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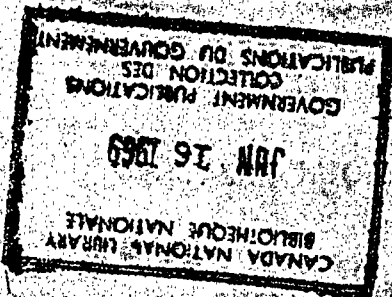
10x		14x		18x		22x		26x		30x	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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CAPITAL PUNISHMENT (COLONIES).

FURTHER RETURN, showing how far CRIMES, for which CAPITAL PUNISHMENTS have been Abolished in this Country, are still CAPITALLY PUNISHABLE in the COLONIES and DEPENDENCIES of GREAT BRITAIN.—(In continuation of Parliamentary Paper, No. 738, Sess. 1850.)

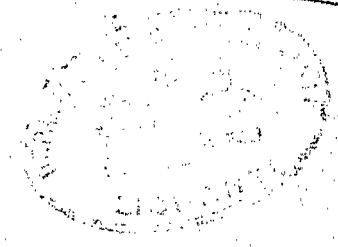
(*Mr. Fewart.*)

Ordered, by The House of Commons, to be Printed,
5 February 1851.



1/2 B. B. v.

2 Parliament



CAPITAL PUNISHMENT (COLONIES).

FURTHER RETURN to an Address of the Honourable The House of Commons,
dated 21 June 1849;—for,

3

A "RETURN, showing how far CRIMES, for which CAPITAL PUNISHMENTS
have been Abolished in this Country, are still CAPITALLY PUNISHABLE in
the COLONIES and DEPENDENCIES of GREAT BRITAIN."—(In continuation
of Parliamentary Paper, No. 738, Sess. 1850.)

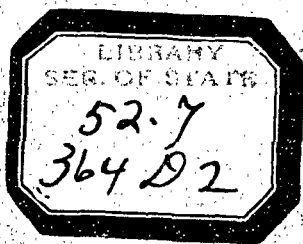
Colonial Office, Downing-street, }
4 February 1851.

B. HAWES.

4 } British Sessional Papers
(Mr. Ewart.)

Ordered, by The House of Commons, to be Printed,
5 February 1851.

5



11.
6

SCHEDULE.

DESPATCH FROM THE GOVERNOR-GENERAL OF THE
NORTH AMERICAN COLONIES.

Number in Series.	From Whom.	Date and Number.	C O L O N Y.	S U B J E C T.	Page.
1.	The Earl of Elgin -	17 Dec. 1850 - (238)	CANADA - -	Containing the required in- formation.	3

DESPATCH FROM THE GOVERNOR OF NEW SOUTH WALES.

2.	Governor Sir C. A. Fitzroy.	16 May 1850 - (96)	NEW SOUTH WALES.	Containing the required in- formation.	4
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DESPATCH FROM THE GOVERNOR OF NEW ZEALAND.

3.	Governor Grey -	4 May 1850 - (31)	NEW ZEALAND -	Containing the required in- formation.	5
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A RETURN, showing how far CRIMES, for which CAPITAL PUNISHMENTS have been abolished in this Country, are still CAPITALLY PUNISHABLE in the COLONIES and DEPENDENCIES of GREAT BRITAIN.—(In continuation of Parliamentary Paper, No. 738, Sess. 1850.)

DESPATCH FROM THE GOVERNOR-GENERAL OF THE NORTH AMERICAN COLONIES.

— No. 1. —

(No. 238.)

COPY of a DESPATCH from the Right Honourable the Earl of *Elgin* to Earl *Grey*.

CANADA.

Government House, Toronto, 17 December 1850.

(Received, 7 January 1851.)

My Lord,

WITH reference to your Lordship's despatch No. 517, of the 4th September last, I have the honour to transmit herewith the copy of a communication from the Attorney-general of Canada West, to the Provincial Secretary, with a list of the crimes for which capital punishment has been abolished in the mother country, which are still capitally punishable in this colony. I have at the same time to express my regret, that owing to some irregularity, this information was not supplied at an earlier period.

No. 1.
Earl of Elgin to
Earl Grey,
17 December 1850.
12 December 1850.

I have, &c.

(signed) *Elgin & Kincardine*.

Enclosure 1, in No. 1.

Office of the Attorney-General for Upper Canada,
Government House, Toronto, 12 December 1850.

Sir,

I HAVE the honour to enclose, for the information of his Excellency the Governor-general, a list of the crimes for which capital punishment has been abolished in the mother country, which are still capitally punishable in this colony.

Encl. 1, in No. 2.

I have, &c.

(signed) *Robert Baldwin*.

