1889.

Legislative Council.

OFFENDERS PROBATION BILL.

(*Proposed amendments to new clauses to be proposed by* SIR ALFRED STEPHEN, *and proposed new clauses by* MR. TRICKETT.)

In new clause 1 (proposed by SIR ALFRED STEPHEN).

Omit all the words *after* the word "shall" in line 2, and *substitute* the following words:—"mean any Court presided over by a "Judge of the Supreme Court or Quarter Sessions or any "Stipendiary Magistrate or Magistrate specially authorized "by the Governor to exercise the powers conferred by this "Act."

In new clause 2 (proposed by SIR ALFRED STEPHEN).

Omit lines 2 and 3 and the word "passed" in line 4, and *insert* in lieu thereof the words "as hereinafter defined by this Act."

Omit the words "youth and" from line 6.

Omit the last 2 lines from clause 2, and *substitute* the following words:—"either sentence the offender and release him on "probation, or release him on probation subject to his being "liable to be called up for sentence, as hereinafter provided."

In new clause 4 (proposed by SIR ALFRED STEPHEN).

After the words "section" in line 2, *insert* the following words:—"and of the liberty accorded to a person released on proba-"tion, in addition to any special conditions which may be "imposed by the Court."

After the word "Police" in line 8, *insert* the words "or Stipendiary"

After the word "therein" in line 11, *insert* the words "and if he shall "change his address during the interval between the first "week of one month and the next he shall, within twenty-"four hours thereafter, notify such change of address to such "Magistrate as aforesaid"

In new clause 5 (proposed by SIR ALFRED STEPHEN).

In line 1, *after* the word "period" *insert* the words "of Probation"

After the word "means" in line 9, *insert* the words "or if he fails to "comply with, or conducts himself in a manner inconsistent "with, the conditions of his release"

Omit all the words *after* the word "him" in line 13, and *substitute* the following:—"or, if he is not already sentenced, he may be "taken before the Court where he was originally convicted, "and at the next sittings thereof the Court may thereupon "commit the offender to prison for any period allowed by "law in respect of the offence whereof he was originally "convicted, or again release him on probation on such terms "as to the Court shall seem just. His recognizance shall also, "except in respect of the cause of arrest stated in subsection "*c*, be forfeited."

New clause 6 (proposed by Mr. TRICKETT).

Offence defined.

In this Act the word "offence" means any indictable offence, not being one for murder, attempted murder, housebreaking, manslaughter, administering poison, burglary, coining, corrosive fluid throwing, demanding money with menaces, extortion of money under threats of accusation of crime, placing an explosive to endanger life or property, rape or attempted rape, robbery or assault with violence, or an offence attended by irreparable or serious consequences, and either endangering life or indicating in the opinion of the Court an established criminal intention on the part of the accused, and includes any indictable offence which may be dealt with and disposed of by a Court of summary jurisdiction.

New clause 7 (proposed by Mr. TRICKETT).

Governor may make regulations.

The Governor may from time to time make, alter, or repeal regulations for any purpose incidental or necessary to the due administration of this Act, and any such regulations on being published in the *Government Gazette* shall have the operation of law.

New clause 8 (proposed by Mr. TRICKETT).

Saving clause.

Nothing in this Act contained shall be construed to annul, abridge, or alter any powers, authorities, or jurisdiction which any Court possesses under any Act other than this Act, or otherwise.

In the proposed new "Preamble" *omit* the words "from their sentence."

1889.

Legislative Council.

OFFENDERS PROBATION BILL.

(*Proposed amendments to new clauses to be proposed by* SIR ALFRED STEPHEN, *and proposed new clauses by* MR. TRICKETT.)

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Omit lines 2 and 3 and the word "passed" in line 4, and *insert* in lieu thereof the words "as hereinafter defined by this Act."

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After the word "therein" in line 11, *insert* the words "and if he shall "change his address during the interval between the first "week of one month and the next he shall, within twenty-"four hours thereafter, notify such change of address to such "Magistrate as aforesaid"

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In line 1, *after* the word "period" *insert* the words "of Probation"

After the word "means" in line 9, *insert* the words "or if he fails to "comply with, or conducts himself in a manner inconsistent "with, the conditions of his release"

Omit all the words *after* the word "him" in line 13, and *substitute* the following:—"or, if he is not already sentenced, he may be "taken before the Court where he was originally convicted, "and at the next sittings thereof the Court may thereupon "commit the offender to prison for any period allowed by "law in respect of the offence whereof he was originally "convicted, or again release him on probation on such terms "as to the Court shall seem just. His recognizance shall also, "except in respect of the cause of arrest stated in subsection "*c*, be forfeited."

