SUPPLEMENT

TO THE

NEW SOUTH WALES GOVERNMENT GAZETTE

OF WEDNESDAY, DECEMBER 12, 1838.

Published by Authority.

SATURDAY, DECEMBER 15, 1838.

ANNO SECUNDO
VICTORIÆ REGINÆ
No. 10.

By His Excellency Sir George Gipps, Knight, Captain-General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, with the advice of the Legislative Council.

"*An Act for adopting certain Acts of Parliament passed in the First Year of the Reign of Her Majesty* QUEEN VICTORIA, *in the administration of Justice in* NEW SOUTH WALES, *in like manner as other Laws of England are applied therein.*"

WHEREAS certain Acts of Parliament were passed in the first year of the reign of Her present Majesty Queen Victoria, intitutled respectively, "*An Act to abolish the punishment of the Pillory;*" and "*An Act to amend the Laws relating to Offences against the Person;*" and "*An Act to amend the Laws relating to Burglary and Stealing in a Dwelling-house;*" and "*An Act to amend the Laws relating to Robbery and Stealing from the Person;*" and "*An Act to amend certain Acts relating to the crime of Piracy;*" and "*An Act to amend the Laws relating to burning or destroying Buildings and Ships;*" and also "*An Act to amend the Law relative to Offences punishable by Transportation for Life;*" and also "*An Act for abolishing the punishment of Death in certain cases;*" and whereas it is expedient to adopt and apply the said recited Acts of Parliament in the administration of Justice in New South Wales: Be it therefore enacted, by His Excellency the Governor of New South Wales, with the advice of the Legislative Council thereof, That the said recited Acts of Parliament, and every clause, provision, and enactment, therein contained, shall be, and the same is and are hereby adopted, and directed to be applied, in the administration of Justice in the said Colony and its Dependencies, in like manner as other Laws of England are therein applied, and as if the same, and every part thereof, had been repeated and re-enacted in this Act or Ordinance.

1 Vict., c. 23.
1 Vict., c. 85.
1 Vict., c. 86.
1 Vict., c. 87.
1 Vict., c. 88.
1 Vict., c. 89.
1 Vict., c. 90.
1 Vict., c. 91.

Adopted and applied in New South Wales.

II. And be it enacted, That this Act shall commence and take effect on the first day of October, one thousand eight hundred and thirty-eight, except as to offences and other matters committed or done before the said first day of October, which shall be dealt with and punished as if this Act had not been passed.

And to take effect from the 1st October, 1838.

"GEORGE GIPPS."

Passed the Legislative Council this twenty-eighth day of August, one thousand eight hundred and thirty-eight.

WM. MACPHERSON,
Clerk of Council.

ANNO PRIMO
VICTORIÆ REGINÆ.
CAP. XXIII.

"*An Act to abolish the Punishment of the Pillory.*"

(30th June, 1837.)

WHEREAS it is expedient to abolish the punishment of the Pillory: Be it there-

fore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, judgment shall not be given and awarded against any person or persons convicted of any offence, that such person or persons do stand in or upon the Pillory; any Law, Statute, or usage, to the contrary notwithstanding: Provided that nothing herein contained shall extend, or be construed to extend, in any manner, to change, alter, or affect, any punishment whatsoever which may now be by Law inflicted in respect of any offence, except only the punishment of the Pillory.

Punishment of the Pillory abolished

Proviso.

ANNO PRIMO

VICTORIÆ REGINÆ.

CAP. LXXXV.

"An Act to amend the Laws relating to Offences against the Person."

(17th July, 1837.)

WHEREAS it is expedient to amend so much of an Act passed in the ninth year of the Reign of King George the Fourth, intituled "*An Act for consolidating "and amending the statutes in England relative to Offences against "the Person;*" and also so much of an Act passed in the tenth year of the same Reign, intituled "*An Act for consolidating "and amending the statutes in Ireland, relating to Offences against "the Person;*" as relates to any person, who shall unlawfully and maliciously administer, or attempt to administer, to any person, or who shall cause to be taken by any person, any poison, or other destructive thing, or who shall unlawfully and maliciously attempt to drown, suffocate, or strangle any person, or who shall counsel, aid, or abet therein; and so much of the same Acts, or either of them, as relates to any person who shall unlawfully and maliciously shoot at any person, or who shall, by drawing a trigger, or in any other manner attempt to discharge any kind of loaded arms at any person, or who shall unlawfully and maliciously stab, cut, or wound any person, or who shall unlawfully and maliciously throw or cast at or upon, or otherwise apply to any person any corrosive or noxious liquid or substance, with any of the intents in the same Acts mentioned, or who shall counsel, aid, or abet therein; and so much of the same Acts as relates to any person who shall use any of the ways or means therein mentioned, with intent to procure the miscarriage of any woman, or who shall counsel, aid, or abet therein; and so much of the same Acts as relates to the punishment of accessaries after the fact, to such of the felonies punishable under those Acts as are hereinbefore referred to: Be it therefore enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That so much of the said Acts as is hereinbefore referred to, shall continue in force until and throughout the Thirtieth day of September, one thousand eight hundred and thirty-seven, and shall from and after that day be repealed, except as to offences committed before or upon the said Thirtieth day of September, which shall be dealt with and punished as if this Act had not been passed.

9 Geo. IV, c. 31.

10 Geo IV, c. 34.

Repeal of certain provisions of recited Acts.

(Punishment for administering poison, or doing other bodily injury, with intent to commit murder.)

II. And be it enacted, That whosoever shall administer to, or cause to be taken by any person, any poison or other destructive thing, or shall stab, cut, or wound any person, or shall, by any means whatsoever, cause to any person any bodily injury, dangerous to life, with intent, in any of the cases aforesaid, to commit murder, shall be guilty of felony, and being convicted thereof, shall suffer death.

(Punishment for offences with intent to commit murder, though no bodily injury effected.)

III And be it enacted, That whosoever shall attempt to administer to any person any poison, or other destructive thing, or shall shoot at any person, or shall, by drawing a trigger, or in any other manner, attempt to discharge any kind of loaded arms at any person, or shall attempt to drown, suffocate, or strangle any person, with intent, in any of the cases aforesaid, to commit the crime of murder, shall, although no bodily injury shall be effected, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of his or her natural life, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

(Punishment for cutting and maiming, with intent to disfigure.)

