ANNO PRIMO

GEORGII IV. REGIS.

CAP. CXV.

An Act to repeal so much of the several Acts passed in the Thirty-ninth Year of the Reign of *Elizabeth*; the Fourth of *George* the First; the Fifth, and Eighth of *George* the Second; as inflicts Capital Punishment on certain Offences therein specified, and to provide more suitable and effectual Punishment for such Offences.

[25th *July* 1820.]

WHEREAS by an Act passed in the Thirty-ninth Year of the Reign of Queen *Elizabeth*, intituled *An Act for taking away of Clergy from Offenders against a certain Statute made in the Third Year of the Reign of King* Henry *the Seventh, concerning the taking away of Women against their Wills unlawfully*, it is amongst other Things enacted, that all and every such Person and Persons as at any Time after the End of this present Session of Parliament shall be convicted or attainted of or for any Offence, to be committed after the End of this present Session of Parliament, made Felony by the said Act of the Third Year of the Reign of King *Henry* the Seventh, or which shall be indicted or arraigned of or for any such Offence, and stand mute or make no direct Answer, or shall challenge peremptorily above the Number of Twenty, shall in every such Case lose his and their Benefit of Clergy, and shall suffer 39 Eliz. c. 9.

11 E Pains

Pains of Death without any Benefit of Clergy: And whereas by an Act passed in the Fourth Year of the Reign of King *George* the First, intituled *An Act for the further preventing Robbery, Burglary, and other Felonies, and for more effectual Transportation of Felons and unlawful Exporters of Wool, and for declaring the Law upon some Points relating to Pirates*, it is amongst other Things enacted, that wherever any Person taketh Money or Reward, directly or indirectly, under Pretence or upon Account of helping any Person or Persons to any stolen Goods or Chattels, every such Person so taking Money or Reward as aforesaid (unless such Person doth apprehend or cause to be apprehended such Felon who stole the same, and cause such Felon to be brought to his Trial for the same, and give Evidence against him), shall be guilty of Felony, and suffer the Pains and Penalties of Felony, according to the Nature of the Felony committed in stealing such Goods, and in such and the same Manner as if such Offender had himself stole such Goods and Chattels, in the Manner and with such Circumstances as the same were stolen: And whereas by an Act passed in the Fifth Year of the Reign of King *George* the Second, intituled *An Act to prevent the committing of Frauds by Bankrupts*, it is amongst other Things enacted, that if any Person or Persons who, since the Fourteenth Day of *May* which was in the Year of our Lord One thousand seven hundred and twenty-nine, hath or have become Bankrupt, or who shall at any Time hereafter during the Continuance of this Act become Bankrupt, within the Intent and Meaning of the several Statutes made and now in force concerning Bankrupts, or any of them, and against whom a Commission of Bankrupt under the Great Seal of *Great Britain* hath since the said Fourteenth Day of *May*, which was in the Year of our Lord One thousand seven hundred and twenty-nine, been awarded and issued out, or shall at any Time hereafter be awarded and issued out, whereupon the Person or Persons against whom such Commission hath issued or shall issue, have or hath been or shall be declared Bankrupt or Bankrupts, shall not within Forty-two Days after Notice thereof in Writing to be left at the usual Place of Abode of such Person or Persons, a personal Notice in case such Person or Persons be then in Prison, and Notice given in *The London Gazette* that such Commission or Commissions is, are, or have been issued, and of the Time and Place of a Meeting of the Commissioners therein named, or the major Part of them, surrender him, her, or themselves to the said Commissioners named in the said Commission, or the major Part of them, and sign or subscribe such Surrender, and submit to be examined from Time to Time upon Oath, or being of the People called *Quakers*, upon the solemn Affirmation by Law appointed for such People, by and before such Commissioners or the major Part of them by such Commission authorized, and in all Things conform to the several Statutes already made and now in force concerning Bankrupts; and also upon such his, her, or their Examination, fully and truly disclose and discover all his, her, or their Effects and Estate, Real and Personal, and how and in what Manner, to whom and upon what Consideration, and at what Time or Times, he, she, or they have or hath disposed of, assigned, or transferred any of his, her, or their Goods, Wares, Merchandizes, Monies, or other Estate and Effects, and all Books, Papers, and