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In this Act the word "offence" means any indictable offence, not being one for murder, attempted murder, housebreaking, manslaughter, administering poison, burglary, coining, corrosive fluid throwing, demanding money with menaces, extortion of money under threats of accusation of crime, placing an explosive to endanger life or property, rape or attempted rape, robbery or assault with violence, or an offence attended by irreparable or serious consequences, and either endangering life or indicating in the opinion of the Court an established criminal intention on the part of the accused, and includes any indictable offence which may be dealt with and disposed of by a Court of summary jurisdiction.

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The Governor may from time to time make, alter, or repeal regulations for any purpose incidental or necessary to the due administration of this Act, and any such regulations on being published in the *Government Gazette* shall have the operation of law.

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Saving clause.

Nothing in this Act contained shall be construed to annul, abridge, or alter any powers, authorities, or jurisdiction which any Court possesses under any Act other than this Act, or otherwise.

In the proposed new "Preamble" *omit* the words "from their sentence."

1889.

Legislative Council.

OFFENDERS PROBATION BILL.

(*New Clauses to be proposed in Committee of the Whole by* SIR ALFRED STEPHEN.)

New clause 1, to stand in lieu of clauses 1 and 2 of the Bill as printed :—

1. This Act may be cited as "The First Offenders Probation Act," and the word "Court" used therein shall equally be taken to mean Justices and any Justice singly adjudicating in the case of the offender. Title of Act, and meaning of term "Court."

That the following stand as section 2, in lieu of clause 3 of the Bill as printed :—

2. In every case in which a person is convicted of an offence punishable by not more than three years' imprisonment, with or without hard labour, or for which a sentence of no greater duration is passed, and no previous conviction of any offence in this Colony or elsewhere is proved against him, and it shall appear to the Court by which he is sentenced that, having regard to the offender's youth and antecedents, to the nature of the offence, and to any extenuating circumstances under which it was committed, his case is one to which the provisions of this Act may beneficially be extended, the Court may direct that he shall be released, subject to the conditions mentioned in the next section, or one of them, as such Court shall determine. Certain first offenders.

New clause 3, to stand in lieu of clause 4 of the Bill as printed :—

3. The offender may be directed to make compensation to the person injured for the injury done him either in person or property, the amount of compensation being assessed by the Court, and to enter into a recognizance, with one or more surety or sureties, for its payment within a fixed period. He may be directed also to enter into a recognizance, with one or more surety or sureties, that he will be of good behaviour during his term of sentence, or during twelve months if the sentence was for a less term, and will not during that period do, or omit to do, anything whereby, having regard to the conditions mentioned in the next section, such recognizance will be forfeited. On his entering into such recognizance or recognizances, if more than one, the offender shall be discharged from custody. Conditions of release.

New clause 4, to stand in lieu of clause 5 of the Bill as printed :—

4. The conditions of the recognizance referred to in the preceding section shall, in addition to that for good behaviour, be the following :— Offender's residence.

(*a.*) That the offender will, during the whole of the period to which the recognizance extends, reside within such distance as the Court shall appoint, to be named in the recognizance ;

(*b.*) And that he will, in the first week of every month during that period, report to the Police Magistrate of that district, either personally or by letter, signed by himself or some householder in the district at his request, what is his (the offender's) place of residence and occupation therein.

New clause 5, to stand in lieu of clauses 6 and 7 of the Bill as printed :—

Proceedings on breach of recognizance.

5. If, during the period specified—

(*a*) The offender fails in any month to make such report, or wilfully makes a false statement in any such report;

(*b*) Or if he is convicted of any offence, for which imprisonment for a longer term than one month or a fine exceeding forty shillings may be imposed;

(*c*) Or if reasonable grounds exist for believing that he is not getting or endeavouring to get his livelihood by honest means;—

he may, without warrant, be arrested by any constable of the degree of Senior-Constable or any higher degree, and taken before a Police Magistrate, by whom the offender may be committed to prison, there to undergo the sentence passed on him, or so much thereof as remains unexpired. His recognizance, also, except in respect of the last stated cause of arrest, shall be forfeited.