IV. And be it enacted, That whosoever, unlawfully and maliciously, shall shoot any person, or shall, by drawing a trigger, or in any other manner, attempt to discharge any kind of loaded arms at any person, or shall stab, cut, or wound any person, with intent, in any of the cases aforesaid, to maim, disfigure, or disable such person, or to do some other grievous bodily harm to such person, or with intent to resist or prevent the lawful apprehension or detainer of any person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of his or her natural life, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

(Punishment for sending explosive substances, or throwing destructive matter, with intent to do bodily harm.)

V. And be it enacted, that whosoever shall unlawfully and maliciously send or deliver to, or cause to be taken or received by any person, any

explosive substance, or any other dangerous or noxious thing, or shall cast or throw upon, or otherwise apply to, any person, any corrosive fluid, or other destructive matter, with intent, in any of the cases aforesaid, to burn, maim, disfigure, or disable any person, or to do some other grievous bodily harm to any person, and whereby, in any of the cases aforesaid, any person shall be burnt, maimed, disfigured, or disabled, or receive some other grievous bodily harm, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of his or her natural life, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

(Punishment for trying to procure abortion.)

VI. And be it enacted, That whosoever with intent to procure the miscarriage of any woman shall unlawfully administer to her, or cause to be taken by her any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported beyond the seas, for the term of his or her natural life, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

(Punishment of accessaries.)

VII. And be it enacted, That in the case of every felony punishable under this Act, every principal in the second degree, and every accessary before the fact, shall be punishable with death or otherwise in the same manner as the principal in the first degree is by this Act punishable; and every accessary after the fact to any felony punishable under this Act shall, on conviction, be liable to be imprisoned for any term not exceeding two years.

(Offences punishable by imprisonment.)

VIII. And be it enacted, That where any person shall be convicted of any offence punishable under this Act, for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, in the common gaol or house of correction, and also to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, or of such imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year, as to the Court in its discretion shall seem meet.

(Not to affect powers of 5 & 6 W. IV, c. 38, and 4 Geo. IV, c. 64.)

IX. And be it further enacted, That nothing in this Act contained shall be construed to extend to the alteration or repeal of any of the powers, provisions, or regulations contained in an Act made and passed in the Fifth and Sixth years of the reign of His late Majesty King William the Fourth, intituled, "*An Act for effecting greater uniformity of "Practice in the Government of the several "Prisons in England and Wales, and for appointing Inspectors of Prisons in Great Britain;*" or in an Act made and passed in the Fourth year of His Majesty King George the Fourth, intituled, "*An Act for consolidating and amending "ing the Laws relating to the building, repairing, "and regulating of certain Gaols and Houses of "Correction in England and Wales.*"

(Offences committed within the Jurisdiction of the Admiralty.)

X. And be it enacted, That where any Felony punishable under this Act shall be committed within the Jurisdiction of the Admiralty of England or of Ireland, the same shall be dealt with, inquired of, tried and determined in the same manner as any other Felony committed within that Jurisdiction.

(Court empowered to imprison for three years in certain cases.)

XI. And be it enacted, That on the trial of any person for any of the offences hereinbefore mentioned, or for any felony whatever, where the crime charged shall include an assault against the person, it shall be lawful for the Jury to acquit of the felony and to find a verdict of guilty of assault against the person indicted, if the evidence shall warrant such finding; and when such verdict shall be found the Court shall have power to imprison the person so found guilty of an assault for any term not exceeding three years.

(Not to extend to Scotland.)

XII. Provided always and be it enacted, That nothing in this Act contained shall extend to Scotland.

(Commencement of Act.)

XIII. And be it enacted, That this Act shall commence and take effect on the First day of October, One thousand eight hundred and thirty-seven.

ANND PRIMO
VICTORIÆ REGINÆ.
CAP. LXXXVI.

"*An Act to amend the Laws relating to Bur-"glary and Stealing in a Dwelling House.*"
[17th July, 1837.]

WHEREAS it is expedient to amend so much of an Act passed in the Seventh and Eighth years of the Reign of King George the Fourth, intituled, "*An "Act for consolidating and amending the "Laws in England relative to Larceny and "other Offences connected therewith;*" and also so much of An Act passed in the Ninth year of the same Reign, intituled "*An Act "for consolidating and amending the Laws in Ireland relative to Larceny and other Offences con-"nected therewith,*" as relates to the punishment of any person convicted of burglary, and so much of the same Acts as relates to any person who shall steal any chattel, money, or valuable security, to any value whatever, in any dwelling-house, any person therein being put in fear, and so much of the same Acts as relates to the punishment of principals in the second degree, and of accessaries before

7 and 8 Geo. IV., c. 29

9 Geo. IV., c. 55.

and after the fact respectively to such of the felonies punishable under those Acts as are hereinbefore referred to: Be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, That so much of the said Acts as is hereinbefore referred to, shall continue in force until and throughout the Thirtieth day of September, One thousand eight hundred and thirty-seven, and shall from and after that day be repealed, except as to offences committed before or upon the said Thirtieth day of September, which shall be dealt with and punished as if this Act had not been passed.

Recited Acts in part repealed after 30th Sept. 1837, except as to offences on or before that day.

(Burglars using violence to suffer death.)

II. And be it enacted, That whosoever shall burglariously break and enter into any dwelling-house, and shall assault with intent to murder any person being therein, or shall stab, cut, wound, beat, or strike any such person, shall be guilty of felony, and being convicted thereof, shall suffer death.

(Punishment of burglary.)

III. And be it enacted, That whosoever shall be convicted of the crime of burglary shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of the natural life of such offender, or for any term not less than ten years, or to be imprisoned for any term not exceeding three years.

(Between what hours the breaking into a house is to be considered as a burglary.)

IV. Provided always, and be it enacted, That so far as the same is essential to the offence of burglary, the night shall be considered, and is hereby declared, to commence at nine of the clock in the evening of each day, and to conclude at six of the clock in the morning of the next succeeding day.

(Stealing in a dwelling-house with menace or threat.)

V. And be it enacted, That whosoever shall steal any property in any dwelling-house, and shall by any menace or threat put any one being therein in bodily fear, shall be guilty of felony, and, being convicted thereof, shall be liable to be transported beyond the seas for any term not exceeding fifteen years, nor less than ten years, or to be imprisoned for any term not exceeding three years.

(Punishment of accessaries.)

VI. And be it enacted, That in the case of every felony punishable under this Act, every principal in the second degree, and every accessary before the fact, shall be punishable with death or otherwise in the same manner as the principal in the first degree is by this Act punishable; and every accessary after the fact to any felony punishable under this Act (except only a receiver of stolen property) shall, on conviction, be liable to be imprisoned for any term not exceeding two years.

