

No. X.

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. [28th August, 1838.]

IMPERIAL ACTS
ADOPTION.

WHEREAS certain Acts of Parliament were passed in the first year of the reign of Her present Majesty Queen Victoria intituled 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

English Offences against Person Act Adopted, 1 Vic. c. 85.

Adopted and applied
in New South Wales.

Act to take effect
from the 1st October
1838.

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.

2. 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.

ACTS OF PARLIAMENT REFERRED TO.

ANNO PRIMO VICTORIÆ REGINÆ.

CAP. XXIII.

ENGLISH PILLORY
ABOLITION ACT
ADOPTED.

An Act to abolish the Punishment of the Pillory. [30th June, 1837.]

Punishment of the
Pillory abolished.

Proviso.

WHEREAS it is expedient to abolish the punishment of the Pillory 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 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 Pillory.

ANNO PRIMO VICTORIÆ REGINÆ.

CAP. LXXXV.

ENGLISH OFFENCES
AGAINST PERSON
ACT ADOPTED.

An Act to amend the Laws relating to Offences against the Person. [17th July, 1837.]

9 Geo. IV. c. 31.

10 Geo. IV. c. 34.

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

English Offences against Person Act Adopted, 1 Vic. c. 85.

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 accessories 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.

Repeal of certain provisions of recited Acts.

2. 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 administering poison or doing other bodily injury with intent to commit murder.

3. 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 offences with intent to commit murder though no bodily injury effected.

4. And be it enacted That whosoever unlawfully and maliciously 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 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 cutting and maiming with intent to disfigure.

5. 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

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

English Burglary Act Adopted, 1 Vic. c. 86.

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.

6. 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.

7. 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.

8. 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 labor 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 labor 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.

Court empowered to
imprison for three
years in certain cases.

9. 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.

Commencement of
Act.

10. 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. LXXXVI.

ENGLISH BURGLARY
ACT ADOPTED.

An Act to amend the Laws relating to Burglary 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 connected 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

7 & 8 Geo. IV. c. 29.

9 Geo. IV. c. 55.

English Burglary Act Adopted, 1 Vic. c. 86.

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 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 September 1837 except as to offences on or before that day.

2. 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.

Burglars using violence to suffer death.

3. And be it enacted That whoever 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.

Punishment of burglary.

4. 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.

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

5. 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.

Stealing in a dwelling-house with menace or threat.

6. 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.

Punishment of accessaries.

7. 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 labor 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 labor 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.

Offences punishable by imprisonment.

8. 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*"

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

English Robbery Act Adopted, 1 Vic. c. 87.

“ *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.”

9. 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 jurisdiction of Admiralty.

10. 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.

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

Commencement of Act.

12. 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.

ENGLISH ROBBERY
ACT ADOPTED.

An Act to amend the Laws relating to Robbery and Stealing from the Person. [17th July, 1837.]

7 & 8 Geo. IV. c. 29.

9 Geo. IV. cap. 55.

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

Repeal of provision in recited Acts.

English Robbery Act Adopted, 1 Vic. c. 87.

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.

2. 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 cutting or wounding.

3. 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 of robbery attended with violence.

4. 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 for obtaining property by threat of accusing of unnatural crimes.

5. 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 of stealing from the person.

6. 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 assault with intent to rob.

7. 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 attempting to obtain property by menace.

8. 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 for wrecking.

9. And be it enacted That in the case of every felony punishable under this Act every principal in the second degree and every accessory 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 Punishment of accessories.

English Piracy Act Adopted, 1 Vic. c. 88.

punishable and every accessory 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.

10. 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 labor 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 labor 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.

11. 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."

12. 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.

13. 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.

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

Commencement of
Act.

15. 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.

ENGLISH PIRACY
ACT ADOPTED.

An Act to amend certain Acts relating to the Crime of Piracy.
[17th July, 1837.]

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

28 Hen. VIII. c. 15.

11 & 12 W. III. c. 7.

4 Geo. I. c. II. s. 7.

English Piracy Act Adopted, 1 Vic. c. 88.

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 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.

8 Geo. I. c. 21.

18 Geo. II. c. 30.

Repeal of provisions in recited Acts.

2. 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.

Punishment of piracy when murder is attempted.

3. 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.

Persons guilty of piracy to be transported.

4. 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.

