



ANNO PRIMO

VICTORIÆ REGINÆ.

C A P. 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 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 therein-after 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
8 N
Twelve

1 G. 1. c. 5.

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 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 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 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 Regulation of the General Penitentiary 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 Fifth Year of the Reign of King 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,

52 G. 3. c. 104.

s. 1.

59 G. 3. c. 136.

s. 17.

5 G. 4. c. 113.

s. 9.

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 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 authorized 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 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

3 & 4 W. 4.
c. 53. s. 58.

s. 59.

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 herein-before 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 herein-before 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.

Abolishing
Punishment
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certain Cases.

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.

Offences
punishable
by Imprison-
ment.

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 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. 4.
c. 38. and
4 G. 4. c. 64.

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.

Repeal of
2 Jac. 1. c. 31.

Commence-
ment 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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