

NEW ZEALAND.



ANNO VICESIMO PRIMO ET VICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. 10.

ANALYSIS:

Title.

Preamble.

1. Execution to be carried into effect within walls of gaol, or other enclosed place.
2. Governor to appoint proper gaols and places.
3. Sheriff and Officers of gaol to witness execution.
4. Medical Officer to sign a certificate, and witnesses a declaration.
5. Body not to be buried within eight hours, and to be viewed.

6. Inquest to be held on the body.

7. Penalty for subscribing false certificate or declaration

8. Certificate and declaration to be kept as record of Supreme Court, and to be published in Gazette.

9. Commencement and operation of Act.

10. Governor in special cases may appoint any time and place for execution.

11. Short Title, Schedule.

AN ACT to regulate the Execution of Title.
Criminals. [3rd June, 1858.]

WHEREAS it is expedient to alter the practice observed in Preamble.
the execution of Criminals: Be it therefore enacted by the General
Assembly of New Zealand, in Parliament assembled, and by the
authority of the same, as follows:—

I. From and after this Act coming into operation in any Execution to be carried into effect within walls of gaol, or other enclosed place.
District of New Zealand, sentence of death passed upon any
person by the Supreme Court of the Colony, or by any Judge of
the said Court, shall be carried into execution within the
walls or the enclosed yard of some gaol, or within some other
enclosed place

Execution of Criminals.

Governor to appoint proper gaols and places.

II. The Governor shall from time to time, by writing under his hand, appoint such gaols and other places for such executions as he may think proper; and may revoke such appointments, and, if he shall think fit, appoint other places in lieu thereof.

Sheriff and Officers of gaol to witness execution.

III. The Sheriff, the Gaoler, any of the Officers of the gaol whose attendance the Sheriff may require, and a Medical Practitioner, shall be present at every such execution, together with any Justices of the Peace and Ministers of Religion who may desire to attend, and also such Military and Police Guard (and other male adult spectators, not exceeding ten, unless under permission from the Governor,) as the Sheriff may think fit to admit, but no other persons whatsoever.

Medical Officer to sign a certificate, and witnesses a declaration.

IV. Every one 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, or other enclosed place, until the sentence shall have been carried into execution and completed according to Law, and until the Medical Practitioner shall have signed a certificate in the form numbered I. in the Schedule to this Act; and the Sheriff, Gaoler, and other Officers of the gaol, and also such other of the persons present as may think fit, shall, before their departure from the gaol or place of execution, subscribe a declaration according to the form numbered II. in the said Schedule.

Body not to be buried within eight hours, and to be viewed.

V. The body of any person on whom the sentence of death shall have been carried into execution as aforesaid, shall not be buried or removed from the gaol or place where such execution is had, within eight hours next after such execution; and every person who shall within that time produce to the gaoler, or other person in charge of the body, an order from a Justice of the Peace requiring such gaoler or other person to admit the bearer of such order to view the body of such person, shall and may be admitted by such Gaoler accordingly.

Inquest to be held on the body.

VI. Whenever any execution shall have taken place, it shall be the duty of the Sheriff to give notice thereof forthwith to the Coroner of the District, who shall, as soon as conveniently may be, hold an Inquest upon the body of the person upon whom the sentence of death has been executed; and the Jury, which shall not include any of those who witnessed the execution, on such Inquest shall enquire and find whether such sentence was duly carried into effect on the body of the person condemned to execution.

Penalty for subscribing false certificate or declaration.

VII. Any person who shall subscribe any certificate or declaration as aforesaid, 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 sentenced to penal servitude for any term not exceeding six years.

Certificate and declaration to be kept as record of Supreme Court, and to be published in Gazette.

VIII. Every such certificate and declaration as aforesaid shall be forthwith transmitted by the Sheriff to the Registrar or Deputy-Registrar of the Supreme Court for the Province within

Execution of Criminals.

which such execution shall have taken place, and shall be kept in his office as a record of the said Court, and shall be published in the *New Zealand Gazette*.

IX. This Act shall come into operation in such part of the Colony of New Zealand as the Governor shall by proclamation from time to time appoint to be Districts for that purpose.

Commencement and operation of Act.

X. Provided always, that it shall be lawful for the Governor, with the advice of his Executive Council, by an order under his hand to be given in any special case in which the circumstances may appear to render it expedient, to direct that sentence of death, passed upon any person as aforesaid, shall be carried into execution at some particular time and place within the Colony of New Zealand, to be in such order set forth, and in every such case none of the provisions of this Act shall apply or be acted on.

Governor in special cases may appoint any time and place for execution.

XI. The Short Title of this Act shall be "Execution of Criminals Act, 1858."

Short Title.

SCHEDULE REFERRED TO.

Schedule.

FORM NO. I.

Certificate.

I, (A. B.,) the Medical Officer in attendance at the Execution of (C. D.,) at the gaol of (or at the place of execution at) do hereby certify and declare, that I have this day witnessed the execution of the said (C. D.) at the said gaol; and I do further certify and declare, that the said (C. D.) was, in pursuance of the sentence of the Supreme Court, hanged by the neck until his body was dead.

Given under my hand this day
of in the year 18, at the
gaol of (or at the place of
execution at).

FORM NO. II.

Declaration.

We do hereby testify and declare, that we have this day been present 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 at on the day of last (*instant*), 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 in the
year 18, at the gaol of (or
at the place of execution at).

Sheriff.
Gaoler.
Turnkey.
Justice of the Peace.
Other spectators.