(Offences punishable by imprisonment.)

VII. And be it enacted, That where any person shall be convicted of any offence punishable under this Act for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour in the common gaol or house of correction, and also to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, or of such imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year, as to the Court in its discretion shall seem meet.

(Not to affect powers of 5 and 6 W. IV., c. 38, and 4 G. IV., c. 64.)

VIII. And be it further enacted, That nothing in this Act contained shall be construed to extend to the alteration or repeal of any of the powers, provisions, or regulations contained in an Act made and passed in the Fifth and Sixth years of the Reign of his late Majesty King William the Fourth, intituled "*An Act for effecting greater uniformity of practice in the government of the several prisons in England and Wales, and for appointing inspectors of Prisons in Great Britain,*" or in an Act made and passed in the Fourth year of his Majesty King George the Fourth, intituled "*An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain gaols and houses of correction in England and Wales.*"

(Construction of the word "Property.")

IX. And be it enacted, That the word "property" shall throughout this Act be deemed to denote everything included under the words "Chattel, Money, or valuable Security," used in the said Acts of the Seventh and Eighth years, and Ninth year, respectively, of King George the Fourth.

(Offences committed within jurisdiction of Admiralty.)

X. And be it enacted, That where any felony punishable under this Act shall be committed within the jurisdiction of the Admiralty of England or of Ireland, the same shall be dealt with, inquired of, tried, and determined in the same manner as any other felony committed within that jurisdiction.

(Not to extend to Scotland.)

XI. Provided always, and be it enacted, That nothing in this Act contained shall extend to Scotland.

(Commencement of Act.)

XII. And be it enacted, That this Act shall commence and take effect on the First day of October, One thousand eight hundred and thirty-seven.

ANNO PRIMO

VICTORIÆ REGINÆ.

CAP. LXXXVII.

"*An Act to amend the Laws relating to Robbery "and Stealing from the Person.*"

[17th July, 1837.]

WHEREAS it is expedient to amend so much of an Act passed in the Seventh and Eighth years of the Reign of King George the Fourth, intituled, "*An Act "for consolidating and amending the "Laws in England relative to Larceny and other "Offences connected therewith;*" and also so much of an Act passed in the Ninth year of the same Reign, intituled "*An "Act for consolidating and amending "the Laws in Ireland relative to Larceny and "other Offences connected therewith,*" as relates to any person who shall rob any other person of any chattel, money, or valuable security, or who shall steal any such property from the person of another, or shall assault any other person, with intent to rob him, or shall, with menaces, or by force, demand any such property of any other person, with intent to steal the same; and so much of the same Acts as relates to any person who shall accuse, or threaten to accuse, any other person of any infamous crime, with a view or intent to extort or gain from him, and who shall, by intimidating him by such accusation or threat, extort or gain from him any chattel, money, or valuable security; and so much of the same Acts as relates to any person who shall plunder or steal any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandise, or articles of any kind, belonging to such ship or vessel; and so much of the same Acts as relates to the punishment of principals in the second degree, and of accessaries before and after the fact respectively, to such of the felonies punishable under those Acts as are hereinbefore referred to: Be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That so much of the said Acts as is hereinbefore referred to, shall continue in force until and throughout the Thirtieth day of September, One thousand eight hundred and thirty-seven, and shall, from and after that day, be repealed, except as to offences committed before or upon the said Thirtieth day of September, which shall be dealt with and punished as if this Act had not been passed.

7 and 8 Geo. IV., c. 29.

9 Geo. IV., c. 55.

Repeal of provision in recited Acts.

(Punishment of robbery, attended with cutting or wounding.)

II. And be it enacted, That whosoever shall rob any person, and at the time of, or immediately before, or immediately after, such robbery, shall stab, cut, or wound any person, shall be guilty of felony, and, being convicted thereof, shall suffer death.

(Punishment of robbery, attended with violence.)

III. And be it enacted, That whosoever shall, being armed with any offensive weapon or instrument, rob, or assault with intent to rob, any person, or shall, together with one or more person or persons, rob, or assault with intent to rob, any person, or shall rob any person, and at the time of, or immediately before, or immediately after, such robbery, shall beat, strike, or use any other personal violence to any person, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of his or her natural life, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

(Punishment for obtaining property by threat of accusing of unnatural crimes.)

IV. And be it enacted, That whosoever shall accuse, or threaten to accuse, any person of the abominable crime of buggery, committed either with mankind or with beast, or of any assault, with intent to commit the said abominable crime, or of any attempt or endeavour to commit the said abominable crime, or of making or offering any solicitation, persuasion, promise, or threat, to any person, whereby to move or induce such person to commit or permit the said abominable crime, with a view or intent, in any of the cases aforesaid, to extort or gain from such person, and shall, by intimidating such person by such accusation or threat, extort or gain from such person any property, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of his or her natural life, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

(Punishment of stealing from the person.)

V. And be it enacted, That whosoever shall rob any person, or shall steal any property from the person of another, shall be liable, at the discretion of the Court, to be transported beyond the seas for any term not exceeding fifteen years, nor less than ten years, or to be imprisoned for any term not exceeding three years.

(Punishment for assault, with intent to rob.)

VI. And be it enacted, That whosoever shall assault any person, with intent to rob, shall be guilty of felony, and being convicted thereof shall (save and except in the cases where a greater punishment is provided by this Act) be liable to be imprisoned for any term not exceeding three years.

(Punishment for attempting to obtain property by menace.)

VII. And be it enacted, That whosoever shall, with menaces, or by force, demand any property of any person, with intent to steal the same, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding three years.

(Punishment for wrecking.)

VIII. And be it enacted, That whosoever

shall plunder or steal any part of any ship or vessel, which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandise, or articles of any kind, belonging to such ship or vessel, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for any term not exceeding fifteen years, nor less than ten years, or to be imprisoned for any term not exceeding three years.

(Punishment of accessaries.)

IX. And be it enacted, That in the case of every felony punishable under this Act, every principal in the second degree, and every accessary before the fact, shall be punishable with death or otherwise, in the same manner as the principal in the first degree is by this Act punishable; and every accessary after the fact to any felony punishable under this Act (except only a receiver of stolen property), shall, on conviction, be liable to be imprisoned for any term not exceeding two years.

(Offences punishable by imprisonment.)

X. And be it enacted, That where any person shall be convicted of any offence punishable under this Act for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour in the common gaol or house of correction, and also to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment or of such imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year, as to the Court in its discretion shall seem meet.

