

ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

CAP. LXXIX.

An Act for making more effectual Provision within *Ireland* for the Punishment of Offences, in wilfully casting away, sinking, burning, or destroying Ships and Vessels; and for the more convenient Trial of Accessaries in Felonies. [4th *July* 1803.]

WHEREAS in and by an Act made in the Parliament of *Ireland*, in the Eleventh Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for enforcing and making perpetual an Act, intituled,* '*An Act for the preserving* '*all such Ships and Goods thereof which shall happen to be forced on Shore* '*or stranded upon the Coasts of this Kingdom; and also, for inflicting the* '*Punishment of Death on such as shall wilfully burn, sink, or destroy such* '*Ships,*' it is amongst other Things enacted, that if any Owner of, or Captain, Master, or Mariner, or other Officer belonging to any Ship, shall, after the Twenty-fifth Day of *March* which shall be in the Year of our Lord One thousand seven hundred and thirty-eight, wilfully cast away, sink, burn, or otherwise destroy the Ship of which he is Owner, or unto which he belongeth, or in Manner otherwise direct or procure the same to be done, to the Prejudice of any Person or Persons, Bodies Politick or Corporate, that shall underwrite or execute any Policy or

Irish Act, 11 Geo. 2. reciting the Punishment to be inflicted on Persons wilfully casting away Ships, *etc.*

Policies of Insurance thereon, or of any Merchant or Merchants that shall load Goods thereon, and shall be lawfully convicted thereof, such Person or Persons so offending shall be adjudged guilty of Felony, and shall suffer Death without the Benefit of Clergy, or of the Statute made in the Ninth Year of the Reign of Her late Majesty Queen *Anne*, intituled, *An Act for taking away the Benefit of Clergy in certain Cases, and for taking away the Book in all Cases, and for repealing Part of the Statute for transporting Felons*: And whereas the above Provisions in the said in part recited Act, have been found inadequate and ineffectual for the Prevention and Punishment of the Offences therein mentioned; 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of the same, That the said Provisions of the said herein in part recited Act shall be, and the same are hereby repealed.

9 Annæ.

Provisions of first recited Act repealed.

After *Aug.* 1, 1803, Persons wilfully casting away, *etc.* any Ship, *etc.* or procuring it to be done, shall be adjudged Felons, and suffer Death.

II. And be it further enacted, That if any Person or Persons shall, from and after the First Day of *August* One thousand eight hundred and three, wilfully cast away, sink, burn, or otherwise destroy any Ship or Vessel, or in anywise counsel, direct, or procure the same to be done, and the same be accordingly done with Intent and Design thereby wilfully and maliciously to prejudice any Owner or Owners of such Ship or Vessel, or any Owner or Owners of any Goods laden on board the same, or any Person or Persons, Body Politick or Corporate, that hath or have underwritten, or shall underwrite any Policy or Policies of Insurance upon such Ship or Vessel, or on the Freight thereof, or upon any Goods laden on board the same, the Person or Persons offending therein, being thereof lawfully convicted, shall be deemed and adjudged a principal Felon or Felons, and shall suffer Death as in Cases of Felony without Benefit of Clergy.

Where such Offences shall be tried.

III. And be it further enacted, That if any such Ship or Vessel shall from and after the said First Day of *August* One thousand eight hundred and three, be wilfully cast away, sunk, burnt, or otherwise destroyed, within the Body of any County in *Ireland*; that then the said several Offences, as well in wilfully casting away, sinking, burning, or otherwise destroying such Ship or Vessel, as in counselling, directing, or procuring the same to be done as aforesaid, shall and may be respectively enquired of, tried, determined, and adjudged in the same Counts, and in such Manner and Form, as Felonies done within the Body of any County, by the Laws in force in *Ireland*, now are to be enquired of, tried, determined, and adjudged; and if any such Ship or Vessel shall be wilfully sunk, cast away, burnt, or otherwise destroyed on the High Seas, then that the said several Offences, as well in wilfully casting away, sinking, burning, or otherwise destroying any such Ship or Vessel, as in counselling, directing, and procuring the same to be done as aforesaid, shall and may be respectively enquired of, tried, determined, and adjudged, within *Ireland*, before such Court, in such Manner and Form as in and by an Act made in the Parliament of *Ireland*, in the Eleventh, Twelfth, and Thirteenth Years of the Reign of King *James* the First, intituled, *An Act for punishing of Pirates and Robbers on the Sea*, and in and by another Act made in the Parliament of *Ireland*, in the Twenty-third and Twenty-fourth Years of the Reign of His present Majesty,

Majesty, intituled, *An Act for regulating the High Courts of Admiralty in this Kingdom*, is appointed and directed for the enquiring, trying, determining, and adjudging within *Ireland*, of Felonies upon the High Seas.