New Title to stand in lieu of Title as printed :—

Title.

A Bill to provide for the Conditional Release of First Offenders in certain cases.

New Preamble to stand in lieu of Preamble as printed :—

Preamble.

WHEREAS offenders convicted of a first offence might in certain cases be induced to reform, if the opportunity of so doing were afforded them by conditional release from their sentence without imprisonment,—

1889.

Legislative Council.

OFFENDERS PROBATION BILL.

(*New Clauses to be proposed in Committee of the Whole by* SIR ALFRED STEPHEN.)

New clause 1, to stand in lieu of clauses 1 and 2 of the Bill as printed :—

1. This Act may be cited as "The First Offenders Probation Act," and the word "Court" used therein shall equally be taken to mean Justices and any Justice singly adjudicating in the case of the offender. Title of Act, and meaning of term "Court."

That the following stand as section 2, in lieu of clause 3 of the Bill as printed :—

2. In every case in which a person is convicted of an offence punishable by not more than three years' imprisonment, with or without hard labour, or for which a sentence of no greater duration is passed, and no previous conviction of any offence in this Colony or elsewhere is proved against him, and it shall appear to the Court by which he is sentenced that, having regard to the offender's youth and antecedents, to the nature of the offence, and to any extenuating circumstances under which it was committed, his case is one to which the provisions of this Act may beneficially be extended, the Court may direct that he shall be released, subject to the conditions mentioned in the next section, or one of them, as such Court shall determine. Certain first offenders.

New clause 3, to stand in lieu of clause 4 of the Bill as printed :—

3. The offender may be directed to make compensation to the person injured for the injury done him either in person or property, the amount of compensation being assessed by the Court, and to enter into a recognizance, with one or more surety or sureties, for its payment within a fixed period. He may be directed also to enter into a recognizance, with one or more surety or sureties, that he will be of good behaviour during his term of sentence, or during twelve months if the sentence was for a less term, and will not during that period do, or omit to do, anything whereby, having regard to the conditions mentioned in the next section, such recognizance will be forfeited. On his entering into such recognizance or recognizances, if more than one, the offender shall be discharged from custody. Conditions of release.

New clause 4, to stand in lieu of clause 5 of the Bill as printed :—

4. The conditions of the recognizance referred to in the preceding section shall, in addition to that for good behaviour, be the following :— Offender's residence.

(*a.*) That the offender will, during the whole of the period to which the recognizance extends, reside within such distance as the Court shall appoint, to be named in the recognizance ;

(*b.*) And that he will, in the first week of every month during that period, report to the Police Magistrate of that district, either personally or by letter, signed by himself or some householder in the district at his request, what is his (the offender's) place of residence and occupation therein.

New clause 5, to stand in lieu of clauses 6 and 7 of the Bill as printed :—

Proceedings on breach of recognizance.

5. If, during the period specified—

(*a*) The offender fails in any month to make such report, or wilfully makes a false statement in any such report;

(*b*) Or if he is convicted of any offence, for which imprisonment for a longer term than one month or a fine exceeding forty shillings may be imposed;

(*c*) Or if reasonable grounds exist for believing that he is not getting or endeavouring to get his livelihood by honest means;—

he may, without warrant, be arrested by any constable of the degree of Senior-Constable or any higher degree, and taken before a Police Magistrate, by whom the offender may be committed to prison, there to undergo the sentence passed on him, or so much thereof as remains unexpired. His recognizance, also, except in respect of the last stated cause of arrest, shall be forfeited.

New Title to stand in lieu of Title as printed :—

Title.

A Bill to provide for the Conditional Release of First Offenders in certain cases.

New Preamble to stand in lieu of Preamble as printed :—

Preamble.

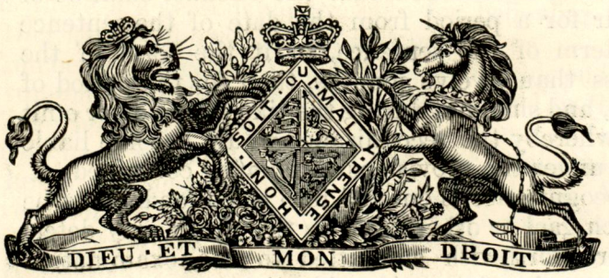
WHEREAS offenders convicted of a first offence might in certain cases be induced to reform, if the opportunity of so doing were afforded them by conditional release from their sentence without imprisonment,—

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 2 *May,* 1889.

