CAP. LV.

An Act further to continue, until the First Day of *April* One thousand eight hundred and forty-two, an Act of the Third and Fourth Year of the Reign of Her present Majesty, intituled *An Act to amend the Laws relating to Loan Societies.*

[22d *June* 1841.]

'WHEREAS an Act was passed in the Third and Fourth Years of Her present Majesty's Reign, intituled *An Act to amend the Laws relating to Loan Societies:* And whereas it is provided that this Act shall continue in force until the Thirty-first Day of *December* One thousand eight hundred and forty-one: And whereas it is expedient further to continue the same:' Now be it 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 the said recited Act shall be further continued to the First of *April* One thousand eight hundred and forty-two, and to the End of the then Session of Parliament. 3&4 Vict. c. 110.

Recited Act further continued until 1st April 1842.

CAP. LVI.

An Act for taking away the Punishment of Death in certain Cases, and substituting other Punishments in lieu thereof. [22d *June* 1841.]

'WHEREAS it is expedient to alter and amend various Statutes now in force in that Part of the United Kingdom called *England* relative to certain Offences by the said Statutes now punishable with Death: And whereas by an Act passed in the Fifteenth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for establishing an Agreement with the Governor and Company of the Bank of* England *for advancing the Sum of One million six hundred thousand Pounds towards the Supply for the Service of the Year One thousand seven hundred and forty-two*, it was among other things enacted, that if any Officer or Servant of the said Company, being intrusted with any Note, Bill, Dividend Warrant, Bond, Deed, or any Security, Money, or other Effects belonging to the said Company, or having any Bill, Dividend Warrant, Bond, Deed, or any Security or Effects of any other Person or Persons lodged or deposited with the said Company, or with him as an Officer or Servant of the said Company, should secrete, "embezil," or run away with any such Note, Bill, Dividend Warrant, Bond, Deed, Security, Money, or Effects, or any of them, every Officer or Servant so offending, and being thereof convicted in due

15 G. 2. c. 13. s. 12. Embezzlement by Servant of the Bank of England of any Note, Bill, Dividend Warrant, Bond, Deed, &c. of the Company.

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'Form of Law, should be deemed guilty of Felony, and should 'suffer Death as a Felon, without Benefit of Clergy: And 'whereas also by an Act passed in the Thirty-fifth Year of the 'Reign of His late Majesty King *George* the Third, intituled

35 G. 3. c. 66. s. 6. Embezzlement by Servant of Bank of England of any Note, Bill, Dividend Warrant, &c. relating to Irish Annuities transferred to Bank of England.

'*An Act for making Part of certain Principal Sums or Stock and* '*Annuities raised or created or to be raised or created by the Par-* '*liament of the Kingdom of* Ireland *on Loans for the Use of the* '*Government of that Kingdom transferrable, and the Dividends on* '*such Stock and Annuities payable at the Bank of* England, *and* '*for the better Security of the Proprietors of such Stock and Annui-* '*ties, and of the Governor and Company of the Bank of* England, 'it was among other things enacted, that if any Officer or 'Servant of the said Governor and Company of the Bank of '*England*, being intrusted with any Note, Bill, Dividend War- 'rant, or Warrant for Payment of any Annuity or Interest or 'Money, or any Security, Money, or other Effects, of or be- 'longing to the said Governor and Company, or having any 'Note, Bill, Dividend Warrant, or Warrant for Payment of any 'Annuity or Interest or Money, or any Security, Money, or 'other Effects, of any other Person or Persons, Body Politic 'or Corporate, lodged or deposited with the said Governor and 'Company, or with him as an Officer or Servant of the said 'Governor and Company, in pursuance of this Act, or of the 'due Execution thereof, should secrete, embezzle, or run away 'with any such Note, Bill, Dividend or other Warrant, Secu- 'rity, Money, or other Effects as aforesaid, or any Part thereof, 'every such Officer or Servant so offending should be deemed 'guilty of Felony, and should suffer Death as a Felon, without 'Benefit of Clergy: And whereas also by an Act passed in 'the Thirty-seventh Year of the Reign of His late Majesty

37 G. 3. c. 46. s. 6. Embezzlement by any Servant of Bank of England of any Note, Bill, &c. relating to certain other Annuities transferred to Bank of England.

