

*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.*

*W. S. MOWLE,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 15 September, 1925.*

New South Wales.



ANNO SEXTO DECIMO

GEORGII V REGIS.

Act No. , 1925.

**An Act to abolish capital punishment ; to amend
the Crimes Act, 1900, and certain other Acts ;
and for purposes connected therewith.**

BE it enacted by the King's Most Excellent Majesty,
by and with the advice and consent of the Legis-
lative Council and Legislative Assembly of New South
Wales in Parliament assembled, and by the authority of
5 the same, as follows :—

1. This Act may be cited as the “ Abolition of Short title.
Capital Punishment Act, 1925,” and shall be read with
the Crimes Act, 1900, as amended by subsequent Acts.

Abolition of Capital Punishment.

2. (1) Sentence of death shall not be passed upon or recorded against any person for any crime for which if this Act had not passed he would be liable under any Act or Imperial Act in force in this State to suffer death.

Abolition of capital punishment and substitution of other punishments.

5 (2) Any person who is convicted of treason murder rape or carnally knowing a girl under the age of ten years shall be sentenced to penal servitude for life, and in such a case section four hundred and forty-two of the Crimes Act, 1900, shall not apply.

10 (3) Where a person is convicted of any other crime for which, if this Act had not passed, he would be liable under any Act or Imperial Act in force in this State to suffer death he shall be liable to penal servitude for life.

15 **3.** This Act shall apply where proceedings have been instituted before as well as where proceedings are instituted after the passing of this Act.

Application of Act.

4. Nothing in this Act shall affect His Majesty's prerogative of mercy.

Prerogative of mercy.

20 **5.** The Crimes Act, 1900, as amended by subsequent Acts is amended as follows:—

Amendment of Act 1900 No. 40.

(a) Section one—

(i) After "Part XII, Sentences" omit "(2) Sentences of death—ss. 430, 431";

25 (ii) After "Part XIII, Proceedings after sentence" omit "(1) Capital Sentences—ss. 448-452";

(b) Section nine, omit the words "of death or";

30 (c) Section eighteen, subsection one, paragraph (a), omit the words "death or";

(d) Section nineteen, omit the words "suffer death" and insert in lieu thereof the words "penal servitude for life";

35 (e) Section twenty-seven, omit the words "suffer death" and insert in lieu thereof the words "penal servitude for life";

(f) Section twenty-eight, omit the words "suffer death" and insert in lieu thereof the words "penal servitude for life";

40 (g) Section sixty-three, omit the words "suffer death" and insert in lieu thereof the words "penal servitude for life";

(h)

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- (h) Section sixty-seven, omit the words "suffer death" and insert in lieu thereof the words "penal servitude for life";
- 5 (i) Section one hundred and ninety-six, omit the words "suffer death" and insert in lieu thereof the words "penal servitude for life";
- (j) Section two hundred and thirty-five, omit the words "suffer death" and insert in lieu thereof the words "penal servitude for life";
- 10 (k) Section two hundred and forty, omit the words "suffer death" and insert in lieu thereof the words "penal servitude for life";
- (l) Section three hundred and twenty-eight, omit the words "with death or";
- 15 (m) Section three hundred and forty-five, omit the words "and whether a capital felony or not";
- (n) Section three hundred and seventy, omit the words "not capital" and insert the words "other than treason, murder, rape, or carnally knowing a girl under the age of ten years";
- 20 (o) Section three hundred and eighty, omit the words "not being capital";
- (p) Sections four hundred and thirty and four hundred and thirty-one, omit these sections and the subheading preceding section four hundred and thirty;
- 25 (q) Section four hundred and forty, omit the words "not punishable with death shall" and insert in lieu thereof the words "shall subject to the provisions of the Abolition of Capital Punishment Act, 1925";
- 30 (r) Section four hundred and forty-one, omit the words "whether punishable with death or otherwise";
- 35 (s) Sections four hundred and forty-eight, four hundred and forty-nine, four hundred and fifty, four hundred and fifty-one, four hundred and fifty-two, omit these sections, also the subheading "Capital Sentences" preceding section four hundred and forty-eight;
- 40 (t) Section four hundred and fifty-nine, omit this section;
- (u)

Abolition of Capital Punishment.

