

Legislative Council.

43<sup>o</sup> VICTORIÆ, 1879.

## A BILL

To provide for the more effectual punishment of certain atrocious Crimes where the penalty of Death is commuted.

[MR. DARLEY;—25 June, 1879.]

**W**HEREAS in the case of the atrocious Crimes hereinafter mentioned now subject to the penalty of Death it is expedient in a view to their more effectual repression that where that penalty is commuted the Governor should be empowered to increase the punishment now by law provided in that behalf Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

10 1. Whenever after the passing of this Act any person shall be convicted of the crime of rape or of carnal knowledge of a child under ten years or any unnatural crime or of robbery with arms and accompanied by wounding and shall for any such crime have been sentenced to death if the Governor shall in exercise of the Royal Prerogative  
15 remit conditionally that penalty it shall be lawful for him to direct that

Preamble.

In certain capital cases whipping may be inflicted where the penalty of death is commuted.



that the offender be kept to hard labour on the roads or other public works of the Colony or imprisoned with hard labour for life or any less term and in either case during the first *three* years or any less portion thereof in irons and also (instead of or in addition to the last-mentioned direction) that such offender be once twice or thrice privately whipped. Provided that the number of strokes to be inflicted at each whipping and the time and place thereof shall be specified in such direction. 5

Provisions of  
Garotting Act to  
apply.

2. The several provisions of the second and third sections of the Act passed in the thirty-seventh year of Her Majesty for the more effectual suppression of garotting shall in other respects be in force as to such whipping and the infliction and endurance thereof. 10

Governor's directions  
to be enforced by the  
Judge.

3. Upon the Governor's remission of the penalty of death with the term of his direction or directions in the case being signified to the Judge before whom the offender was convicted such Judge shall make an order that he be dealt with according to those terms which order shall have the effect of a valid sentence passed by the Court in which the offender was convicted and shall be entered upon its records accordingly. 15

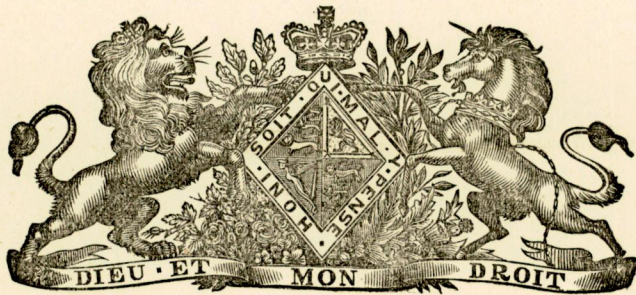


This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council Chamber,  
Sydney, 15th July, 1879. }

JOHN J. CALVERT,  
Clerk of the Parliaments.

## New South Wales.



ANNO QUADRAGESIMO TERTIO

# VICTORIÆ REGINÆ.

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No. .

An Act to provide for the more effectual punishment of Crimes where the penalty of Death is commuted.

**W**HEREAS in the case of Crimes now subject to the penalty of Preamble.  
Death it is expedient in a view to their more effectual repression that where that penalty is commuted the Governor with the advice of the Executive Council should be empowered to increase the punishment now by law provided in that behalf Be it therefore enacted by  
5 the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

10 1. Whenever after the passing of this Act any person shall be convicted of any capital crime and shall for such crime have been sentenced to death if the Governor shall in exercise of the Royal Prerogative remit conditionally that penalty it shall be lawful for him with the advice of the Executive Council to direct that the offender  
15 be kept to hard labour on the roads or other public works of the Colony

In certain capital cases whipping may be inflicted where the penalty of death is commuted.



*Criminals Commuted Punishment.*

Colony or imprisoned with hard labour for life or any less term and in either case during the first three years or any less portion thereof in irons and also (instead of or in addition to the last-mentioned direction) that such offender be once twice or thrice privately whipped. Provided  
 5 that the number of strokes to be inflicted at each whipping and the time and place thereof shall be specified in such direction and shall not exceed in any case the number of fifty at each such whipping.

2. The several provisions of the second and third sections of the Act passed in the thirty-seventh year of Her Majesty for the more  
 10 effectual suppression of garotting shall in other respects be in force as to such whipping and the infliction and endurance thereof.

3. Upon the Governor's remission of the penalty of death with  
 the term of his direction or directions in the case being signified to the  
 Judge before whom the offender was convicted or some other Judge of  
 15 the Supreme Court such Judge shall make an order that he be dealt with according to those terms which order shall have the effect of a valid sentence passed by the Court in which the offender was convicted and shall be entered upon its records accordingly.

Provisions of  
Garotting Act to  
apply.

Governor's directions  
to be enforced by the  
Judge.

[3d.]