'King *George* the Third, intituled *An Act for making certain* '*Annuities created by the Parliament of the Kingdom of* Ireland '*transferrable, and the Dividends then payable at the Bank of* 'England, *and for the better Security of the Proprietors of such* '*Annuities and of the Governor and Company of the Bank of* Eng- 'land, it was among other things enacted, that if any Officer 'or Servant of the said Governor and Company of the Bank 'of *England*, being intrusted with any Note, Bill, Dividend 'Warrant, or Warrant for Payment of any Annuity or Interest 'or Money, or any Security, Money, or other Effects, of or 'belonging to the said Governor and Company, or having any 'Note, Bill, Dividend Warrant, or Warrant for Payment of 'any Annuity or Interest or Money, or any Security, Money, 'or other Effects, of any other Person or Persons, Body Politic 'or Corporate, lodged or deposited with the said Governor and 'Company, or with him as an Officer or Servant of the said 'Governor and Company, in pursuance of this Act, or of the 'due Execution thereof, should secrete, embezzle, or run away 'with any such Note, Bill, Dividend or other Warrant, Secu- 'rity, Money, or other Effects, as aforesaid, or any Part 'thereof, every such Officer or Servant so offending should 'be deemed guilty of Felony, and should suffer Death as a

'Felon

'Felon without Benefit of Clergy: And whereas also by an 'Act passed in the Twenty-fourth Year of His late Majesty 'King *George* the Second, intituled *An Act for reducing the* 24 G. 2. c. 11. s. 3. Embezzlement by Servant of South Sea Company of Notes, Bills, &c. of Company. *'Interest upon the Capital Stock of the* South Sea *Company from 'the Time and upon the Terms therein mentioned, and for pre- 'venting of Frauds committed by the Officers and Servants of the 'said Company*, it was among other things enacted, that if any 'Officer or Servant of the said Company, being intrusted with 'any Note, Bill, Dividend Warrant, Bond, Deed, or any Secu- 'rity, Money, or other Effects belonging to the said Com- 'pany, or having any Bill, Dividend Warrant, Bond, Deed, 'or any Security, Money, or Effects of any other Person or 'Persons lodged or deposited with the said Company, or with 'him as an Officer or Servant of the said Company, should 'secrete, "embezil," or run away with any such Note, Bill, 'Dividend Warrant, Bond, Deed, Security, Money, or Effects, 'or any Part of them, every Officer or Servant so offending, 'and being thereof convicted in due Form of Law, should be 'deemed guilty of Felony, and should suffer Death as a Felon, 'without Benefit of Clergy: And whereas also by an Act passed 'in the Fifty-fifth Year of His late Majesty King *George* the 'Third, intituled *An Act for repealing the Stamp Duties on Deeds,* 55 G. 3. c. 184 s. 7. Stamp Duties on Deeds. *'Law Proceedings, and other written or printed Instruments, and 'the Duties on Fire Insurances, and on Legacies, and Successions 'and Personal Estates upon Intestacies, now payable in* Great 'Britain, *and for granting other Duties in lieu thereof*, it was 'among other things enacted, that if any Person should pri- 'vately and secretly use any Stamp or Die which should have 'been provided, made, or used in pursuance of that Act, or 'of any former Act or Acts relating to any Stamp Duty or 'Duties, with intent to defraud His Majesty, His Heirs or 'Successors, of any of the said Duties, or any Part thereof, 'or if any Person should fraudulently cut, tear, or get off, 'or cause or procure to be cut, torn, or got off, the Impression 'of any Stamp or Die which should have been provided, made, 'or used, in pursuance of that or any former Act, for expressing 'or denoting any Duty or Duties under the Care and Manage- 'ment of the Commissioners of Stamps, or any Part of such 'Duty or Duties, from any Vellum, Parchment, or Paper 'whatsoever, with Intent to use the same for or upon any 'other Vellum, Parchment, or Paper, or any Instrument or 'Writing, charged or chargeable with any of the Duties thereby 'granted, then and in every such Case every Person so offend- 'ing, and every Person knowingly and wilfully aiding, abetting, 'or assisting any Person or Persons in committing any such 'Offence as aforesaid, and being thereof lawfully convicted, 'should be adjudged guilty of Felony, and should suffer Death 'as a Felon, without the Benefit of Clergy: And whereas also 'by an Act passed in the Fifty-fifth Year of the Reign of His 'said late Majesty King *George* the Third, intituled *An Act for* 55 G. 3. c. 185. s. 7. Stamp Duties on Gold and Silver Plate. *'repealing the Stamp Office Duties on Advertisements, Newspapers, 'Gold and Silver Plate, Stage Coaches, and Licences for keeping 'Stage*

