ANNO TERTIO & QUARTO

GULIELMI IV. REGIS.

****

CAP. XLIV.

An Act to repeal so much of Two Acts of the Seventh and Eighth Years and the 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.

[14th *August* 1833.]

WHEREAS by Two several Acts respectively passed in the Seventh and Eighth Years of the Reign of King *George* the Fourth and in the Ninth Year of the same Reign, the First of the said Acts intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith;* and the Second of the said Acts intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith;* it is amongst other Things by each of the said Acts enacted, that if any Person shall break and enter any Dwelling House, and steal therein any Chattel, Money, or valuable Security to any Value whatever, every such Offender being convicted thereof shall suffer Death as a Felon: And whereas by each of the said Acts it is further enacted, that in the Case

7 & 8 G. 4. c. 2.

9 G. 4. c. 55.

of

of every Felony punishable under the said respective Acts every Principal in the Second Degree and every Accessory before the Fact shall be punishable with Death, or otherwise, in the same Manner as the Principal in the First Degree is by the said respective Acts punishable: And whereas it is expedient that a lesser Punishment than that of Death should be provided for the several Offences herein-before specified; 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 each of the said Two recited Acts as inflicts the Punishment of Death on Persons convicted of any of the Felonies herein-before specified shall, from and after the First Day of *January* One thousand eight hundred and thirty-four, be and the same is hereby repealed.

So much of recited Acts as inflicts the Punishment of Death for the Felonies herein described repealed.

II. And be it further enacted, That from and after the First of *January* One thousand eight hundred and thirty-four every Person who shall be convicted of any of the Felonies herein-before specified, as Principals or Accessories before the Fact, shall be 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, shall be liable 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, or shall be 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.

After the 1st Jan. 1834 Persons convicted of such Felonies to be liable to be transported, and to Imprisonment, with or without hard Labour, previous to Transportation.

III. And be it further enacted, That all Persons punishable by Transportation for Life under an Act passed in the Second and Third Years of the Reign of His present Majesty, relating to the stealing in Dwelling Houses and other Offences, intituled *An Act for abolishing the Punishment of Death in certain Cases, and substituting a lesser Punishment in lieu thereof*, and all Persons punishable by Transportation for Life under an Act passed in the same Years, intituled *An Act for abolishing the Punishment of Death in certain Cases of Forgery*, shall be 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.

Persons punishable with Transportation for Life under 2 & 3 W. 4. cc. 62. and 123. liable to be previously imprisoned for Four Years.

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