(Not to affect powers of 5 and 6 Wm. IV., c. 38, and 4 Geo. IV., c. 64.)

XI. And be it further enacted, That nothing in this Act contained shall be construed to extend to the alteration or repeal of any of the powers, provisions, or regulations contained in an Act made and passed in the fifth and sixth years of the Reign of His late Majesty King William the Fourth, intituled "*An Act for effecting greater uniformity of practice in the government of the several prisons in England and Wales, and for appointing inspectors of prisons in Great Britain,*" or in an Act made and passed in the Fourth year of His Majesty King George the Fourth, intituled "*An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain gaols and houses of correction in England and Wales.*"

(Construction of the word "Property.")

XII. And be it enacted, That the word "Property," shall throughout this Act be deemed to denote every thing included under the words "Chattel, Money, or valuable Security," used in the said Acts of the Seventh and Eighth years, and Ninth year respectively of King George the Fourth.

(Offences committed within the Admiralty jurisdiction.)

XIII. And be it enacted, That where any felony punishable under this Act shall be committed within the jurisdiction of the Admiralty of England or of Ireland, the same shall be dealt with, inquired of, tried and determined in the same manner as any other felony committed within that jurisdiction.

(Not to extent to Scotland.)

XIV. Provided always, and be it enacted, That nothing in this Act contained shall extend to Scotland.

(Commencement of Act.)

XV. And be it enacted, That this Act shall commence and take effect on the First day of October, One thousand eight hundred and thirty-seven.

ANNO PRIMO

VICTORIÆ REGINÆ.

CAP. LXXXVIII.

"*An Act to amend certain Acts relating to the crime of Piracy.*"

[17th July, 1838.]

WHEREAS it is expedient to amend so much of an Act passed in the Twenty-eighth year of the Reign of King Henry the Eighth, intituled "*For Pirates,*" and so much of an Act passed in the Eleventh and Twelfth years of the Reign of King William the Third, intituled, "*An Act for the more effectual suppression of Piracy,*" and so much of an Act passed in the Fourth year of the Reign of King George the First, intituled, "*An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons and unlawful Exporters of Wool, and for declaring the Law upon some points relating to Pirates;*" and so much of an Act passed in the eighth year of the same Reign, intituled "*An Act for the more effectual suppressing of Piracy;*" and so much of an Act passed in the Eighteenth year of the Reign of King George the Second, intituled, "*An Act to amend an Act made in the Eleventh year of the Reign of King William the Third, intituled, 'An Act for the more effectual suppression of Piracy,'*" as relates to the punishment of the crime of Piracy, or of any offence by any of the said Acts declared to be Piracy, or of accessaries thereto respectively:

28 Hen. VIII, c. 15.

11 & 12 Wm. III, c. 7.

4 Geo. I., c. 11, s. 7.

8 Geo. I. c. 24.

18 Geo. II., c. 30.

Repeal of provisions in recited Acts.

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, that so much of the said several Acts as is hereinbefore referred to, shall from and after the commencement of this Act be, and the same is hereby repealed.

(Punishment of Piracy when murder is attempted.)

II. And be it enacted, That from and after the commencement of this Act, whosoever, with intent to commit, or at the time of, or immediately before or immediately after committing the crime of Piracy, in respect of any ship or vessel, shall assault, with intent to murder, any person being on board of or belonging to such ship or vessel, or shall stab, cut, or wound any such person, or unlawfully do any act by which the life of such person may be endangered, shall be guilty of felony, and being convicted thereof, shall suffer death as a felon.

(Persons guilty of Piracy to be transported.)

III. And be it enacted, That from and after the commencement of this Act, whosoever shall be convicted of any offence which by any of the Acts hereinbefore referred to, amounts to the crime of Piracy, and is thereby made punishable with death, shall be liable at the discretion of the Court, to be transported beyond the seas for the term of the natural life of such offender, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

(Punishment of Accessaries.)

IV. And be it enacted, That in the case of every felony punishable under this Act, every principal in the second degree and every accessary before the fact, shall be punishable with death or otherwise in the same manner as the principal in the first degree is by this Act punishable; and every accessary after the fact to any felony punishable under this Act shall on conviction be liable to be imprisoned for any term not exceeding two years.

(Offences punishable by Imprisonment.)

V. And be it enacted, That where any person shall be convicted of any offence punishable under this Act for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, or imprisoned and kept to hard labour in the common gaol or house of correction, and also to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, or of such imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year, as to the Court in its discretion shall seem meet.

(Not to affect powers of 5 & 6, W. IV., c. 38, and 4 G. IV., c. 64.)

VI. And be it further enacted, That nothing in this Act contained shall be construed to extend to the alteration or repeal of any of the powers, provisions, or regulations contained in an Act made and passed in the Fifth and Sixth years of the Reign of his late Majesty King William the Fourth, intituled, "*An Act for "effecting greater uniformity of practice in "the government of the several prisons in "England and Wales, and for appointing "inspectors of prisons in Great Britain,*" or in an Act made and passed in the Fourth year of his Majesty King George the Fourth, intituled, "*An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols "and Houses of Correction in England and "Wales.*"

(Commencement of Act.)

VII. And be it further enacted, That this Act shall commence and take effect on the First day of October, One thousand eight hundred and thirty-seven.

ANNO PRIMO
VICTORIÆ REGINÆ.
CAP LXXXIX.

"*An Act to amend the Laws relating to burning "or destroying Buildings and Ships.*"

[17th July, 1837.]

