



ANNO SEPTIMO ET OCTAVO

VICTORIÆ REGINÆ.

No. 11.---1844.

By His Excellency GEORGE GREY Esquire Governor and Commander-in-Chief of Her Majesty's Province of South Australia and its Dependencies and Vice-Admiral of the same by and with the advice and consent of the Legislative Council.

AN ORDINANCE to provide for the employment and Instruction of Aboriginal Prisoners.

WHEREAS there are divers of the Aborigines of Australia now in the Common Gaol of this Province, who have been sentenced to imprisonment therein for various periods of time; and others may from time to time be sentenced to undergo punishment of a like description: And whereas, there being no sufficient means of employing such persons in any suitable labor within the said Gaol, it is expedient to provide such means for the employment and instruction of such prisoners, as may contribute to their amelioration:

Be it therefore Enacted by His Excellency the Governor of South Australia, with the advice and consent of the Legislative Council thereof, that all Aboriginal or Half-caste Natives of this Province, or the adjacent parts of Australia, now under sentence of imprisonment, with or without hard labor, in the Common Gaol of this Province, or who hereafter shall be sentenced to imprisonment therein, or in any other place of confinement, by the Supreme Court,

or

Aboriginal prisoners may be employed and instructed in some suitable labor.

or any other lawful authority, may, during the terms for which they shall be respectively sentenced to be imprisoned, or any parts thereof, be employed and instructed in some suitable labor, under the provisions of this Ordinance.

Governor may make rules and regulations.

II. And be it Enacted, That it shall be lawful for His Excellency the Governor, to make rules, orders, and regulations, for the employment, instruction, and safe custody of such prisoners, and to appoint such officers and assistants as may be necessary for their superintendence and safe custody, with such remuneration as to the said Governor shall seem fit, and to appoint such places for the safe custody of the said persons, during their intervals of work, as to him shall seem fit, and also to make, with the advice of the Executive Council, such rules, orders, and regulations, as may be found useful or requisite for ensuring propriety of conduct, and due performance of labor by such prisoners, and to make all such other rules, orders, and regulations, as may be necessary to carry this Ordinance into effect, and the said orders, rules, and regulations, to alter, vary, and revoke, as occasion may or shall require.

Sheriff, &c., not responsible for such prisoners when removed from out of Gaol.

III. Provided always, and be it Enacted, That the Sheriff and other persons having the charge of any Gaol or other place of confinement, and wherein any such offenders may be sentenced to imprisonment, shall not be responsible for the safe custody of such prisoners during the time that they may be removed from out of such Gaol, or place of confinement, under the authority of this Ordinance.

To be employed apart from other Aborigines. Prisoners not sentenced to hard labor, not to be set to any work which is severe.

IV. Provided also, and be it Enacted, That such prisoners shall, during their respective terms of imprisonment, be employed apart from all other Aboriginal or Half-caste Natives not under sentence of imprisonment; and that no such prisoner, who has not been sentenced to hard labor, shall be set to any labor which is severe.

Proviso reserving power of Judges, Justices, &c., to visit and examine.

V. Provided also, and be it Enacted, That every Judge of the Supreme Court, and every Visiting Justice appointed under the provisions of an Ordinance of the Governor, with the advice and consent of the Legislative Council of South Australia, on the fifth day of October, one thousand eight hundred and forty-two, intituled "An Act for the regulation of Gaols, Prisons, and Houses of Correction in South Australia;" and every other Magistrate of the Province, shall have and exercise the same powers and duties of visiting, entering, and examining any such place appointed for the employment of Aboriginal and Half-caste Native Prisoners, as in
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the case of any Gaol or other place of confinement; and nothing herein contained shall abridge or affect the lawful powers of any such Judge or Magistrate.

VI. Provided also, that the Visiting Justice shall have power to hear, determine, and punish for disobedience of the rules, orders, and regulations made in pursuance hereof, in like manner as in the case of offences against the last-mentioned Ordinance.

Visiting Justice may punish for offences against the regulations made in pursuance hereof.

VII. And be it Enacted, That this Ordinance shall commence and take effect from and after the passing thereof.

Commencement.

G. GREY,
Governor of South Australia.

Passed the Legislative Council this nineteenth day of August, 1844.

W. L. O'HALLORAN,
Clerk of Council.