Preamble.

Governor to make order for removal of convicts from Norfolk Island or Moreton Bay to the located parts of New South Wales there to be kept at labor in irons on the roads or public works.

Police.

Convicts whose sentences of transportation are remitted on condition of working in irons on the roads and public works to be subject to the regulations for the custody and management of offenders originally sentenced to such labor.

Not to affect sentences passed in England or other places out of the Colony of New South Wales.

2. And be it further enacted That as soon as the sentence or term of transportation of any convict shall be so remitted under the provisions of this Act all the provisions rules regulations clauses authorities powers penalties matters and things contained in any Statute or Act of Council concerning the safe custody confinement treatment and punishment of any offender undergoing a sentence of hard labor in irons on the roads or public works of the said Colony shall extend and be construed to extend to every person whose sentence shall be so remitted during the time of the condition that shall be annexed to the same as fully and effectually to all intents and purposes as if such person had been serving a sentence of hard labor in irons pronounced by any competent Court.

3. Provided always and it is hereby declared That nothing in this Act contained shall affect any sentence or order of transportation to this Colony passed upon any offender in England or elsewhere but shall apply to those sentences only which have been or shall be passed by the Colonial Courts of New South Wales or any commutation of the same and provided also that nothing herein contained shall be construed to alter or diminish the legal effect of a breach of the condition of any pardon or remission of sentence granted in virtue of this Act or to prevent the restoration of the party breaking any such condition to the operation of his original sentence in respect of which such conditional pardon or remission of sentence shall be so granted.