Act not to affect Proceedings against Offences already commenced.

IV. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to bar or defeat any Profecution already commenced, or hereafter to be commenced within *Ireland*, for any Offence or Offences already committed, or which shall be committed against the said Provisions of the said herein in part recited Act, of the Eleventh Year of the Reign of King *George* the Second, before the said First Day of *August* One thousand eight hundred and three; but that such Prosecutions may be commenced and proceeded to respectively, as if the said Provisions of the said Act had not been repealed.

Accessaries to Felonies may be tried either in the County where the principal Offence was committed, or in that where the Offence of being Accessary was done; and if the principal Offence shall be committed on the High Seas, the Accessaries shall be tried in Manner prescribed by 11, 12, and 13 Jac. 1. and 23 & 24 Geo. 3. for trying Felonies on the High Seas.

V. And whereas it is convenient that Accessaries to Felonies committed within the Body of any County within *Ireland*, should be by Law liable to be tried as well in the County wherein the principal Felony was committed, as in the County in which they so became Accessaries; and also, that Accessaries to Felonies committed upon the High Seas, should be by Law liable to be tried by such Court, and in such Manner, as by the said in part recited Acts of the Eleventh, Twelfth, and Thirteenth Years of the Reign of King *James* the First, and Twenty-third and Twenty-fourth Years of His present Majesty's Reign, is directed in respect to Felonies done upon the High Seas; be it therefore enacted, That, from and after the said First Day of *August* One thousand eight hundred and three, in all Cases whatsoever in which any Person or Persons shall hereafter procure, direct, counsel, or command any other Person or Persons to commit, or shall abet any other Person or Persons in committing any Felony whatsoever, or shall in anywise whatsoever become an Accessary or Accessaries before the Fact to any Felony whatsoever, whether such principal Felony be committed within the Body of any County within *Ireland*, or upon the High Seas, and whether such procuring, directing, counselling, commanding, and abetting, or otherwise becoming Accessary or Accessaries before the Fact shall have been committed or done, within the Body of any County within *Ireland*, or upon the High Seas, that then and in all such Cases, the Offence of the Person or Persons so procuring, directing, counselling, commanding, or abetting such Felony, or so in anywise becoming Accessary or Accessaries before the Fact to such Felony, shall and may be enquired of, tried, determined, and adjudged, in case such principal Felony shall have been committed within the Body of any County within *Ireland*, by the Course of the Common Law of *Ireland*, either within such County wherein the said principal Felony shall have been committed, or within the County wherein the said Offence in procuring, directing, counselling, commanding, and abetting, or otherwise becoming Accessary or Accessaries before the Fact shall have been committed or done; and in case the said principal Felony shall have been committed upon the High Seas, then the said Offence in procuring, directing, counselling, commanding, or abetting such Felony, or of so becoming an Accessary or Accessaries before the Fact to the same shall and may be enquired of within *Ireland*, in and by such Court, and in such Manner and Form,

as

as in and by the ſaid in part recited Acts of the Eleventh, Twelfth, and Thirteenth Years of the Reign of King *James* the Firſt, and the Twenty-third and Twenty-fourth Years of His preſent Majeſty's Reign, is appointed and directed for the trying, determining, and adjudging of Felonies done upon the High Seas: Provided always, that no Perſon or Perſons who ſhall hereafter be Once tried and acquitted, or convicted, of any ſuch Offence in procuring, directing, counſelling, commanding, or abetting any Felony, or of otherwiſe becoming an Acceſſary or Acceſſaries before the Fact to ſuch Felony, whether the Trial of ſuch Perſon or Perſons ſhall have been had according to the Courſe of the Common Law of *Ireland*, as in the Caſe of a Felony committed within the Body of any County in *Ireland*, or according to the Proviſions contained in the ſaid laſt mentioned Acts, as in the Caſe of a Felony committed on the High Seas, ſhall be liable to be again indicted, proſecuted, or tried for the ſame Offence in any Court or Juriſdiction whatſoever.

Perſons Once tried not to be again indicted for the ſame Offence.

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