ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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C A P. LXVII.

An Act for abolishing Capital Punishment in case of returning from Transportation.

[13th *August* 1834.]

WHEREAS by an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the Transportation of Offenders from* Great Britain, it is amongst other Things enacted, that if any Offender who should have been or should be sentenced or ordered to be transported or banished, or who should have agreed or should agree to transport or banish himself or herself, on certain Conditions, either for Life or any Number of Years, under the Provisions of the said last-mentioned recited Act or any former Act, should be afterwards at large within any Part of His Majesty's Dominions, without some lawful Cause, before the Expiration of the Term for which such Offender should have been sentenced or ordered to be transported or banished, or should have so agreed to transport or banish himself or herself, on certain Conditions, either for Life or any Number of Years, under the Provisions of the said last-recited Act or any former Act, should be afterwards at large within any Part of His Majesty's Dominions, without some lawful Cause, before the Expiration of the Term for which such Offender should have been sentenced or ordered to be transported or banished, or should have so agreed to transport or banish himself or herself, every such Offender so being at large, being thereof lawfully convicted, should suffer Death as in Cases of Felony without Benefit of Clergy: And whereas it is expe-

5 G. 4. c. 84.

dient that a lesser Punishment than that of Death should be provided for the Punishment of the Offenders convicted of any such Offence so specified in the said Act of the Fifth Year of the Reign of King *George* the Fourth; 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 so much of the recited Act as inflicts the Punishment of Death upon Persons convicted of any Offence therein and herein-before specified shall be and the same is hereby repealed; and that from and after the passing of this Act every Person convicted of any Offence above specified in the said Act of the Fifth Year of the Reign of His late Majesty King *George* the Fourth, or of aiding or abetting, counselling or procuring the Commission thereof, shall be liable to be transported beyond the Seas for his or her natural Life, and previously to Transportation shall be imprisoned, with or without hard Labour, in any Common Gaol, House of Correction, Prison, or Penitentiary for any Term not exceeding Four Years.

So much of recited Act as inflicts the Punishment of Death for returning from Transportation repealed.

Punishment substituted for such Offence, or for aiding it.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1834.