

ANNO PRIMO

VICTORIÆ REGINÆ.

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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

2 & 3. W 4. c. 62.

4 W. 4. c. 44.

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 Term 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 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.

Acts herein recited in part repealed. 7 & 8 G. 4. c. 29. s. 14.

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, 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 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

s. 15.

s. 16.

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 Merchandize 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 Merchandize 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.

s. 17.

7 & 8 G. 4. c. 30. s. 16.

s. 18.

Repeal of Provisions of recited Acts, and new Provision in lieu thereof.

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

Offences punishable by Imprisonment.

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

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