



ANNO VICESIMO SECUNDO

VICTORIÆ REGINÆ.

A.D. 1858.

No. 23.

An Act to regulate the Execution of Criminals.

[Assented to, 24th December, 1858.]

WHEREAS it is expedient to alter the practice relating to the execution of criminals—Be it therefore enacted by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

Left to its operation
Preamble.
Enacted
14 July 1859.

1. From and after this Act coming into operation sentence of death passed on any person by the Supreme Court of the said Province, or by any Judge thereof, shall be carried into execution by the Sheriff, within the walls or within the enclosed yard of the Gaol of Adelaide, or of such other Gaol as the Governor may, by writing under his hand, direct.

Execution to be carried into effect within the walls of the Gaol.

2. The Sheriff, the Gaoler, and such of the officers of the Gaol as the Sheriff may require, including the Medical Officer in attendance on the occasion, shall be present at every such execution, together with any Justices of the Peace, Ministers of Religion, and Officers of Police, who may desire to attend, and such military guard and adult spectators as the Sheriff may think fit to admit.

Sheriff, Officers of Gaol, &c., to witness execution.

3. Each of the persons aforesaid who may attend or be present at any such execution shall continue and remain within the walls or enclosed yard of the Gaol until the sentence shall have been carried into execution and completed according to law, and until the said Medical Officer shall have signed a certificate in the form set forth in the Schedule to this Act annexed marked A, and the Sheriff,

Medical Officer to sign certificate and witnesses to sign declaration.

and the said Gaoler, and officers of the Gaol, and such other persons present as may think fit, shall, before their departure from the Gaol subscribe a declaration according to the form set forth in the Schedule to this Act annexed, marked B.

Inquest to be held on the body of every person executed.

4. The Coroner of the district in which any Gaol may be situated wherein any sentence of death shall have been carried into execution upon the body of any person, or if there be no such Coroner then the nearest Special Magistrate, shall, so soon after as conveniently may be, hold an inquest upon the body of such person, and the jurors of the Jury on such inquest shall enquire and find whether such sentence was duly carried into execution.

Penalty for making false declaration.

5. Any person who shall subscribe any certificate or declaration as aforesaid knowing the same to be false, or to contain any false statement, or who shall bury or remove from such Gaol any such body, until after such inquest shall have been duly held, shall be deemed guilty of felony, and being thereof lawfully convicted, shall be liable to penal servitude for any period not exceeding four years.

Certificate and declaration to be recorded and published.

6. Every such certificate and declaration as aforesaid shall be forthwith transmitted by the Sheriff to the Master of the said Supreme Court, and shall be entered and kept in the office of the said Master as a record of the said Court, and shall be published in the *South Australian Government Gazette* on three separate occasions.

Commencement of Act.

7. This Act shall take effect from the first day of January, one thousand eight hundred and fifty-nine.

SCHEDULES REFERRED TO.

A

I, A. B., being the Medical Officer in attendance on the execution of C. D., at the Gaol of _____ do hereby certify and declare that I have this day witnessed the execution of the said C. D. at the said Gaol, and I further certify and declare that the said C. D. was, in pursuance of the sentence of the Court, hanged by the neck until his body was dead.

Given under my hand this _____ day of _____, in the year of our Lord one thousand eight hundred and _____, at the said Gaol.

B

We do hereby testify and declare that we have this day been present at the Gaol of _____, when the extreme penalty of the law was carried into execution on the body of C. D., convicted at the Criminal Session of the Supreme Court held on the _____ day of _____, and sentenced to death, and that the said C. D. was, in pursuance of the said sentence, hanged by the neck until his body was dead.

Dated this _____ day of _____, A.D. 18 _____, at the said Gaol.

Sheriff.
 Gaoler.
 Turnkey.
 Constables.
 Justices of the Peace.
 Other Spectators.