WHEREAS it is expedient to amend so much of an Act passed in the Seventh and Eighth years of the Reign of King George the Fourth, intituled "*An Act "for consolidating and amending the Laws in England relative to malicious injuries to Property;*" and also so much of an Act passed in the Ninth year of the same Reign, intituled, "*An Act for consolidating and "amending the Laws in Ireland relative to "malicious injuries to Property,*" as relates to any person who shall unlawfully and maliciously set fire to any of the buildings or erections therein respectively mentioned; and so much of the same Acts as relates to any person who shall unlawfully and maliciously set fire to any mine of Coal or Cannel Coal; and so much of the same Acts as relates to any person who shall unlawfully and maliciously set fire to, or in anywise destroy, any ship or vessel, whether the same be complete or in an unfinished state, or who shall unlawfully and maliciously set fire to, cast away, in anywise destroy, any ship or vessel, with intent thereby to prejudice any owner or part owner, of such ship or vessel or of any goods on board the same, or any person that hath underwritten, or shall underwrite, any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board the same; and so much of the same Acts as relates to any person who shall exhibit any false light or signal, with intent to bring any ship or vessel into danger, or who shall unlawfully and maliciously do any thing tending to the immediate loss or destruction of any ship or vessel in distress, or destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandise, or articles of any kind, belonging to such ship or vessel, or who shall, by force, prevent or impede any person endeavouring to save his life from such ship or vessel (whether he shall be on board, or shall have quitted the same); and so much of the same Acts, or either of them, as relates to any person who shall unlawfully or maliciously set fire to any stack of corn, grain, pulse, straw, hay, coals, turf, charcoal, or wood; and so much of the same Acts as relates to the punishment of principals in the

second degree, and of accessaries before and after the fact respectively, to such of the felonies punishable under those Acts as are hereinbefore referred to: Be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That so much of the said Acts as is hereinbefore referred to, shall continue in force until and throughout the Thirtieth day of September, One thousand eight hundred and thirty-seven, and shall, from and after that day, be repealed, except as to offences committed before or upon the said Thirtieth day of September, which shall be dealt with and punished as if this Act had not been passed.

Repeal of provisions in recited Acts.

(Setting fire to a dwelling-house, any person being therein.)

II. And be it enacted, That whosoever shall unlawfully and maliciously set fire to any dwelling-house, any person being therein, shall be guilty of felony, and, being convicted thereof, shall suffer death.

(Setting fire to a church or chapel, house, warehouse, &c.)

III. And be it enacted, That whosoever shall unlawfully and maliciously set fire to any church or chapel, or to any chapel for the religious worship of persons dissenting from the United Church of England and Ireland, or shall unlawfully and maliciously set fire to any house, stable, coach-house, out-house, warehouse, office, shop, mill, malt-house, hop-oast, barn, or granary, or to any building or erection used in carrying on any trade or manufacture, or any branch thereof, whether the same, or any of them respectively, shall then be in the possession of the offender, or in the possession of any other person, with intent thereby to injure or defraud any person, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of the natural life of such offender, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

(Setting fire to ships or vessels, with intent to commit murder.)

IV. And be it enacted, That whosoever shall unlawfully and maliciously set fire to, cast away, or in anywise destroy, any ship or vessel, either with intent to murder any person, or whereby the life of any person shall be endangered, shall be guilty of felony, and, being convicted thereof, shall suffer death.

(Hanging out false lights to cause shipwreck.)

V. And be it enacted, That whosoever shall unlawfully exhibit any false light or signal, with intent to bring any ship or vessel into danger, or shall unlawfully and maliciously do anything tending to the immediate loss or destruction of any ship or vessel in distress, shall be guilty of felony, and, being convicted thereof, shall suffer death.

(Setting fire to ships or vessels, with intent to destroy the same.)

VI. And be it enacted, That whosoever shall unlawfully and maliciously set fire to, or in anywise destroy, any ship or vessel, whether the same be complete or in an unfinished state, or shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any ship or vessel, with intent thereby to prejudice any owner or part owner of such ship or vessel, or of any goods on board the same, or any person that hath underwritten or shall underwrite any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board the same, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of the natural life of such offender, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

(Impeding any person endeavouring to save his life from any ship wrecked, &c.)

VII. And be it enacted, That whosoever shall by force prevent or impede any person endeavouring to save his life from any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore (whether he shall be on board or shall have quitted the same), shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of the natural life of such offender, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

(Destroying wrecks, or any articles belonging thereto.)

VIII. And be it enacted, That whosoever shall unlawfully and maliciously destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandise, or articles of any kind belonging to such ship or vessel, shall be guilty of felony, and being convicted thereof, shall be liable at the discretion of the Court to be transported beyond the seas for any term not exceeding fifteen years, nor less than ten years, or to be imprisoned for any term not exceeding three years.

(Setting fire to coal mines.)

IX. And be it enacted, that whosoever shall unlawfully and maliciously set fire to any mine of coal, or cannel coal, shall be guilty of felony, and being convicted thereof, shall be liable at the discretion of the Court to be transported beyond the seas for the term of the natural life of such offender, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

(Setting fire to agricultural produce, &c.)

X. And be it enacted, That whosoever shall unlawfully and maliciously set fire to any

stack of corn, grain, pulse, tares, straw, haulm, stubble, furze, heath, fern, hay, turf, peat, coals, charcoal, or wood, or any steer of wood, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of the natural life of such offender, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

(Punishment of accessaries.)

XI. And be it enacted, That in the case of every felony punishable under this Act every principal in the second degree, and every accessary before the fact, shall be punishable with death, or otherwise, in the same manner as the principal in the first degree is by this Act punishable; and every accessary after the fact to any felony punishable under this Act shall, on conviction, be liable to be imprisoned for any term not exceeding two years.

(Offences punishable by imprisonment.)

XII. And be it enacted, That where any person shall be convicted of any offence punishable under this Act, for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, or imprisoned and kept to hard labour, in the common gaol, or house of correction, and also to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, or of such imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year, as to the Court in its discretion shall seem meet.

(Not to affect powers of 5 & 6 W. IV., c. 38, and 6 G. IV., c. 64.)

XIII. And be it further enacted, That nothing in this Act contained shall be construed to extend to the alteration or repeal of any of the powers, provisions, or regulations contained in an Act made and passed in the Fifth and Sixth years of the reign of His late Majesty King William the Fourth, intituled, "*An Act for effecting greater uniformity of practice in the government of the several prisons in England and Wales, and for appointing inspectors of prisons in Great Britain,*" or in an Act made and passed in the Fourth year of His Majesty King George the Fourth, intituled, "*An Act for consolidating and amending the laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales.*"

(Offences committed within the Admiralty jurisdiction.)

XIV. And be it enacted, That where any felony punishable under this Act shall be committed within the jurisdiction of the Admiralty of England or of Ireland, the same shall be dealt with, inquired of, tried and determined in the same manner as any other felony committed within that jurisdiction.

(Not to extend to Scotland.)

XV. Provided always and be it enacted, That nothing in this Act contained shall extend to Scotland.

(Commencement of Act.)

XVI. And be it enacted, That this Act shall commence and take effect on the first day of October, One thousand eight hundred and thirty-seven.

ANNO PRIMO

VICTORIÆ REGINÆ.

CAP. XC.

"*An Act to amend the Law relative to Offences punishable by Transportation for Life.*"

[17th July, 1837.]