Punishment of accessaries.

5. 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 labor 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 labor 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.

Offences punishable by imprisonment.

6. 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.*"

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

7. 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.

Commencement of Act.

English Malicious Burning Act Adopted, 1 Vic. c. 89.

ANNO PRIMO VICTORIÆ REGINÆ.

CAP. LXXXIX.

ENGLISH MALICIOUS
BURNING ACT
ADOPTED.

An Act to amend the Laws relating to burning or destroying Buildings and Ships. [17th July, 1837.]

7 & 8 Geo. IV. c. 30.

9 Geo. IV. c. 56.

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 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 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.

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

2. 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.

3. 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.

English Malicious Burning Act Adopted, 1 Vic. c. 89.

malt-house hop-oast barn or granary or to any building or erection used in carrying on any trade or manufacture of 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.

4. 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.

Setting fire to ships or vessels with intent to commit murder.

5. 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 any thing 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.

Hanging out false lights to cause shipwreck.

6. 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.

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

7. 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.

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

8. 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.

Destroying wrecks or any articles belonging thereto.

9. 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 coal mines

10. 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

Setting fire to agricultural produce &c.

English Life Transportation Act Adopted, 1 Vic. c. 90.

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.

11. 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.

12. 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 labor 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 labor 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.

13. 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.

14. 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.

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

Commencement of
Act.

16. 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.

ENGLISH LIFE
TRANSPORTATION
ACT ADOPTED.

An Act to amend the Law relative to Offences punishable by Transportation for Life. [17th July, 1837.]

2 & 3 W. IV. c. 62.

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*"

4 W. IV. c. 44.

" Acts

English Life Transportation Act Adopted, 1 Vic. c. 90.

“ *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 labor 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 labor as in that Act mentioned for any term not exceeding four years or are liable to be imprisoned with or without hard labor 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 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.

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

2. 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 housebreaking 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

Acts herein recited in part repealed. 7 & 8 G. IV. c. 29 s. 14.

s. 15.

English Life Transportation Act Adopted, 1 Vic. c. 90.

s. 16.

might award as hereinbefore 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

s. 17.

as hereinbefore 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 hereinbefore last mentioned

7 & 8 G. IV. c. 30
s. 16.

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

s. 18.

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 hop-binds 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

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

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 hereinbefore 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.

3. 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 labor 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 labor 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.

4. 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

English Capital Punishment Abolition Act Adopted, 1 Vic. c. 91.

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.*"

5. 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 labor 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 labor 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.

6. 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.]

ENGLISH
CAPITAL PUNISHMENT
ABOLITION ACT
ADOPTED.

WHEREAS by an Act passed in the first year of the reign of King George the First intituled "*An Act for preventing Tumults and Riotous Assemblies 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 thereafter 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 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

1 Geo. I. c. 5.

English Capital Punishment Abolition Act Adopted, 1 Vic. c. 91.

be made whereby such Proclamation 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 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 person 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 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

25 G. II. c. 37 s. 9.

31 G. III. c. 17 s. 10
(1.)

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

37 G. III. c. 40 s. 1
(1.)52 Geo. III. c. 104
s. 1.

English Capital Punishment Abolition Act Adopted, 1 Vic. c. 91.

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 regulation of the General Penitentiary for* ^{59 G. III. c. 136} *Convicts at Millbank*" it was amongst other things enacted that if ^{s. 17.} 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 fifth year of the reign of King George the Fourth intituled "*An Act to amend and consolidate the* ^{5 G. IV. c. 113 s. 9.} *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 Majesty's reign intituled "*An Act for the prevention of Smuggling*" it was ^{3 & 4 W. IV. c. 53} amongst other things enacted that if any persons to the number of three ^{s. 53.} 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 authorized to seize the same or from any person or persons employed by them or assisting them

English Capital Punishment Abolition Act Adopted, 1 Vic. c. 91.

s. 59.

Abolishing punishment of death in certain cases.

Offences punishable by imprisonment.

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

Repeal of 2 Jac. 1 c. 31.

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 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 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.

2. 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 labor 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 labor 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.

3. 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.*"

4. 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*"

Escaped Offenders.

“ *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.

5. And be it further enacted That this Act shall commence ^{Commencement of} and take effect on the first day of October one thousand eight hundred ^{Act.} and thirty-seven.
