

An Act for the more effectual suppression of Garotting. [9th June, 1874.]

Preamble.

WHEREAS it is desirable that further and more effectual provision should be made for the suppression of Garotting. 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:—

Attempting to choke
&c. in order to
commit an offence.

1. Whosoever shall by any means whatsoever attempt to choke suffocate or strangle any person or shall by any means calculated to choke suffocate or strangle render or attempt to render any person insensible unconscious or incapable of resistance with intent in any of such cases thereby to enable himself or any person to commit or with intent in any of such cases thereby to assist any person in committing any indictable offence shall be guilty of felony and being convicted thereof shall be liable to be kept to hard labour on the roads or other public works of the Colony for a period not less than three years nor more than fifteen years or at the discretion of the Court to

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be imprisoned for any term not exceeding seven years nor less than two years and the Court may in addition direct that the offender be kept in irons for any portion of his term of punishment not exceeding the first three years.

2. Where any person is convicted of a crime under the above section the Court before whom he is convicted may in addition to the punishment awarded direct that the offender if a male whose age exceeds sixteen years be once twice or thrice privately whipped Provided the number of strokes do not exceed fifty at each such whipping and that the Court in its sentence shall specify the number of strokes to be inflicted and the time and place of each such whipping Provided also that in no case shall such whipping take place after the expiration of six months from the passing of the sentence Provided also that in all cases where the punishment of whipping shall be inflicted under the authority of this Act the surgeon or medical officer of the gaol in which the offender is confined shall be present on every occasion when the said punishment is inflicted and such surgeon or medical officer if he be of opinion that the carrying out of the whole or any part of such whipping is likely to be attended with dangerous results to the offender may from time to time by writing under his hand delivered to the gaoler order the postponement of the whole or any part of such whipping to some day to be specified in such order and shall within seven days after the making of any such order send a report in writing stating his reasons for making such order to the Comptroller-General of Prisons.

3. It shall be lawful for the Comptroller-General of Prisons with the approval of the Governor with the advice of the Executive Council to prescribe the form and kind of instrument to be used in the several gaols of the Colony in the whipping of offenders under the provisions of this Act and to direct the manner of its use and no other kind of instrument shall after any such direction be used in the carrying out of the sentence on any such offender.

Instrument to be
used in the whipping
of offenders.