

**V.
1937.**

ORDRE EN CONSEIL

Ratifiant un Projet de Loi intitulé

Loi amendant la Loi par rapport à l'Exécution de Jugements de Condam- nation à Mort.

(Enregistré sur les Records de l'Île de Guernesey le
28 août 1937.)



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1937.

ORDRE EN CONSEIL.



A LA COUR ROYALE DE L'ÎLE DE GUERNESEY

Le vingt-huit août mil neuf cent trente-sept, par devant William de Prélaz Crousaz, écuyer, Lieutenant-Baillif; présents: Jean Allès Simon, John Roussel, Osmond Priaulx Gallienne, Geoffrey Alfred Carey, Ernest de Garis, Jean Nicolas Robin, Aylmer Mackworth Drake, John Leale et James Frederick Carey, écuyer, jurés.

Monsieur le Lieutenant-Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du vingt-neuf juillet mil neuf cent trente-sept, ratifiant un Projet de Loi intitulé "Loi amendant la Loi par rapport à l'Exécution de Jugements de Condamnation à Mort". La Cour, après avoir eu lecture du dit Ordre, ouïes les conclusions du Contrôle du Roi, a ordonné que le dit Ordre en Conseil sera enregistré sur les Records de cette Ile, duquel Ordre la teneur suit:—

At the Court at Buckingham Palace

The 29th day of July, 1937.

Present,

The King's Most Excellent Majesty

LORD PRESIDENT.

MARQUESS OF ZETLAND.

VISCOUNT DAWSON OF PENN.

SIR GEORGE RANKIN.

Whereas there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of

LE 28 AOUT 1937.

Guernsey and Jersey, dated the 9th day of July, 1937, in the words following viz. :—

“Your Majesty having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

‘1. That on the 19th day of June, 1937, the Royal Court adopted a Bill or Projet de Loi intituled “Loi amendant la Loi par rapport à l’Exécution de Jugements de Condamnation à Mort,” and requested the Bailiff to submit the same to the States of Deliberation for their approval: 2. That on the 30th day of June, 1937, the said Bill or Projet de Loi was duly considered by the States, when a resolution was passed approving the same with slight modifications and authorising the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto: 3. That the said Bill or Projet de Loi is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the Bill or Projet de Loi of the States of Guernsey intituled “Loi amendant la Loi par rapport à l’Exécution de Jugements de Condamnation à Mort,” and to order and direct that the same shall have the force of Law within the Bailiwick of the Island of Guernsey.’

“The Lords of the Committee, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi.”

His Majesty, having taken the said Report into consideration is pleased, by and with the

advice of His Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Island of Guernsey.

And His Majesty doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

M. P. A. Hankey.

PROJET DE LOI referred to in the foregoing Order.

PROJET DE LOI

INTITULÉ

LOI AMENDANT LA LOI PAR RAPPORT À L'EXÉCUTION DE JUGEMENTS DE CON- DAMNATION À MORT.

LES ETATS ont approuvé les dispositions suivantes rédigées en anglais lesquelles, moyennant la Sanction de Sa Très Excellente Majesté en Conseil, auront force de Loi dans le Bailliage de l'Ile de Guernsey.

1. SHORT TITLE.—This Law may be cited for all purposes as “The Capital Punishment Amendment Law, (Guernsey), 1937”.

2. EXECUTIONS TO BE WITHIN PRISON.—Judgment of death to be executed in the Bailiwick of Guernsey on any prisoner sentenced in that Bailiwick on any indictment for murder shall be carried into effect under the direction of His Majesty's Sheriff of the Island of Guernsey (hereinafter called “the Sheriff”) within the walls of His Majesty's Prison situate in the Island of Guernsey (hereinafter called “the prison”).

3. H.M. SHERIFF, ETC., TO BE PRESENT.—The Sheriff and the Gaoler, Chaplain, and Medical Officer of the prison, and such other officers as the Sheriff requires, shall be present at the execution.

The Bailiff, any Jurat of the Royal Court of Guernsey, His Majesty's Procureur and His Majesty's Comptroller of the Island of Guernsey,—the Judge of Alderney and any Jurat of the Court of Alderney (in the case only of a prisoner who belongs to the Island of Alderney),—the Seneschal of Sark (in the case only of a prisoner who belongs to the Island of Sark or its Dependencies),—and such relatives of the prisoner or other persons as it seems to the Sheriff proper to admit within the prison for the purpose, may also be present at the execution.

4. **CERTIFICATE OF DEATH.**—As soon as may be after judgment of death has been executed on the offender, the Medical Officer 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.

The Sheriff, and the Gaoler and Chaplain of the prison, and such Officials and other persons present (if any) as the Sheriff requires or allows so to do, shall also sign a declaration to the effect that judgment of death has been executed on the offender.