4 G. 1. c. 11.

5 G. 2. c. 30.

Writings relating thereunto, of which he, she, or they was or were possessed, or in or to which he, she, or they was or were anywise interested or entitled, or which any Person or Persons had or hath, or have had in Trust for him, her, or them, or for his, her, or their Use, at any Time before or after the issuing of the said Commission, or whereby such Person or Persons, or his, her, or their Family or Families, hath or have, or may have or expect any Profit, Possibility of Profit, Benefit, or Advantage whatsoever, except only such Part of his, her, or their Estate and Effects as shall have been really and *bonâ fide* before sold or disposed of in the Way of his, her, or their Trade and Dealings, and except such Sums of Money as shall have been laid out in the ordinary Expence of his, her, or their Family or Families; and also upon such Examination deliver up unto the said Commissioners by the said Commission authorized, or the major Part of them, all such Part of his, her, or their the said Bankrupt's Goods, Wares, Merchandizes, Money, Estate and Effects, and all Books, Papers, and Writings relating thereunto, as at the Time of such Examination shall be in his, her, or their Possession, Custody, or Power, (his, her, or their necessary Wearing Apparel, and the necessary Wearing Apparel of the Wife and Children of such Bankrupt only excepted), then he, she, or they the said Bankrupt or Bankrupts, in case of any Default or wilful Omission in not surrendering and submitting to be examined as aforesaid; or in case he, she, or they shall remove, conceal, or embezzle any Part of such his, her, or their Estate, Real or Personal, to the Value of Twenty Pounds, of any Books of Accounts, Papers, or Writings relating thereto, with an Intent to defraud his, her, or their Creditors, (and being thereof lawfully convicted by Judgment or Information), shall be deemed and adjudged to be guilty of Felony, and shall suffer as Felons without Benefit of Clergy, or the Benefit of any Statute made in relation to Felons: And whereas by a certain Act passed in the Eighth Year of King *George* the Second, intituled *An Act for rendering the Laws more effectual for punishing such Persons as shall wilfully and maliciously pull down or destroy Turnpikes; for repairing Highways or Locks, or other Works erected by Act of Parliament; for making Rivers navigable, and for other Purposes therein mentioned;* it is amongst other Things enacted, that if any Person or Persons whatsoever shall, either by Day or Night, wilfully or maliciously pull down, pluck up, throw down, level, or otherwise destroy any Turnpike Gate or Turnpike Gates, or any Post or Posts, Rail or Rails, Wall or Walls, or any Chain, Bar, or Fence of any Kind whatsoever, set up or erected, or hereafter to be set up or erected, to prevent Passengers from passing by without paying any Toll laid and directed to be paid by any Act or Acts of Parliament already made or hereafter to be made for that Purpose, or any House or Houses erected or to be erected for the Use of any such Turnpike Gate or Turnpike Gates, or any other Fence or Fences, or any Lock, Sluice, Flood Gate, or other Works on any navigable River erected or to be erected by Authority of Parliament, or forcibly rescue any Person or Persons being lawfully in Custody of any Officer or other Person for any of the Offences before mentioned, that then and in any of the said Cases, every Person so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and

8 G. 2. c. 20.

and shall suffer as in Cases of Felony without Benefit of Clergy: And whereas it is expedient that so much of the said Acts herein-before recited, as inflicts the Punishment of Death in the Cases aforesaid, should be repealed; 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 the said Acts as inflict Punishment of Death on the Offences herein-before recited, shall, from and after the passing of this Act, be and the same is hereby repealed.

So much of recited Acts as inflicts the Punishment of Death for Offences herein mentioned, shall be repealed.

II. And be it further enacted, That from and after the passing of this Act, all Persons duly convicted of any of the Offences herein-before recited, which were punishable with Death under any of the above recited Acts, 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 such Person shall be convicted shall adjudge; or shall be liable, in case the said Court shall think fit, to be imprisoned only, or imprisoned and kept to hard Labour in the Common Gaol, Penitentiary House, or House of Correction, for any Term not exceeding Seven Years.

Instead of the Punishment of Death, Offenders shall be liable to Transportation, &c.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1820.