



ANNO DECIMO-NONO

VICTORIÆ REGINÆ,

No. 2.



*By His Excellency SIR HENRY EDWARD FOX YOUNG, Knight,
Captain-General and Governor-in-Chief of the Island of Van
Diemen's Land and its Dependencies, with the Advice and
Consent of the Legislative Council.*

AN ACT to regulate the Execution of Criminals.
[8th August, 1855.]

WHEREAS it is expedient that the practice of executing Criminals publicly should be discontinued, and that the Execution of Criminals should henceforth be carried into effect privately within the walls of the Prison: Be it enacted by His Excellency the Governor of Van Diemen's Land, by and with the advice and consent of the Legislative Council thereof, as follows:—

PREAMBLE.

1 Whenever judgment of Death shall have been passed upon any person, and a day fixed for the execution of such judgment, the Sheriff, Under Sheriff, or some Deputy appointed by the Sheriff, shall execute, or cause the same to be executed, privately within the walls of the Prison mentioned in the Warrant for the execution of such judgment, or within the enclosed yard of such Prison.

Executions to be carried into effect privately within Prison.

2 The Sheriff, Under Sheriff, or Deputy as aforesaid shall be present at such Execution, together with the Gaoler and proper Officers

Sheriff, &c., to witness Execution.

of the Prison, and all Magistrates who shall think fit, and such Constables, Military Guard, and adult male spectators as the said Sheriff, Under Sheriff, or Deputy as aforesaid may think fit to admit.

Witnesses to sign Declaration that Execution effected.

3 All the persons as aforesaid attending such Execution shall remain in the said enclosed place until execution shall have been done according to law ; and the said Sheriff, Under Sheriff, or Deputy, and the said Gaoler, Officers of the Prison, and Constables, and such other persons present as may think fit, shall, before their departure from the Prison, subscribe a Declaration according to the Form No. 1 in the Schedule annexed.

Medical Officer to certify that body dead.

4 After such Execution, and on the same day, the Medical Officer of the Prison shall examine the body of the person executed, and shall sign a Certificate in the Form No. 2 in the Schedule annexed.

Penalty for false Declaration or Certificate, &c.

5 Any person who shall subscribe any such Declaration or Certificate knowing the same to be false, or to contain any false statement, shall be deemed guilty of felony, and being thereof lawfully convicted shall be liable to be kept in penal servitude for any period not exceeding Ten Years, or to imprisonment with or without hard labour for any period not exceeding Three Years.

Complete Execution to be recorded in the Supreme Court.

6 Every such Declaration and Certificate as aforesaid shall be transmitted by the Sheriff, Under Sheriff, or Deputy as aforesaid (whichever shall be present at such Execution) to the Registrar of the Supreme Court at *Hobart Town*, and shall be entered and kept in his Office as a Record of the said Court, and shall be published in the *Hobart Town Gazette* on two separate occasions.

Commencement of Act.

7 This Act shall commence and take effect on the first day of *October* next.

SCHEDULE.

No. 1.

WE, the undersigned, do hereby declare and testify that we have this day been present when the extreme penalty of the law was executed on the body of [C.D.], lately convicted at the Supreme Court held at _____ 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."

Sheriff, Under Sheriff, or Deputy Sheriff.
Gaoler.
Turnkey.
Constables.
Magistrates.
Other Spectators.

No. 2.

I [A.B.] being the Medical Officer of the Prison at _____ do hereby declare and certify that I have this day examined the body of [C.D.] lately convicted and sentenced to death at the Supreme Court held at _____ and I further certify that, upon such examination, I found that the body of the said [C.D.] was dead.

Given under my hand, this _____ day of _____ 185

A.B.

MICHAEL FENTON, *Speaker.*

Passed the Legislative Council this seventh day of August, one thousand eight hundred and fifty-five.

FR. HARTWELL HENSLOWE,
Clerk of the Council.

In the name and on the behalf of Her Majesty I assent to this Act.

H. E. F. YOUNG,
Governor.

*Government House, Hobart Town,
8th August, 1855.*

