



1855-6.

No. 17.

*An Act to provide for the Punishment, Custody, and Employment of Prisoners sentenced to hard labor and penal servitude.*

[Assented to, June 18, 1856.]

**W**HEREAS it is expedient to make further provision for the custody and employment of prisoners sentenced to hard labor—  
Be it therefore Enacted by the Governor-in-Chief of South Australia, with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1. Every person who shall be hereafter sentenced to imprisonment with hard labor may, during the term of the sentence, be kept in such labor prison, or other place, and employed in such manner as by law any person sentenced to be kept in penal servitude may now be kept or employed, and shall be subject to such regulations with respect to custody and discipline, and shall have such benefit with respect to remission of sentence, or otherwise, as if he had been sentenced to penal servitude: Provided that no person sentenced to imprisonment with hard labor shall be confined in the same ward, and be employed or associated with prisoners sentenced to penal servitude.

Persons sentenced to imprisonment with hard labor to be kept and employed as appointed by Governor.

2. The Sheriff of the said Province shall, upon receiving any order to that effect from the Governor, deliver any person so sentenced to imprisonment with hard labor, and named in such order, to the Comptroller of Convicts, together with a true statement, attested by such Sheriff, of the sentence of the Court by which such person was so sentenced, and such Comptroller shall give a receipt, in writing, to the said Sheriff for his discharge.

Prisoners so sentenced may be ordered to be delivered to Comptroller of Convicts.

3. It shall be lawful for the Supreme Court, in any case in which it is lawful to award the punishment of penal servitude for any offence, to sentence any person convicted of such offence to imprisonment

Judges may sentence to imprisonment with hard labor, in lieu of penal servitude.

ment with hard labor for any term not exceeding the term of penal servitude which may by law be awarded in respect of such offence.

Repeal of Section 3  
of Act No. 3, 1854.

4. Section 3 of the Act No. 3 of the year 1854, shall be repealed, and in lieu thereof—Be it Enacted, that where, before the passing of the Act No. 18, of the 15th year of Her Majesty's reign, any offence was punishable by transportation, the term of imprisonment, with or without hard labor, or of penal servitude which the Court may award instead of transportation, shall be as follows, that is to say—

Instead of transportation for seven years, or not exceeding seven years; penal servitude, or imprisonment, for a term not exceeding three years.

Instead of transportation not exceeding ten years; penal servitude, or imprisonment, not exceeding five years.

Instead of transportation not exceeding fifteen years; penal servitude, or imprisonment, not exceeding seven years.

Instead of transportation exceeding fifteen years, but not for life; penal servitude, or imprisonment, not exceeding nine years.

Instead of transportation for life, or for any less period; penal servitude, or imprisonment, for life, or for any less period.

Instead of transportation for life absolutely; penal servitude, or imprisonment for life.

Governor may impose  
punishments for  
breach of regulations.

5. It shall be lawful for the Governor, with the advice of the Executive Council, by any regulations published in the *South Australian Government Gazette* providing for the safe custody, management, and discipline of persons confined in any labor prison or other place, to impose punishments for any breach of such regulations on the part of the guards or other persons employed at such labor prison or other place: Provided that no punishment to be so imposed shall exceed three months imprisonment with hard labor.

Interpretation clause.

6. Whenever, in this Act, or in any other Act of Council, the expression "Comptroller of Convicts" shall have been or shall be used, it shall be held to apply to and include the Comptroller of Labor Prisons.