'*Stage Coaches, now payable in* Great Britain, *and for granting new Duties in lieu thereof*,' it was among other things enacted, 'that if any Person should transpose or remove, or cause to 'be transposed or removed, from one Piece of Gold or Silver 'Plate to another, or to any Vessel or Ware of base Metal, any 'Impression made with any Mark, Stamp, or Die, which should 'have been proved, made, or used, in pursuance of that or any 'former Act, for the Purpose of marking or stamping of any 'such Gold or Silver Plate as aforesaid, or if any Person should 'sell, exchange, or expose to Sale, or export out of *Great Britain*, any such Gold or Silver Plate, or any Vessel or 'Ware of base Metal, having thereupon any Impression of any 'Mark, Stamp, or Die which should have been transposed or 'removed from any other Piece of Plate as aforesaid, knowing 'the same respectively to be transposed or removed as afore-'said, or if any Person should privately and secretly use any 'Mark, Stamp, or Die so provided, made, or used as aforesaid, 'with intent to defraud His Majesty, His Heirs or Successors, 'then every Person so offending, and every Person knowingly 'and wilfully aiding, abetting, and assisting any Person or 'Persons in committing any such Offence as aforesaid, and 'being thereof lawfully convicted, should be adjudged guilty of 'Felony, and should suffer Death as a Felon, without Benefit 'of Clergy: And whereas by an Act passed in the Sixth Year 6 G. 4. c. 85. s. 18. 'of the Reign of King *George* the Fourth, intituled *An Act for* 'further regulating the Payment of the Salaries and Pensions to Returning from Transportation. 'the Judges of His Majesty's Courts in India, *and the Bishop of* 'Calcutta; *for authorizing the Transportation of Offenders from* 'the Island of Saint Helena; *and for more effectually providing* 'for the Administration of Justice in Singapore *and* Malacca, *and* 'certain Colonies on the Coast of Coromandel, it is among other 'things enacted, that if any Offender sentenced or ordered by 'the Governor and Council of the Island of *Saint Helena* to be 'transported from the said Island to any such Place as is therein 'mentioned or referred to should return to the said Island of 'Saint Helena, or come into any of the Territories or Acqui-'sitions of His Majesty, or of the United Company of Mer-'chants of *England* trading to the *East Indies* in the *East Indies*, 'or shall come into any Part of *Great Britain* or *Ireland*, before 'the End of the Term for which he or she should be so sen-'tenced or ordered to be transported as aforesaid, he or she 'so returning or coming as aforesaid should be liable to be 'punished as a Person attainted of Felony without Benefit of 'Clergy, and that Execution should and might be awarded 'against such Offender accordingly: And whereas it is expe-'dient that the said several Offences should no longer 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 from and after the Commencement of this Act, if any Person shall be convicted of any of the Offences herein-

Certain Offences of Forgery and

before

before specified, 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 several Acts herein-before recited ordered to be given or awarded against Persons convicted of the said Offences, or any of them respectively, 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 Seven Years, or to be imprisoned for any Time not exceeding Three Years.

Embezzlement not to be punishable with Death.

Punishment.

II. 'And whereas by an Act passed in the Eighth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in England relative 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, Outhouse, Warehouse, Office, Shop, Mill, Malthouse, 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, where 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, That from and after the Commencement of this Act, if any Person shall be convicted of any of the said Offences herein-before 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 herein-before last-recited ordered to be given or awarded against Persons convicted of the said last-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.

7 & 8 G. 4. c. 30. s. 8. Riotous Demolition of Churches, Houses, &c. not to be punishable with Death.

Punishment.

III. 'And

9 G. 4. c. 31. ss. 16. and 17. Rape, &c. not to be punishable with Death.

III. 'And whereas also by an Act passed in the Ninth Year 'of the Reign of His said late Majesty King *George* the Fourth, 'intituled *An Act for consolidating and amending the Statutes in* 'England *relative to Offences against the Person*, it was amongst 'other things enacted, that every Person convicted of the Crime 'of Rape should suffer Death as a Felon, and that if any Per- 'son should unlawfully and carnally know and abuse any Girl 'under the Age of Ten Years, every such Offender should be 'guilty of Felony, and being convicted thereof should suffer 'Death as a Felon: And whereas it is expedient that the said 'several Offences herein-before last specified should no longer 'be punishable with Death;' be it therefore enacted, That from and after the Commencement of this Act, if any Person shall be convicted of any of the said Offences herein-before last specified, 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 herein-before last recited ordered to be given or awarded against Persons convicted of the said last-mentioned Offences, or any of them respectively, be liable to be transported beyond the Seas for the Term of his natural Life.

Punishment.

Imprisonment may be with or without hard Labour.

IV. 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 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, whether the same be with or without 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.

Act not to alter 5 & 6 W. 4. c. 38. or 4 G. 4. c. 64.

V. And be it enacted, That nothing in that 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 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 of* England *and* Wales, *and for appointing Inspectors of Prisons in* Great Britain, or in an Act 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.

Offences not to be tried at Sessions.

VI. And be it enacted, That none of the Offences herein-before specified shall be tried or triable before any Justices of the Peace at any General or Quarter Sessions of the Peace.

Commencement of Act.

VII. And be it enacted, That this Act shall commence and take effect on the First Day of *October* One thousand eight hundred and forty-one.