

*Private Executions.***No. XL.**PRIVATE
EXECUTIONS.**An Act to regulate the Execution of Criminals.
[Reserved—4th October, 1853.]**

Preamble.

WHEREAS it is expedient to alter and amend the practice attending the execution of Criminals Be it enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof as follows:—

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

1. Whenever judgment of death shall have been passed upon any person and a day be 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 within the walls of the Prison of the County City Town or District in which the conviction was had or within the enclosed yard of such Prison.

Sheriff Officers of the
Gaol &c. to witness
Execution.

2. The Sheriff Under Sheriff or Deputy as aforesaid shall be present at such execution together with the Gaoler and proper Officers of the Gaol including the Physician or Surgeon together with all Magistrates who shall think fit and such Constables Military Guard and adult Spectators as the said Sheriff Under Sheriff or Deputy as aforesaid may think fit.

Witnesses to sign
declaration.

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 until the Medical Officer shall sign a certificate in the form A appended to this Act and the said Sheriff Under Sheriff or Deputy and the said Gaoler Officers of the Gaol and Constables and such other persons present as may think fit shall before their departure from the Gaol subscribe a declaration according to the form marked B appended hereto.

Penalty for making
false declaration.

4. Any person who shall subscribe any such certificate or declaration 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 transported for any period not exceeding fifteen years or to imprisonment with or without hard labor for any period not exceeding three years.

Complete execution
recorded in Supreme
Court.

5. Every such certificate and declaration as aforesaid shall be transmitted by the Sheriff Under Sheriff or Deputy as aforesaid (whichever shall be present at such execution) to the Prothonotary of the Supreme Court in Sydney and shall be entered and kept in his office as a record of the said Court and shall be published in the *Government Gazette* on two separate occasions.

SCHEDULE.**A.**

I (A. B.) being the Medical Officer of the Gaol of _____ do hereby declare and certify that I have this day witnessed the execution of C. D. lately convicted and duly sentenced to death at the Court of _____ and I further certify that the said C. D. was in pursuance of such sentence "hanged by the neck until his body was dead."

Given under my hand this _____ day of _____ in the
year _____

in the

B.

New Constitution.

B.

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 Court held on the day of and duly sentenced to death and that the said C. D. was in pursuance of said sentence "hanged by the neck until his body was dead."

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