5. **INQUEST ON BODY.**—The Magistrate attached to the Royal Court of Guernsey, hereinafter called “the Magistrate” (which expression shall include any person lawfully acting for the time being in the place of such Magistrate), shall within twenty-four hours after judgment of death is executed in Guernsey on any offender hold an inquest on the body of the offender; the Magistrate shall inquire into and ascertain the identity of the body, and whether judgment of death was duly executed on the offender; two copies of the Act of Court recording the findings of the Magistrate shall be forthwith prepared and certified under the hand and seal of His Majesty’s Greffier of the Island of Guernsey or of his lawful Deputy acting in his absence and shall be delivered with all convenient speed to the Sheriff.

6. **BURIAL OF BODY.**—The body of every offender executed in the Island of Guernsey shall be buried at such fit place in that Island as the Bailiff or, in the absence of the Bailiff, a Lieutenant-Bailiff or, in the case of a vacancy in the Office of Bailiff, the Juge-Délégué, may by writing under his hand, appoint for the purpose, and the same shall be used accordingly.

7. **POWER OF COURT OF CHIEF PLEAS TO MAKE RULES.**—The Royal Court of Guernsey sitting as a Court of Chief Pleas may from time to time make such rules and regulations to be observed on the

execution of judgment of death in the prison as the Court may from time to time deem expedient for the purpose as well of guarding against any abuse in such execution as also of giving greater solemnity to the same, and of making known without the prison walls the fact that such execution is taking place.

8. PUBLICATION.—Every certificate and declaration and one of the certified copies of the Act of Court recording the findings of the Magistrate required by this Law shall in each case be sent with all convenient speed by the Sheriff to one of His Majesty's Principal Secretaries of State; 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.

9. EXECUTION OF DUTIES AND POWERS OF THE SHERIFF, GAOLER, ETC., BY DEPUTY-SHERIFF, DEPUTY-GAOLER, ETC.—The duties and powers by this Law imposed on or vested in the Sheriff may be performed by and shall be vested in any lawful deputy acting in his absence, and any other officer charged in any case with the execution of judgment of death.

The duties and powers by this Law imposed on or vested in the Gaoler of the prison may be performed by and shall be vested in the Deputy-Gaoler (if any) acting in his absence and with the authority of the Lieutenant-Governor of the Island of Guernsey and its Dependencies.

The duties and powers by this Law imposed on or vested in the Medical Officer of the prison may, in the absence of the Medical Officer, be performed by and shall be vested in any physician or surgeon for the time being acting as Medical Officer of the prison with the approval of the Lieutenant-Governor of the Island of Guernsey and its Dependencies.

The duties by this Law imposed on the Chaplain may, in the event of the absence of the Chaplain, be

performed by the assistant chaplain or other person acting in place of the Chaplain.

10. FORMS IN SCHEDULE TO BE USED.—The forms given in the schedule to this Law, with such variations or additions as circumstances require, shall be used for the respective purposes in that schedule indicated and according to the directions therein contained.

11. SAVING.—The omission to comply with any provision of this Law shall not make the execution of judgment of death illegal in any case where such execution would otherwise have been legal.

12. SENTENCE TO BE CARRIED OUT AS HERETOFORE.—Except in so far as is hereby otherwise provided, judgment of death shall be carried into effect in the same manner as if this Law had not been sanctioned.

THE SCHEDULE.

CERTIFICATE OF MEDICAL OFFICER.

I, A.B., the Medical Officer (or acting Medical Officer) of His Majesty's Prison in the Island of Guernsey, hereby certify that I this day examined the body of C.D., on whom judgment of death was this day executed in that Prison ; and that on that examination I found that the said C.D. was dead.

Dated this day of
(Signed) A.B.

DECLARATION OF H.M. SHERIFF AND OTHERS.

We, the undersigned, hereby declare that judgment of death was this day executed on C.D. in His Majesty's Prison in the Island of Guernsey in our presence.

Dated this day of
(Signed) E.F.,

His Majesty's Sheriff of the Island of Guernsey.

L.M.	{	Bailiff of Guernsey.	
		Jurat of the Royal Court of Guernsey.	
		Judge of Alderney.	
		Jurat of the Court of Alderney.	
		Seneschal of Sark.	
		His Majesty's Procureur. } of the Island	
		His Majesty's Comptroller. } of Guernsey.	

G.H., Gaoler of His Majesty's Prison in the Island of Guernsey.

J.K., Chaplain of His Majesty's Prison in the Island of Guernsey.

Etc., etc.

QUERTIER LE PELLEY,
Greffier du Roi,