- (u) Section four hundred and sixty, omit this section ;
- (v) Section four hundred and sixty-one—
- 5 (i) omit the words “whether under the sentence of a court or under any order made as last aforesaid ;” and
- (ii) omit the words “whilst the offender is serving under any such sentence or order” and substitute the words “whilst the offender is serving under any sentence” ;
- 10 (w) Section five hundred and sixty-eight, subsection three, omit the words “not punishable with death” and insert in lieu thereof the words “except treason murder rape or carnally knowing a girl under the age of ten years” ;
- 15 (x) Seventh Schedule, omit this Schedule.
- 6.** The Criminal Appeal Act, 1912, is amended as follows :— Amendment of Act 1912 No. 16, ss. 10, 26.
- 20 (a) Section ten, subsection two, omit the words “sentence of death or” ;
- (b) Section ten, subsection three, omit the words “except in the case of conviction involving sentence of death” ;
- 25 (c) Section twenty-six, omit the words “other than the sentence of death.”
- 7.** The Lunacy Act, 1898, is amended by omitting section sixty-nine. Amendment of Act 1898 No. 45, s. 69.
- 8.** The Felons Apprehension Act, 1899, is amended as follows :— Amendment of Act 1899 No. 26, ss. 4, 5, 14.
- 30 (a) Section four, omit the words “punishable by law with death” and insert in lieu thereof “punishable by law with penal servitude for life” ;
- (b) Section five, subsection one—
- 35 (i) omit the words “Australian Colony” and insert in lieu thereof the words “State of the Commonwealth” ;
- (ii) omit the words “such first-mentioned Colony” and insert in lieu thereof the words “such first-mentioned State” ;
- 40 (iii)

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- 5 (iii) omit the words "by the law of that Colony with death" and insert in lieu thereof the words "by the law of that State with death or penal servitude for life";
- (iv) omit the words "proper authority in the Colony" and insert in lieu thereof the words "proper authority in the State";
- 10 (c) Section five, subsection two—
- (i) omit the words "Government Gazette of any Colony" and insert in lieu thereof the words "Government Gazette of any State";
- 15 (ii) omit the words "with the law of such Colony" and insert in lieu thereof the words "with the law of such State";
- (d) Section fourteen—
- (i) paragraph (a), omit the words "or any circuit";
- 20 (ii) paragraph (b), omit the words "in the Colony" and insert in lieu thereof the words "in the State."
- 9.** The Prisons Act, 1899, is amended by omitting section seven. Amendment of Act 1899 No. 27, s. 7.
- 25 **10.** The Piracy Punishment Act, 1902, is amended as follows:— Amendment of Act 1902 No. 69, ss. 4, 6.
- (a) Section four, omit the words "shall be liable to suffer death" and insert in lieu thereof the words "shall be liable to penal servitude for life."
- 30 (b) Section six, omit the words "with death or otherwise."
- 11.** The Jury Act, 1912, is amended by omitting from subsection two of section fifty-five the words "or Amendment of Act 1912 No. 31, s. 55 if the offence charged be capital" and by inserting in (2). lieu thereof the words "or if the offence charged be treason murder rape or carnally knowing a girl under the age of ten years."
- 12.** The Coroners' Act, 1912, is amended by Amendment of Act 1912 No. 36, s. 21. omitting section twenty-one.

CHICAGO, ILL., MAY 1, 1935

TO THE EDITOR:—

SIR:—

I have the honor to acknowledge the receipt of your letter of April 25, 1935, regarding the matter of the American Medical Association's position on the subject of the proposed amendment to the Federal Food and Drug Act.

The American Medical Association has been deeply concerned with the proposed amendment to the Federal Food and Drug Act, and has been actively engaged in a campaign to secure its repeal. The proposed amendment would require the registration of all drugs, and would also require the payment of a fee for the registration of each drug.

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