F. W. WEBB,
Clerk of Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

* *

No. .

An Act to amend the Criminal Law so far as regards the punishment of persons convicted of First Offences.

WHEREAS there is reason to believe that many offenders might be induced to reform if, instead of being committed to prison on their first conviction, an opportunity of reformation were afforded them, and it is expedient to amend the law so far as to allow of such opportunity being afforded: 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:— Preamble.

1. This Act may be cited as the "Offenders Probation Act of 1889." Short title.

2. In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively (that is to say):— Interpretation.

"Court"—The Supreme Court, Quarter Sessions, or Justices by or before whom a person is convicted.

"Minor offence"—Any offence punishable on summary conviction before Justices, with or without the consent of the accused person, or any offence, of whatever nature, for which by law

a sentence of penal servitude or imprisonment, with or without hard labour, for a shorter period than three years may be imposed, and for which a sentence of such shorter duration is, in the opinion of the Court, an adequate punishment.

"Offender"—A person convicted of a minor offence.

"Court of Summary Jurisdiction"—Two or more Justices in Petty Sessions having jurisdiction to try persons charged with offences punishable on summary conviction.

Suspension of punishment on first conviction.

3. When a person is convicted of a minor offence, not having been previously convicted in New South Wales, or elsewhere, in so far as is known to the Court, of an offence, and is sentenced upon such conviction to penal servitude or imprisonment, the following provisions shall have effect:—

(I) The Court shall proceed to pass sentence upon the offender in the usual form.

(II) The Court may, if it thinks fit, suspend the execution of the sentence upon the offender entering into a recognizance with or without sureties in such amount as the Court directs, such recognizance being conditioned that the offender shall be of good behaviour for a period from the date of the sentence equal to the term of the sentence, or if the term of the sentence is less than twelve months, then for the period of twelve months, and shall not during the like period do or omit to do any act whereby the recognizance would become liable to be forfeited under the provisions hereinafter contained.

(III) When such recognizance is entered into the offender may be removed to such gaol or other place as the Court may determine and there forthwith submitted to the examination customary for securing future identification. But detention for this purpose shall not exceed the term of twenty-four hours, and the offender shall thereupon be discharged from custody, but shall be liable to be arrested by any of the Peace Officers and to be committed to prison, under a warrant issued for that purpose by any Court or Justice of the Peace, to perform his sentence, if during the period specified in the recognizance any of the conditions hereinafter specified happens with respect to him, and written notice shall upon his discharge be given to the offender, signed by the Clerk or other officer of the Court, specifying the conditions under which the offender will become liable to be so committed to prison.

(IV) When an offender is so committed to prison the sentence shall begin to run from the date of such committal, but the term of the sentence shall not extend beyond the period specified in the recognizance, and at the expiration of that period the offender shall be entitled to be discharged.

Order for restitution or payment of compensation to be made by Court.

4. If the offence of which a person is convicted has relation to property or is an offence against the person the Court may, if it thinks fit, upon suspending the execution of the sentence as hereinbefore provided, order the offender to make restitution of the property in respect of which the offence was committed, or to pay compensation for the injury done to such property, or compensation for the injury done to the person injured, as the case may be, and may assess the amount to be paid by the offender in any such case, and may direct when and to whom and in what instalments the amount ordered to be paid shall be paid. Every such order may be enforced by any Justice in the same manner as orders made by Justices upon summary convictions. The Court may also, if it thinks fit, require the offender to give security for the performance of any such order, and may make the discharge of the offender from custody conditional upon such security being given.

5.

5. Every offender discharged under the provisions of this Act shall, once, at least, in every three months during the period specified in the recognizance, report his address and occupation to the Principal Officer of Police at the place in which he was convicted, or at such other place as the Inspector-General of Police may appoint. Such report may be made either by the offender personally attending at the place aforesaid, or by post letter signed by him and addressed to the Principal Officer of Police at that place, unless in any case the Colonial Secretary directs that the report shall be made by the offender personally, in which case it must be made in that mode only.

Defendant discharged to repor himself.

