

LAWS OF PRINCE EDWARD ISLAND.



An Act to provide for carrying out of Capital Punishment within Prisons.

[Passed April 19, 1869.]

WHEREAS, it is expedient that Capital Punishment should be carried out within Prisons: Be it enacted by the Administrator of the Government, Council and Assembly, as follows:—

I. This Act may be cited, for all purposes, as the "Capital Punishment Amendment Act, 1869."

II. Judgment of Death to be executed, on any prisoner sentenced after the passing of this Act, on any indictment or inquisition for murder or arson, shall be carried into effect within the walls of the Prison in which the prisoner is confined at the time of execution.

III. The Sheriff charged with the execution, and the Jailor, Chaplain and Surgeon, of the Prison, and such other officer of the Prison as the Sheriff requires, shall be present at the execution.

IV. Any Justice of the Peace for the County in which such Prison is situate and such relatives of the prisoner or other persons as it seems to the Sheriff, or the visiting Justices of the Prison, proper to admit within the Prison for the purpose, may also be present at the execution.

V. As soon as may be, after judgment of death has been executed on the offender, the Surgeon of the prison shall examine the body of the offender, and shall ascertain the fact of death, and shall sign a certificate thereof and deliver the same to the Sheriff.

VI. The Sheriff, and Jailor, and Chaplain of the Prison, and such Justices and other persons present (if any), as the Sheriff requires or allows, shall also sign a declaration to the effect that judgment of death has been executed on the offender.

VII. Any coroner of the County in which such prison is situate, and wherein judgment of death is executed on any offender, shall, within twenty-four hours after the execution, hold an inquest on the body of the offender, and the

jury at the inquest shall inquire into and ascertain the identity of the body, and whether judgment of death was duly executed on the offender, and the inquisition shall be in duplicate, and one of the originals shall be delivered to the Sheriff.

VIII. No officer of the prison, or prisoner confined therein, shall, in any case, be a juror on the inquest.

IX. The Administrator of the Government, for the time being, in Council, shall, from time to time, make such rules and regulations, to be observed on execution of judgment of death, in every prison, as he may, from time to time, deem expedient, for the purpose, as well of guarding against any abuse in such execution, as also of giving due solemnity to the same, and of making known without the prison walls the fact that such execution is taking place.

X. All such rules and regulations shall be laid before the Legislature, within six weeks after the making thereof, or, if the Legislature be not then sitting, within fourteen days after the next sitting thereof.

XI. If any person knowingly and wilfully signs any false certificate or declaration required by this Act, he shall be guilty of a misdemeanor, and, on conviction thereof, shall be liable, at the discretion of the Supreme Court, to imprisonment for any term not exceeding two years, with or without hard labor, and with or without solitary confinement.

XII. Every certificate and declaration, and the duplicate of the inquisition, required by this Act, shall, in each case, be sent, with all convenient speed, by the Sheriff, to the Administrator of the Government, for the time being, and printed copies of the same several instruments shall, as soon as possible, be exhibited, and shall, for twenty-four hours, at least, be kept exhibited on or near the principal entrance of the prison within which judgment of death is executed.

XIII. The duties and powers by this Act imposed on, or vested in, the Sheriff, may be performed by, and shall be vested in, his under Sheriff, or other lawful Deputy acting in his absence and with his authority, and any other officer charged, in any case, with the execution of judgment of death.