WHEREAS, by an Act passed in the Second and Third Years of His late Majesty King William the Fourth's Reign, intituled, "*An Act for abolishing the Punishment of Death in certain cases, and substituting a lesser Punishment in lieu thereof,*" Persons convicted of certain offences therein mentioned are liable to be transported beyond the seas for life: And whereas by an Act passed in the Fourth year of the same reign, intituled, "*An Act to repeal so much of Two Acts of the Seventh and Eighth Years, and Ninth Year of King George the Fourth, as inflicts the Punishment of Death upon Persons breaking, entering, and stealing in a Dwelling House; also for giving power to the Judges to add to the Punishment of Transportation for Life in certain cases of Forgery and in certain other cases,*" persons punishable by Transportation for Life, under the said recited Act are liable, previously to their being transported, in case the Court before whom such persons shall be convicted shall think fit, to be imprisoned, with or without hard labour, in the Common Gaol or House of Correction, or to be confined in the Penitentiary, for any term not exceeding Four Years, nor less than One Year: And whereas by the said last mentioned recited Act, every person convicted of breaking, and entering any Dwelling House, and stealing therein, any chattel, money, or valuable security, to any value whatever, as principals or accessaries before the fact, are liable to be transported beyond the seas for Life, or for any term not less than Seven Years, as the Court before whom any such person shall be convicted shall adjudge, and previously to transportation are liable to be imprisoned with or without hard labour, as in that Act mentioned, for any time not exceeding four years, or are liable to be imprisoned, with or without hard labour in the Common Gaol or House of Correction, for any term not exceeding Four Years, nor less than One Year: And whereas it is expedient to alter and amend the said recited Acts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That so much of the said recited Acts as relates to the Punishment of persons convicted of offences for which they are liable under the said Act of the Second

2 & 3 W. IV., c. 62.

4 W. IV., c. 44.

Repeal of certain provisions of recited Acts and new provision in lieu thereof.

and Third Years of his said late Majesty's Reign to be transported for Life, and so much of the said Act of the Fourth Year of the said Reign as relates to the punishment of any person convicted of the offence of breaking and entering any Dwelling House, and stealing therein as in that Act mentioned, shall from and after the commencement of this Act be and the same is hereby repealed; and that from and after the commencement of this Act every person convicted of any of such offences, shall be liable to be transported beyond the seas for any term not exceeding Fifteen Years, nor less than Ten Years, or to be imprisoned for any term not exceeding Three Years.

(Acts herein recited, in part repealed.)

II. And whereas by an Act passed in the seventh and eighth years of the reign of King George the Fourth, intituled, "*An Act for consolidating and amending the Laws in England, relative to larceny and other offences connected therewith,*" it was enacted, That if any person should break and enter any building, and steal therein any chattel, money, or valuable security, such building being within the curtilage of a dwelling-house, and occupied therewith, but not being part thereof, according to the provision therein before-mentioned, every such offender, being convicted thereof (either upon an indictment for the same offence, or upon an indictment for burglary, house-breaking, or stealing to the value of five pounds in a dwelling-house, containing a separate count for such offence), should be liable, at the discretion of the Court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years, and if a male, to be once, twice, or thrice publicly or privately whipped (if the Court should so think fit) in addition to such imprisonment: And whereas, by the said last mentioned Act it was also enacted, That if any person should break and enter any shop, warehouse, or counting-house, and steal therein any chattel, money, or valuable security, every such offender, being convicted thereof, should be liable to any of the punishments which the Court might award, as herein-before last mentioned: And whereas by the said last mentioned Act it was also enacted, That if any person should steal to the value of ten shillings any goods, or article of silk, woollen, linen, or cotton, or of any one or more of those materials, mixed with each other or mixed with any other material, whilst laid, placed, or exposed, during any stage, process, or progress of manufacture, in any building, field, or other place, every such offender, being convicted thereof, should be liable to any of the punishments which the Court might award as herein-before last mentioned: And whereas by the said last mentioned Act, it was also enacted, That if any person should steal any goods or merchandise in any vessel, barge, or boat of any description whatsoever, in any port of entry or discharge, or upon any navigable river or canal, or in any creek belonging to or communicating with any such port, river, or canal, or should steal any goods or merchandise from any dock, wharf, or quay adjacent to any such port, river, canal, or creek, every such offender, being convicted thereof, should be liable to any of the punishments which the Court might award as herein-before last mentioned: And whereas, by an Act passed in the said seventh and eighth years of the said reign, intituled, "*An Act for consolidating and amending the Laws in England, relative to Malicious Injuries to Property,*" it was enacted, That if any person should unlawfully and maliciously kill, maim, or wound any cattle, every such offender should be guilty of felony, and being convicted thereof, should be liable, at the discretion of the Court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years, and if a male, to be once, twice, or thrice publicly or privately whipped (if the Court should so think fit) in addition to such imprisonment: And whereas, by the said last mentioned Act, it was also enacted, That if any person should unlawfully and maliciously cut or otherwise destroy any hopbinds growing on poles in any plantation of hops, every such offender should be guilty of felony, and being convicted thereof should be liable, at the discretion of the Court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years, and if a male, to be once, twice, or thrice publicly or privately whipped (if the Court should so think fit) in addition to such imprisonment: And whereas it is expedient to alter and amend the said last-mentioned in part recited Acts: Be it therefore enacted, That so much of the said last-mentioned Acts of the seventh and eighth years of the reign aforesaid, as relates to the punishment of persons convicted of any of the offences herein-before specified, as in those Acts contained respectively, shall, from and after the commencement of this Act, be, and the same are hereby repealed; and every person convicted after the commencement of this Act of any of such offences respectively, shall be liable to be transported beyond the seas for any term not exceeding fifteen years, nor less than ten years, or to be imprisoned for any term not exceeding three years.

(Offences punishable by imprisonment.)

III. And be it enacted, That in awarding the punishment of imprisonment for any offence punishable under this Act, it shall be lawful for the Court to direct such imprisonment to be with or without hard labour, in the common gaol or house of correction; and also to direct that the offender shall be kept in solitary confinement, for any portion or portions of such imprisonment, or of such imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year, as to the Court in its discretion shall seem meet.

(Not to affect powers of 5 and 6 Wm. IV., c. 38, and 4. Geo. IV., c. 64.)