6. If, during the period specified in the recognizance,—

(I) It is proved to a Court of Summary Jurisdiction that an offender so discharged has failed to report his address and occupation to the person at the times, and in the manner prescribed by the last preceding section; or

(II) If, on his being charged by an Officer of Police with getting his livelihood by dishonest means, and, being brought before a Court of Summary Jurisdiction, it appears to such Court that there are reasonable grounds for believing that he is getting his livelihood by dishonest means; or

(III) If, on being charged with an offence punishable on indictment or summary conviction, and on being required by the Justices before whom he is charged, to give his name and address he refuses to do so, or gives a false name or a false address; or

(IV) If he is convicted of any offence against the Act of the Governor and Legislative Council of New South Wales, passed in the fifteenth year of Her Majesty's reign, and numbered four, entitled "*An Act for the more effectual prevention of Vagrancy, and for the punishment of idle and disorderly Persons, Rogues, and Vagabonds, and incorrigible Rogues, in the Colony of New South Wales,*" or is convicted of any indictable offence, or of any offence punishable on summary conviction, and for which imprisonment for a period exceeding one month may be imposed,

Conditions under which defendant may be arrested.

then and in any of such cases the Court before which such proof is given or before which the offender is so charged or convicted, may forfeit the recognizance and direct him to be committed to prison to perform his sentence as aforesaid, or so much thereof as remains to be performed under the provisions hereinbefore contained, and he shall be so committed accordingly; and the Court may grant any necessary warrant for his committal. But if, during the period aforesaid, none of the aforesaid events happen, he shall be discharged from the sentence, and the conviction on which the sentence was imposed shall not on any subsequent conviction against him be deemed to be a previous conviction for the purposes of any Act under which a greater punishment may be inflicted upon a person who has been previously convicted.

7. In any case in which the Governor is authorized on behalf of Her Majesty to extend mercy to an offender under sentence of penal servitude or imprisonment, with or without hard labour, he may extend mercy upon condition of the offender entering into a recognizance conditioned as prescribed in the third section of this Act. And such offender shall thereupon be liable to the same obligations, and shall be liable to be dealt with in all respects in the same manner, as a person discharged upon recognizance under the said third section.

Conditional remission of sentence by Governor.

Sydney: Charles Potter, Government Printer.—1889.

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 2 May, 1889.

F. W. WEBB,
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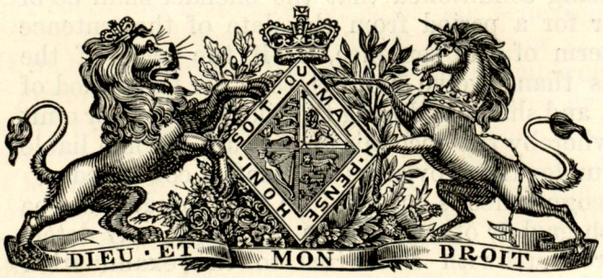

ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

* *

No. .

An Act to amend the Criminal Law so far as regards the punishment of persons convicted of First Offences.

WHEREAS there is reason to believe that many offenders might be induced to reform if, instead of being committed to prison on their first conviction, an opportunity of reformation were afforded them, and it is expedient to amend the law so far as to allow of such opportunity being afforded: 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:— Preamble.

1. This Act may be cited as the "Offenders Probation Act of 1889." Short title.

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a sentence of penal servitude or imprisonment, with or without hard labour, for a shorter period than three years may be imposed, and for which a sentence of such shorter duration is, in the opinion of the Court, an adequate punishment.

"Offender"—A person convicted of a minor offence.

"Court of Summary Jurisdiction"—Two or more Justices in Petty Sessions having jurisdiction to try persons charged with offences punishable on summary conviction.

Suspension of punishment on first conviction.

3. When a person is convicted of a minor offence, not having been previously convicted in New South Wales, or elsewhere, in so far as is known to the Court, of an offence, and is sentenced upon such conviction to penal servitude or imprisonment, the following provisions shall have effect:—

(I) The Court shall proceed to pass sentence upon the offender in the usual form.

(II) The Court may, if it thinks fit, suspend the execution of the sentence upon the offender entering into a recognizance with or without sureties in such amount as the Court directs, such recognizance being conditioned that the offender shall be of good behaviour for a period from the date of the sentence equal to the term of the sentence, or if the term of the sentence is less than twelve months, then for the period of twelve months, and shall not during the like period do or omit to do any act whereby the recognizance would become liable to be forfeited under the provisions hereinafter contained.

