

## No. XI.

An Act to adopt certain provisions of an Act of  
the Imperial Parliament intituled "An Act for  
"taking away the punishment of Death in certain  
"cases and substituting other punishments in lieu  
"thereof." [27th October, 1845.]

IMPERIAL CAPITAL  
PUNISHMENT  
ABOLITION ACT  
PARTIAL  
RE-ENACTMENT.  
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WHEREAS by an Act of Parliament passed in the eighth year of Preamble. the reign of His late Majesty King George the Fourth intituled "An Act for consolidating and amending the Laws in England relative 7 and 8 George IV. c. 30 s. 8. Riotous demolition of churches houses &c. not to be punishable with death." to malicious Injuries to Property" it was amongst other things enacted that if any persons riotously and tumultuously assembled together to the disturbance of the public peace should unlawfully and with force demolish pull down or destroy or begin to demolish pull down or destroy any church or chapel or any chapel for the religious worship of persons dissenting from the United Church of England and Ireland duly registered or recorded or any house stable coach-house out-house warehouse office shop mill malt-house hop-oast barn or granary or any building or erection used in carrying on any trade or manufacture or any branch thereof or any machinery whether fixed or moveable prepared for or employed in any manufacture or in any branch thereof or any steam engine or other engine for sinking draining or working any mine or any staith building or erection used in conducting the business of any mine or any bridge waggon-way or trunk for conveying minerals from any mine every such offender should be deemed guilty of felony and being convicted thereof should suffer death as a felon and that in case of every felony punishable under that Act every principal in the second degree and every accessory before the fact should be punishable with death or otherwise in the same manner as the principal in the first degree was by that Act punishable and whereas it is expedient that the said last mentioned offences should be no longer punishable with death Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That from and after the passing of this Act if any person shall be convicted of any of the said offences hereinbefore last specified whether as principal or as principal in the second degree or as accessory before the fact such person shall not be subject to any sentence judgment or punishment of death but shall instead of the sentence or judgment in and by the said Act of Parliament hereinbefore last recited ordered to be given or awarded against persons convicted of the said last mentioned

*Medical Witnesses at Inquests.***Punishment.**

mentioned offences or any of them respectively be liable at the discretion of the Court to be transported beyond the seas for any term not less than seven years or to be imprisoned for any time not exceeding three years.

**Inprisonment may be with or without hard labor.**

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 punishment 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 whether the same be with or without 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.

**Act not to alter 4  
Vic. No. 29.**

3. And be it 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 passed by the Governor and Legislative Council of New South Wales in the fourth year of the reign of Her present Majesty Queen Victoria intituled "*An Act for the regulation of Gaols Prisons and Houses of Correction in the Colony of New South Wales and its Dependencies and for other purposes relating thereto.*"