IV. And be it further enacted, That nothing in this Act contained shall be construed to extend to the alteration or repeal of any of the powers, provisions, or regulations contained in an Act made and passed in the fifth and sixth years of the reign of His late Majesty King William the Fourth, intituled "*An Act for effecting greater Uniformity of Practice in the Government of the several Prisons in England and Wales, and for appointing Inspectors of Prisons in Great Britain,*" or in an Act made and passed in the fourth year of His Majesty King George the Fourth, intituled "*An Act for consolidating and amending the Laws relating to the building*

" *repairing, and regulating of certain Gaols and* " *Houses of Correction in England and Wales.*"

(Limitation of time of imprisonment.)

V. And whereas by the laws now in force it is lawful for the Court before whom any person shall be convicted of certain offences for which imprisonment, or imprisonment with hard labour, may be awarded, to direct that the offender shall be kept in solitary confinement for the whole or any portion or portions of such imprisonment, or of such imprisonment with hard labour, as to such Court in its discretion should seem meet, it is hereby enacted, That from and after the commencement of this Act, it shall not be lawful for any Court to direct that any offender shall be kept in solitary confinement for any longer periods than one month at a time, or than three months in the space of one year.

(Commencement of Act.)

VI. And be it further enacted, That this Act shall commence and take effect on the first day of October, One thousand eight hundred and thirty-seven.

ANNO PRIMO

VICTORIÆ REGINÆ.

CAP. XCI.

" *An Act for abolishing the Punishment of Death* " *in certain cases.*"

[17th July, 1837.]

WHEREAS by an Act passed in the first year of the Reign of King George the First, intituled " *An Act for pre-* " *venting Tumults and Riotous As-* " *semblies, and for the more speedy and effectual* " *punishing the Rioters,*" it was amongst other things enacted, That if any persons to the number of Twelve or more, being unlawfully, riotously, and tumultuously assembled together to the disturbance of the Public Peace, and being required or commanded by any one or more Justice or Justices of the Peace, or by the Sheriff of the County or his Under Sheriff, or by the Mayor, Bailiff, or Bailiffs, or other Head Officer or Justice of the Peace, of any City or Town Corporate, where such assembly should be, by Proclamation to be made in the King's name, in the form thereinafter directed, to disperse themselves, and peaceably to depart to their habitations or to their lawful business, should to the number of Twelve or more (notwithstanding such Proclamation made,) unlawfully, riotously, and tumultuously remain or continue together by the space of one hour after such command or request made by Proclamation, that then such continuing together to the number of Twelve or more after such command or request made by Proclamation, should be adjudged Felony without benefit of the Clergy, and the offenders therein should be adjudged felons, and should suffer death as in case of felony without benefit of clergy; and it was also by the said Act further enacted, that if any person or persons did or should with force and arms, wilfully and knowingly oppose, obstruct, or in any manner wilfully and knowingly let, hinder or hurt any person or persons that should begin to proclaim or go to proclaim according to the Proclamation thereby directed to be made, whereby such Proclamation

1 Geo. I., c. 5

should not be made, that then every such opposing, obstructing, letting, hindering, or hurting such person or persons so beginning or going to make such proclamation as aforesaid should be adjudged felony without benefit of clergy, and the offenders therein should be adjudged felons and should suffer death, as in case of felony without benefit of clergy; and that also every such person or persons so being unlawfully, riotously, and tumultuously assembled to the number of twelve as aforesaid, or more, to whom proclamation should or ought to have been made if the same had not been hindered as aforesaid, should likewise, in case they or any of them to the number of twelve or more should continue together and not disperse themselves, within one hour after such let or hindrance so made, having knowledge of such let or hindrance so made, should be adjudged felons, and should suffer death as in case of felony without benefit of clergy: And whereas by an Act passed in the Twenty-fifth year of the Reign of King George the Second, intituled " *An Act for better preventing the horrid Crime* " *of Murder;*" and also by an Act passed in the Parliament of Ireland in the Thirty-first year of the Reign of King George the Third, intituled " *An Act to prevent the* " *horrid Crime of Murder;*" and to repeal an Act passed in the Tenth year of King Henry the Seventh, intituled " *An Act to make Murder of* " *Malice prepense Treason;*" and for repealing an Act made in the Ninth year of Queen Anne, intituled " *An Act for bringing an appeal in case* " *of Murder, notwithstanding the Statute of* " *Henry the Seventh, whereby Murder is made* " *High Treason;*" it was amongst other things enacted, that if any person or persons, whatsoever should by force set at liberty or rescue, or attempt to rescue, or set at liberty, any person out of prison who shall be committed for or found guilty of murder, or rescue or attempt to rescue any person convicted of murder going to execution, or during execution, every person so offending should be deemed taken, and adjudged to be guilty of felony, and should suffer death without benefit of clergy: and whereas by an Act passed in the Thirty-seventh year of the same Reign, intituled " *An Act for* " *the better prevention and punishment* " *of attempts to seduce persons serving* " *in His Majesty's forces by sea or land from their* " *duty and allegiance to His Majesty, or to incite* " *them to Mutiny or Disobedience;*" and also by an Act passed in the Parliament of Ireland, in the same year, and bearing the like title, it was amongst other things enacted, that any person or persons who should maliciously and advisedly endeavour to seduce any person or persons serving in His Majesty's forces by sea or land from his or their duty and allegiance to His Majesty, or to incite or stir up any such person or persons to commit any act of mutiny, or to make or endeavour to make any mutinous assembly, or to commit any traitorous or mutinous practice whatsoever should on being legally convicted of such offence, be adjudged guilty of felony, and should suffer death as in cases of felony, without benefit of clergy: and whereas by an Act passed in the Fifty-second year of the same Reign, intituled " *An Act to render more effectual an* " *Act passed in the Thirty-seventh*