(III) When such recognizance is entered into the offender may be removed to such gaol or other place as the Court may determine and there forthwith submitted to the examination customary for securing future identification. But detention for this purpose shall not exceed the term of twenty-four hours, and the offender shall thereupon be discharged from custody, but shall be liable to be arrested by any of the Peace Officers and to be committed to prison, under a warrant issued for that purpose by any Court or Justice of the Peace, to perform his sentence, if during the period specified in the recognizance any of the conditions hereinafter specified happens with respect to him, and written notice shall upon his discharge be given to the offender, signed by the Clerk or other officer of the Court, specifying the conditions under which the offender will become liable to be so committed to prison.

(IV) When an offender is so committed to prison the sentence shall begin to run from the date of such committal, but the term of the sentence shall not extend beyond the period specified in the recognizance, and at the expiration of that period the offender shall be entitled to be discharged.

Order for restitution or payment of compensation to be made by Court.

4. If the offence of which a person is convicted has relation to property or is an offence against the person the Court may, if it thinks fit, upon suspending the execution of the sentence as hereinbefore provided, order the offender to make restitution of the property in respect of which the offence was committed, or to pay compensation for the injury done to such property, or compensation for the injury done to the person injured, as the case may be, and may assess the amount to be paid by the offender in any such case, and may direct when and to whom and in what instalments the amount ordered to be paid shall be paid. Every such order may be enforced by any Justice in the same manner as orders made by Justices upon summary convictions. The Court may also, if it thinks fit, require the offender to give security for the performance of any such order, and may make the discharge of the offender from custody conditional upon such security being given.

5.

5. Every offender discharged under the provisions of this Act shall, once, at least, in every three months during the period specified in the recognizance, report his address and occupation to the Principal Officer of Police at the place in which he was convicted, or at such other place as the Inspector-General of Police may appoint. Such report may be made either by the offender personally attending at the place aforesaid, or by post letter signed by him and addressed to the Principal Officer of Police at that place, unless in any case the Colonial Secretary directs that the report shall be made by the offender personally, in which case it must be made in that mode only.

Defendant discharged to repor himself.

6. If, during the period specified in the recognizance,—

(I) It is proved to a Court of Summary Jurisdiction that an offender so discharged has failed to report his address and occupation to the person at the times, and in the manner prescribed by the last preceding section; or

(II) If, on his being charged by an Officer of Police with getting his livelihood by dishonest means, and, being brought before a Court of Summary Jurisdiction, it appears to such Court that there are reasonable grounds for believing that he is getting his livelihood by dishonest means; or

(III) If, on being charged with an offence punishable on indictment or summary conviction, and on being required by the Justices before whom he is charged, to give his name and address he refuses to do so, or gives a false name or a false address; or

(IV) If he is convicted of any offence against the Act of the Governor and Legislative Council of New South Wales, passed in the fifteenth year of Her Majesty's reign, and numbered four, entitled "*An Act for the more effectual prevention of Vagrancy, and for the punishment of idle and disorderly Persons, Rogues, and Vagabonds, and incorrigible Rogues, in the Colony of New South Wales,*" or is convicted of any indictable offence, or of any offence punishable on summary conviction, and for which imprisonment for a period exceeding one month may be imposed,

Conditions under which defendant may be arrested.

then and in any of such cases the Court before which such proof is given or before which the offender is so charged or convicted, may forfeit the recognizance and direct him to be committed to prison to perform his sentence as aforesaid, or so much thereof as remains to be performed under the provisions hereinbefore contained, and he shall be so committed accordingly; and the Court may grant any necessary warrant for his committal. But if, during the period aforesaid, none of the aforesaid events happen, he shall be discharged from the sentence, and the conviction on which the sentence was imposed shall not on any subsequent conviction against him be deemed to be a previous conviction for the purposes of any Act under which a greater punishment may be inflicted upon a person who has been previously convicted.

7. In any case in which the Governor is authorized on behalf of Her Majesty to extend mercy to an offender under sentence of penal servitude or imprisonment, with or without hard labour, he may extend mercy upon condition of the offender entering into a recognizance conditioned as prescribed in the third section of this Act. And such offender shall thereupon be liable to the same obligations, and shall be liable to be dealt with in all respects in the same manner, as a person discharged upon recognizance under the said third section.

Conditional remission of sentence by Governor.

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