

ANNO PRIMO & SECUNDO

GEORGII IV. REGIS.

CAP. XXXIV.

An Act to repeal so much of Two Acts, made in the Parliament of *Ireland*, in the Ninth Year of Queen *Anne*, and in the Seventeenth Year of King *George* the Second, as inflicts Capital Punishment on Persons guilty of stealing to the Amount of Five Shillings, out of or from Shops, Warehouses, and other Outbuildings and Places, and to provide more suitable and effectual Punishment for such Offences. [28th *May* 1821.]

WHEREAS by an Act made in the Parliament of *Ireland* in the Ninth Year of the Reign of 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;* it is among other Things enacted, that if any Person shall steal or feloniously take away any Goods of the Value of Five Shillings or more, out of any Shop, or out of any Stable or Coach-house or Booth, in any Fair or Market, and being indicted or appealed thereof, shall be thereupon found guilty by Verdict of Twelve Men, or shall confess the same on his, her, or their Arraignment, or will not answer directly according to Law, or shall wilfully or of Malice stand mute, or shall peremptorily challenge above the Number of Twenty Jurors, or shall be outlawed on the same Indictment, and also all and every Person and Persons who shall be accessary before

9 Anne, c. 6. (I.) taking away Benefit of Clergy from stealing Goods value 5s. out of any Shop, Stable, Coach House or Booth.

or after to any of the aforesaid respective Facts, they and every the aforesaid respective Criminals shall receive Judgment and suffer the Pains of Death, without any Allowance or Benefit of the Clergy or of the Act; any Law, Custom, or Usage to the contrary notwithstanding: And whereas by an Act made in the Parliament of *Ireland*, in the Seventeenth Year of the Reign of King *George* the Second, intituled *An Act to take away the Benefit of Clergy from any Person that shall by Night or by Day-time feloniously and fraudulently steal any Goods out of any Shop, Warehouse, Tan Yard, Drying House, Cellar or Outhouse, though not adjoining to any Dwelling House, or off of Quays, and to encourage Persons to apprehend such Felons and other Robbers*, it is among other Things enacted, that all and every Person or Persons that shall at any Time or Times, by Night or in the Day-time, privately and feloniously steal any Goods, Wares, and Merchandize to the Value of Five Shillings or more, out of any Shop, Tan-Yard, or Drying House belonging to a Tanner, Warehouse, Cellar, Coach House, Stable, or other Outhouse, though not adjoining to the Dwelling House of the Owner thereof, although such Shop, Warehouse, Tan Yard, Drying House, Cellar, Coach House, Stable, or Outhouse be not actually broke open by such Offender or Offenders, and although the Owner of such Goods or any other Person or Persons be or be not in such Shop, Warehouse, Tan Yard, Drying House, Cellar, Coach House, Stable, or other Outhouse, to be put in fear; or shall feloniously steal any Goods to the Value of Five Shillings or more, left on any Quay or Wharf by any Merchant or other Person; or shall assist, hire, or command any Person or Persons to commit such Offence or Offences, being thereof convicted or attainted by Verdict or Confession; or being indicted thereof shall stand mute, or will not directly answer to the Indictment, or shall peremptorily challenge above the Number of Twenty Persons returned to be of the Jury, shall be absolutely debarred and excluded of and from the Benefit of Clergy, or of any Statute: And whereas the said Acts have not been found effectual for the preventing of the Crimes therein mentioned, and it is therefore expedient that so much of the said Acts as is herein-before recited, should be repealed in Manner herein-after mentioned: And whereas it might tend more effectually to prevent the Crime of Larceny in any Shop, or in any Tan Yard or Tanner's Drying House, or in any Booth in any Fair or Market, or in any Warehouse or Cellar, or in any Coach-house, Stable, or other Outhouse, or on any Quay or Wharf, if every such Offence were punished more severely than Simple Larceny: 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 from and after the Expiration of Thirty-one Days next after the passing of this Act, so much and such Parts of the said several Acts, as is and are herein-before recited, shall be and the same is and are hereby repealed, as to privately and feloniously stealing any Goods, Wares, or Merchandize, under the Value of Fifteen Pounds, out of any Shop or Warehouse, or in any Tan Yard, or out of any Drying House belonging to any Tanner, or out of any Booth in any Fair or Market, or out of any Cellar, or out of any Coach House, Stable, or other Outhouse, not adjoining to or being Part of the Dwelling House, and as to privately and feloniously

17 G. 2. c. 6. (I.) taking away Clergy from privately stealing Goods, value 5s. from any Shop, Tan-Yard, Drying House, Warehouse, Cellar, Coach House, Stable, or Outhouse, not adjoining to Dwelling Houses, &c. or off any Quay, &c.

Recited Provisions repealed as to privately stealing under a certain Value from the Places herein mentioned.

stealing any Goods, Wares, or Merchandize of the Value of Forty Shillings from any Wharf or Quay in *Ireland*.

Persons privately stealing Goods from Shops, Tan Yards, Booths, Outhouses, &c. value 5s. and under 15l. or from Quays, under 40s. may be transported, &c.

II. And be it further enacted, That from and after the Expiration of Thirty-one Days next after the passing of this Act, every Person who shall privately and feloniously steal any Goods, Wares, or Merchandizes, of the Value of Five Shillings or more, being under the Value of Fifteen Pounds, out of any Shop, Warehouse, Tan Yard, Drying House, Booth, Cellar, Coach House, Stable, or other Outhouse in *Ireland*, not adjoining to or being Part of a Dwelling House, or who shall privately and feloniously steal any Goods, Wares, or Merchandize, of the Value of Five Shillings or more, being under the Value of Forty Shillings, from any Quay or Wharf in *Ireland*, or who shall aid or assist any Person to commit any such Offence, shall be liable to be transported beyond the Seas for Life, or for such Term not less than Seven Years, as the Court before which any such Person shall be convicted shall adjudge; or such Offender shall be liable, in case the said Court shall think fit, to be imprisoned only, or to be imprisoned and kept to hard Labour in the Common Gaol, House of Correction, or Penitentiary, for any Term not exceeding Seven Years.

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