25 Geo. II c. 37, s. 9.

31 Geo. III c. 17, s. 10 (1.)

37 G. III. c. 70, s. 1.

37 Geo. III, c. 40, s. 1, (1).

52 Geo. III, c. 104, s. 1.

"*year of His present Majesty, for preventing the* "*administering or taking unlawful Oaths,*" it was amongst other things enacted, that every person who should in any manner or form whatsoever, administer or cause to be administered, or be aiding, or assisting at the administering of any oath or engagement, purporting or intending to bind the person taking the same to commit any treason or murder, or any felony punishable by law with death, should on conviction thereof by due course of law be adjudged guilty of felony, and suffer death as a felon without benefit of clergy; and it was by the said Act further enacted, that persons aiding and assisting at the administering of any such oath or engagement as aforesaid; and persons causing any such oath or engagement to be administered, though not present at the administering thereof, should be deemed principal offenders, and should be tried as such, and on conviction thereof, by due course of law, should be adjudged guilty of felony, and should suffer death as felons, without benefit of clergy, although the persons or person who actually administered such oath or engagement, if any such there should be, should not have been tried or convicted: And whereas by an Act passed in the Fifty-ninth year of the same reign, intituled "*An Act for the better regu-*
59 Geo. III, c. "*lation of the General Penitentiary*
136, s. 17. "*for convicts at Millbank,*" it was, amongst other things, enacted, That if any convict who should be ordered to be confined in the said penitentiary should at any time during the term of such confinement break prison, or escape from the place of his or her confinement, or in his or her conveyance to such place of confinement, or from the person or persons having the lawful custody of such convict, and being punished for any such offence in the manner in the said Act mentioned, should afterwards be convicted of a second escape, or breach of prison, he or she should be adjudged guilty of felony, without benefit of clergy: And whereas by an Act passed in the
5 Geo. IV, c. Fifth year of the Reign of King
113, s. 9. George the Fourth, intituled "*An* "*Act to amend and consolidate the laws relating* "*to the abolition of the Slave Trade,*" it was, amongst other things, enacted, That if any subject or subjects of His Majesty, or any person or persons residing or being within any of the dominions, forts, settlements, factories, or territories, then or thereafter belonging to His Majesty, or being in His Majesty's occupation or possession, or under the government of the United Company of Merchants of England, trading to the East Indies, should, except in such cases as are in and by that Act permitted, upon the high seas, or in any haven, river, creek, or place, where the Admiral has jurisdiction, knowingly and wilfully carry away, convey, or remove, or aid or assist in carrying away, conveying, or removing, any person or persons as a slave or slaves, or for the purpose of his, her, or their being imported or brought as a slave or slaves into any island, colony, country, territory, or place whatsoever, or for the purpose of his, her, or their being sold, transferred, used, or dealt with, as a slave or slaves, or should, except in such cases as are in and by that Act permitted; upon the high seas, or within the jurisdiction aforesaid, knowingly and wilfully ship, embark, receive, detain, or confine, or assist in shipping, embarking, receiving, detaining, or confining on board any ship, vessel, or boat, any person or persons for the purpose of his, her, or their being carried away, conveyed, or removed, as a slave or slaves, or for the purpose of his, her, or their being imported or brought as a slave or slaves into any island, colony, country, territory, or place whatsoever, or for the purpose of his, her, or their being sold, transferred, used, or dealt with, as a slave or slaves, then, and in every such case, the person or persons so offending should be deemed and adjudged guilty of piracy, felony, and robbery, and being convicted thereof should suffer death without benefit of clergy, and loss of lands, goods, and chattels, as pirates, felons, and robbers, upon the seas, ought to suffer: and whereas, by an Act passed in the Third and Fourth years of His late
3 & 4 W. IV. Majesty's Reign, intituled "*An Act*
c. 53, s. 58. "*for the prevention of Smuggling,*" it was, amongst other things enacted, That if any persons, to the number of three, or more, armed with fire-arms, or other offensive weapons, should, within the United Kingdom, or within the limits of any port, harbour, or creek thereof, be assembled, in order to be aiding and assisting in the illegal landing, running, or carrying away, of any prohibited goods, or any goods liable to any duties which have not been paid or secured, or in rescuing or taking away any such goods as aforesaid, after seizure, from the Officer of the Customs or other officer authorised to seize the same, or from any person or persons employed by them or assisting them, or from the place where the same shall have been lodged by them, or in rescuing any person who shall have been apprehended for any of the offences made felony by that Act, or any Act relating to the Customs, or in the preventing the apprehension of any person who shall have been guilty of such offence, or in case any persons, to the number of three or more so armed as aforesaid, should, within the United Kingdom, or within the limits of any port, harbour, or creek thereof, be so aiding or assisting, every person so offending, and every person aiding, abetting or assisting therein, should, being thereof convicted, be adjudged guilty of felony and suffer death as a felon; and it was by the said Act now in recital further enacted, that if any person should maliciously shoot at any vessel, or boat belonging to
s. 59. His Majesty's Navy, or in the service of the Revenue, within one hundred leagues of any part of the coast of the United Kingdom, or should maliciously shoot at, maim, or dangerously wound any Officer of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling and on full pay, or any Officer of Customs or Excise, or any person acting in his aid or assistance, or duly employed for the prevention of smuggling, in the due execution of his office or duty, every person so offending, and every person aiding, abetting, or assisting therein, should, being lawfully convicted, be adjudged guilty of felony, and suffer death as a felon; and whereas it is expedient that none of the hereinbefore mentioned offences should henceforth be punishable with death: Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That if any person shall after the commencement of this Act be convicted of any of the offences

Abolishing the punishment of death in certain cases.

hereinbefore mentioned, such person shall not suffer death, or have sentence of death awarded against him or her for the same, but shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of the natural life of such person, or for any term, not less than fifteen years, or to be imprisoned for any term not exceeding three years.

(Offences punishable by imprisonment.)

II. And be it enacted, That in awarding the punishment of imprisonment for any offence punishable under this Act, it shall be lawful for the Court to direct such imprisonment to be with or without hard labour in the common gaol, or house of correction, and also to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, or of such imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year, as to the Court, in its discretion, shall seem meet.

(Not to affect powers of 5 & 6 Wm. IV., c. 38. and 4 Geo. IV., c. 64.

III. And be it further enacted, That nothing in this Act contained shall be construed to extend to the alteration or repeal of any of the powers, provisions, or regulations, contained in an Act made and passed in the Fifth and Sixth years of the Reign of His late Majesty King William the Fourth, intituled "*An Act for affecting greater uniformity of practice in the government of the several prisons in England and Wales, and for appointing inspectors of prisons in Great Britain,*" or in an Act made and passed in the Fourth year of His Majesty King George the Fourth, intituled "*An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales.*"

Repeal of 2 Jas. 1. c. 31.

IV. And whereas it is expedient to repeal an Act passed in the Second year of the Reign of King James the First, intituled "*An Act for the charitable relief and ordering of Persons infected with the Plague,*" and any Act continuing or perpetuating the same, so far as relates to the continuing or perpetuating the same; Be it therefore enacted, That the same shall be, and the same are hereby respectively repealed.

(Commencement of Act.)

V. And be it further enacted, That this Act shall commence and take effect on the First day of October, One thousand eight hundred and thirty-seven.

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