The Honourable James Leslie,
Provincial Secretary.

Enclosure 2, in No. 1.

LIST of the CRIMES for which CAPITAL PUNISHMENT has been abolished in the Mother Country, which are still Capitally Punishable in *Canada*.

Encl. 2, in No. 1.

1. Piracy, at common law, by 28 Henry 8, c. 15, ss. 2, 3.
2. Rape.
3. Carnal knowledge of a girl under 10 years of age.
4. Embezzlement by officers, &c. of the Post-office, under 5 Geo. 3, c. 25, s. 17, and 7 Geo. 3, c. 50, s. 1. These Acts having been reserved as to offences committed in the North American colonies, in the Repealing Act of 1 Vict., c. 32.

NEW
SOUTH WALES.

DESPATCH FROM THE GOVERNOR OF NEW SOUTH WALES.

— No. 2. —

(No. 96.)

COPY of a DESPATCH from Governor Sir *C. A. FitzRoy* to Earl *Grey*.

No. 2.

Government House, Sydney, 16 May 1850.

Governor
Sir *C. A. FitzRoy*
to Earl *Grey*,
16 May 1850.

(Received, 4 November 1850.)

My Lord,

In reply to your Lordship's circular despatch dated 20th July 1849, enclosing an Order of the House of Commons for a return, showing how far crimes for which capital punishments have been abolished in the mother country, are still capitally punished in the colonies and dependencies of Great Britain; I have the honour to transmit the copy of a letter from the Crown Law Officers, furnishing the required information.

I have, &c.

(signed) *Chas. A. FitzRoy*.29 April 1850.

Enclosure in No. 2.

Attorney-general's Office, Sydney,
29 April 1850.

Sir,

Encl. in No. 2.

WE have the honour to acknowledge the receipt of your letter of the 7th January last, calling for a return showing how far crimes, for which capital punishments have been abolished in Great Britain, are still capitally punished in the colony of New South Wales.

1. In reply, we have the honour to report, that the crimes for which capital punishments have been abolished in Great Britain, and which are still capitally punished in this colony, are, rape, and the several kinds of forgery in respect of which the punishment of death was taken away by the Act of Parliament 1 Vict., c. 84.

2. That Act abolishes capital punishment for the forgery of, or uttering, knowing the same to be forged, the following instruments:

1st. Any will, testament, codicil or testamentary writing.

2d. Any power of attorney or other authority to transfer any share or interest of or in any stock, annuity or public fund at the Bank of England or South Sea House, or at the Bank of Ireland, or to receive any dividend payable in respect of any such share or interest.

3d. Documents connected with the issue of Exchequer bills for the relief of Trinidad, British Guiana and St. Lucia.

4th. Documents connected with the compensation granted to slave-owners upon the abolition of slavery.

5th. Documents relating to the issue of Exchequer bills for the relief of Dominica.

3. Of these it is obvious that the 3d, 4th and 5th description of forgeries are such as, with reference to this colony and the present period, may be left entirely out of consideration.

4. The forgeries under the second head are such as may be committed in Australia, and would in strictness of law be punishable according to the *lex loci*; but we presume that as the offence relates only to British funds, the law of England would be followed in practice.

5. The forgery of wills, testaments, codicils and testamentary writings, is the only crime of this description which it concerned the Legislature of New South Wales to provide for the punishment of; and it being in the opinion of the Legislative Council unsafe to abolish the punishment of death for the forgery of wills, under the circumstances of the colony, the adoption of the Act 1 Vict., c. 84, was deliberately negatived by that body.

We have, &c.

(signed) *J. H. Plunkett*, Attorney-general.
W. M. Manning, Solicitor-general.

The Honourable the Colonial Secretary.

DESPATCH

DESPATCH FROM THE GOVERNOR OF NEW ZEALAND.

NEW
ZEALAND.

— No. 3. —

(No. 31.)

COPY of a DESPATCH from Governor *Grey* to Earl *Grey*.

Government House, Auckland, 4 May 1850.

(Received, 10 October 1850.)

My Lord,

I HAVE the honour to acknowledge the receipt of your Lordship's circular of the 20th July last, transmitting an Order of the House of Commons, requesting that a return should be furnished, showing how far crimes for which capital punishments have been abolished in Great Britain, are still capitally punishable in this colony.

No. 3.
Governor Grey
to Earl Grey,
4 May 1850.

In reply to this circular I have to report, that the statute book for the year 1849, has not yet reached this colony. But that in as far as regards all alterations in the laws of Great Britain relating to this subject, previously to the year 1849, there is no crime capitally punishable in New Zealand, for which capital punishment has been abolished in Great Britain.

I have, &c.

(signed) *G. Grey*.