ANNO DECIMO

GEORGII IV. REGIS.

****

C A P. XXXVIII.

An Act for the more effectual Punishment of Attempts to murder in certain Cases in *Scotland.*

[4th *June* 1829.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act to make Provision in* Scotland *for the further Prevention of malicious shooting and attempting to discharge loaded Fire Arms, stabbing, cutting, wounding, poisoning, and disabling His Majesty's Subjects;* which Act did not extend to the Punishment of Cases of Attempts to murder by means of Suffocation, Strangulation, and Drowning: And whereas it is expedient that a suitable Punishment should attach to such Crimes, and that the Provisions relative to all the aforesaid Offences should be included in One Act: Be it therefore enacted by the King'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, the before-recited Act passed in the Sixth Year of the Reign of His present Majesty shall be and the same is hereby repealed, except as to any Offences against the same committed before the passing of this Act, which shall be dealt with and punished as if this Act had not been passed.

6 G. 4. c. 126.

Recited Act repealed, except as to Offences already committed.

II. And be it enacted, That from and after the passing of this Act, if any Person shall, within *Scotland,* wilfully, maliciously, and unlawfully shoot at any of His Majesty's Subjects, or shall wilfully, maliciously, and unlawfully present, point, or level any Kind of loaded Fire Arms at any of His Majesty's Subjects, and attempt, by

Persons wilfully shooting, stabbing, strangling, &c., punishable with Death.

drawing a Trigger or in any other Manner, to discharge the same at or against his or their Person or Persons; or shall wilfully, maliciously, and unlawfully stab or cut any of His Majesty's Subjects, with Intent, in so doing, or by means thereof, to murder or to maim, disfigure or disable such His Majesty's Subject or Subjects, or with Intent to do some other grievous bodily Harm to such His Majesty's Subject or Subjects; or shall wilfully, maliciously, and unlawfully administer to or cause to be administered to or taken by any of His Majesty's Subjects any deadly Poison or other noxious and destructive Substance or Thing, with Intent thereby, or by means thereof, to murder or disable such His Majesty's Subject or Subjects, or with Intent to do some other grievous bodily Harm to such His Majesty's Subject or Subjects; or shall wilfully, maliciously, and unlawfully attempt to suffocate or to strangle or to drown any of His Majesty's Subject or Subjects, with the Intent thereby, or by means thereof, to murder or disable such His Majesty's Subject or Subjects, or with Intent to do some other grievous bodily Harm to such His Majesty's Subject or Subjects; such Person so offending, and being lawfully found guilty, Actor, or Art and Part of any One or more of the several Offences herein-before enumerated, shall be held guilty of a Capital Crime, and shall receive Sentence of Death accordingly.

Throwing Sulphuric Acid, &c., punishable with Death.

III. And be it enacted, That if any Person in *Scotland* shall, from and after the passing of this Act, wilfully, maliciously, and unlawfully throw at or otherwise apply to any of His Majesty's Subject or Subjects any Sulphuric Acid, or other corrosive Substance calculated by external Application to burn or injure the Human Frame, with Intent in so doing, or by means thereof, to murder or maim or disfigure or disable such His Majesty's Subject or Subjects, or with Intent to do some other grievous bodily Harm to such of His Majesty's Subject or Subjects, and where, in consequence of such Acid or other Substance being so wilfully, maliciously, and unlawfully thrown or applied with Intent as aforesaid, any of His Majesty's Subjects shall be maimed, disfigured, or disabled, or receive other grievous bodily Harm, such Person, being thereof lawfully found guilty, Actor, or Art and Part, shall be held guilty of a Capital Crime, and shall receive Sentence of Death accordingly.

Proviso if the Acts done would not have amounted to Murder.

IV. Provided always, and be it enacted, That if it shall appear, upon the Trial of any Person accused of any of the several Offences herein-before enumerated, that under the Circumstances of the Case, if Death had ensued, the Act or Acts done would not have amounted to the Crime of Murder, such Person shall not be held guilty of a Capital Crime, or be subject to the Punishment aforesaid.

Power to restrict not affected.

V. And be it enacted, That nothing contained in this or in any other Statute enacting a Capital Punishment shall be held to affect or impair the Power of the Prosecutor to restrict the Pains of Law.

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