



Offences Against the Person Act 1861

1861 CHAPTER 100

Homicide

1 Murder.

Whosoever shall be convicted of Murder shall suffer Death as a Felon.

2 Sentence for Murder.

Upon every Conviction for Murder the Court shall pronounce Sentence of Death, and the same may be earned into execution, and all other Proceedings upon such Sentence and in respect thereof may be had and taken, in the same Manner in all respects as Sentence of Death might have been pronounced and carried into execution, and all other Proceedings thereupon and in respect thereof might have been had and taken, before the passing of this Act, upon a Conviction for any other Felony for which the Prisoner might have been sentenced to suffer Death as a Felon.

3 Body to be buried in Prison.

The Body of every Person executed for Murder shall be buried within the Precincts of the Prison in which he shall have been last confined after Conviction, and the Sentence of the Court shall so direct.

4 Conspiring or soliciting to commit Murder

All Persons who shall conspire, confederate, and agree to murder any Person, whether he be a Subject of Her Majesty or not, and whether he be within the Queen's Dominions or not, and whosoever shall solicit, encourage, persuade, or endeavour to persuade, or shall propose to any Person, to murder any other Person, whether he be a Subject of Her Majesty or not, and whether he be within the Queen's Dominions or not, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not more than Ten and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

5 Manslaughter.

Whosoever shall be convicted of Manslaughter shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years, —or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, or to pay such Fine as the Court shall award, in addition to or without any such other discretionary Punishment as aforesaid.

6 Indictment for Murder or Manslaughter.

In any Indictment for Murder or Manslaughter, or for being an Accessory to any Murder or Manslaughter, it shall not be necessary to set forth the Manner in which or the Means by which the Death of the Deceased was caused, but it shall be sufficient in any Indictment for Murder to charge that the Defendant did feloniously, wilfully, and of his Malice aforethought kill and murder the Deceased ; and it shall be sufficient in any Indictment for Manslaughter to charge that the Defendant did feloniously kill and slay the Deceased; and it shall be sufficient in any Indictment against any Accessory to any Murder or Manslaughter to charge the Principal with the Murder or Manslaughter (as the Case may be) in the Manner herein-before specified, and then to charge the Defendant as an Accessory in the Manner heretofore used and accustomed.

7 Excusable Homicide.

No Punishment or Forfeiture shall be incurred by any Person who shall kill another by Misfortune or in his own Defence, or in any other Manner without Felony.

8 Petit Treason.

Every Offence which before the Commencement of the Act of the Ninth Year of King *George* the Fourth, Chapter Thirty-one, would have amounted to Petit Treason, shall be deemed to be Murder only, and no greater Offence; and all Persons guilty in respect thereof, whether as Principals or as Accessories, shall be dealt with, indicted, tried, and punished as Principals and Accessories in Murder.

9 Murder or Manslaughter abroad.

Where any Murder or Manslaughter shall be committed on Land out of the United Kingdom, whether within the Queen's Dominions or without, and whether the Person killed were a Subject of Her Majesty or not, every Offence committed by any Subject of Her Majesty, in respect of any such Case, whether the same shall amount to the Offence of Murder or of Manslaughter, or of being accessory to Murder or Manslaughter, may be dealt with, inquired of, tried, determined, and punished in any County or Place in *England* or *Ireland* in which such Person shall be apprehended or be in Custody, in the same Manner in all respects as if such Offence had been actually committed in that County or Place; provided that nothing herein contained shall prevent any Person from being tried in any Place out of *England* or *Ireland* for any Murder or Manslaughter committed out Of *England* or *Ireland*, in the same Manner as such Person might have been tried before the passing of this Act.

10 Provision for the Trial of Murder and Manslaughter where the Death or Cause of Death only happens in England or Ireland.

Where any Person, being feloniously stricken, poisoned, or otherwise hurt upon the Sea, or at any Place out of *England* or *Ireland*, shall die of such Stroke, Poisoning, or Hurt in *England* or *Ireland*, or, being feloniously stricken, poisoned, or otherwise hurt at any Place in *England* or *Ireland*, shall die of such Stroke, Poisoning, or Hurt upon the Sea, or at any Place out of *England* or *Ireland*, every Offence committed in respect of any such Case, whether the same shall amount to the Offence of Murder or of Manslaughter, or of being accessory to Murder or Manslaughter, may be dealt with, inquired of, tried, determined, and punished in the County or Place in *England* or *Ireland* in which such Death, Stroke, Poisoning, or Hurt shall happen, in the same Manner in all respects as if such Offence had been wholly committed in that County or Place.