

ANNO DECIMO

GEORGII IV. REGIS.

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CAP. XXXIV.

An Act for consolidating and amending the Statutes in *Ireland* relating to Offences against the Person.

[4th *June* 1829.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act for consolidating and amending the Statutes in* England *relative to Offences against the Person;* and it is expedient that Provision should be made in *Ireland* for the like Purposes, and that the Statutes now in force in *Ireland* relating to such Offences should be repealed, and that the Provisions thereof should be consolidated and amended: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and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 this present Act, and the several Matters herein contained, shall extend to *Ireland*, and not to *England*, *Wales*, or *Scotland;* and that this Act shall commence and take effect in *Ireland* on the First Day of *September* One thousand eight hundred and twenty-nine; and that the several Statutes and Acts, and Parts of Statutes and Acts, herein-after next mentioned, shall continue in force in *Ireland* until and throughout the said First Day of *September* One thousand eight hundred and twenty-nine, and no longer; and that from and after the said First Day of *September* One thousand eight hundred and twenty-nine, the several Statutes and Acts, and Parts of Statutes and Acts, herein-after next mentioned, specified, and set forth, shall cease and

9 G. 4. c. 31.

Act to extend to Ireland only, and to commence on Sept. 1, 1829.

Acts of English, Irish, and United Parliaments in force, repealed; viz.

and determine, and shall be repealed, (except only so far as is hereinafter expressed and provided for); that is to say, the several Statutes and Acts, and Parts of Statutes and Acts, passed in the Parliament of *England*, herein-after specified and set forth, and which, by an Act passed in the Parliament of *Ireland* in the Tenth Year of the Reign of King *Henry* the Seventh, intituled *An Act confirming all the Statutes made in* England, are in force in *Ireland*; namely, so much of the Great Charter made in the Ninth Year of the Reign of King *Henry* the Third, as relates to Inquisitions of Life or Member; and so much of a Statute made in the Fifty-second Year of the same Reign, as relates to Murder; and so much of a Statute made in the Third Year of the Reign of King *Edward* the First, as relates to Inquests of Murder, and the Writ of Odio et atiâ, and to any Person ravishing or taking away by Force any Female as therein mentioned; and so much of a Statute made in the Fourth Year of the same Reign, intituled *The Statute of Bigamy*, as relates to Bigamists; and so much of a Statute made in the Sixth Year of the same Reign, as relates to any Person killing another by Misfortune, or in his own Defence, or in other Manner without Felony; and so much of a Statute made at *Westminster* in the Thirteenth Year of the same Reign, as relates to the Writ of Odio et atiâ and to Rape; and so much of a Statute made in the Ninth Year of the Reign of King *Edward* the Second, commonly called *Articuli Cleri*, as relates to laying violent Hands on a Clerk; and so much of a Statute made in the Eighteenth Year of the Reign of King *Edward* the Third, as relates to Bigamists; and so much of a Statute made in the Twenty-fifth Year of the same Reign, as relates to Petit Treason; and so much of a Statute made in the Fiftieth Year of the same Reign, as relates to the Arrest of Persons of Holy Church; and so much of an Act made in the First Year of the Reign of King *Richard* the Second, as relates to the like Arrests; and so much of a Statute made in the Sixth Year of the same Reign, as relates to Ravishers and to Women ravished; and so much of a Statute made in the Fifth Year of the Reign of King *Henry* the Fourth, as relates to cutting the Tongues or putting out the Eyes of any of the King's liege People, and to any Assault upon the Servant of a Knight of the Shire in Parliament; and so much of a Statute made in the Second Year of the Reign of King *Henry* the Fifth, as relates to Persons fleeing for Murders, Manslaughters, Robberies, and Batteries; and so much of a Statute made in the Eleventh Year of the Reign of King *Henry* the Sixth, as relates to any Assault or Affray made to any Lord, Knight of the Shire, Citizen, or Burgess being and attending at the Parliament or other Council of the King; and an Act passed in the Third Year of the Reign of King *Henry* the Seventh, intituled *An Act against taking away of Women against their Wills*; and an Act passed in the same Year, intituled *An Act that the Steward, Treasurer, and Controller of the King's House shall inquire of Offences done within the same*; and also the following Statutes and Acts, and Parts of Statutes and Acts, passed in the Parliament of *Ireland*; (that is to say,) an Act passed in the Twenty-eighth Year of the Reign of King *Henry* the Sixth, intituled *An Act that it shall be lawful to every liege Man to kill or take notorious Thieves, and Thieves found robbing, spoiling, or breaking Houses, or taken with the Manner*; and also an Act passed in

English Acts (extended to Ireland by 10 H. 7. (I.) c. 22.):

9 H. 3. c. 26.

52 H. 3. c. 25.

3 E. 1. c. 11. and 13.

4 E. 1. st. 3. c. 5.

6 E. 1. c. 9.

13 E. 1. st. 1. c. 29 & 34.

9 E. 2. st. 1. c. 3.

18 E. 3. st. 3. c. 2.

25 E. 3. st. 5. Part of c. 2.

50 E. 3. c. 5.

1 R. 2. c. 15.

6 R. 2. st. 1. c. 6.

5 H. 4. c. 5.

5 H. 4. c. 6.

2 H. 5. st. 1. c. 9.

11 H. 6. c. 11.

3 H. 7. c. 2.

3 H. 7. c. 14.

Irish Acts:

28 H. 6. c. 3.

the Eighth Year of the Reign of King *Edward* the Fourth, intituled *An Act concerning Rape;* and so much of an Act passed in the Tenth Year of the Reign of King *Henry* the Seventh, intituled *An Act that no Person take any Money or Amends for the Death or Murder of his Friend or Kinsman other than the King's Laws will,* as relates to the Payment of any Assaut or Amends; and an Act passed in the Twenty-eighth Year of the Reign of Queen *Elizabeth,* intituled *An Act against Witchcraft and Sorcerie;* and an Act passed in the Eleventh, Twelfth, and Thirteenth Years of the Reign of King *James* the First, intituled *An Act for the taking away of Clergie in certain Cases of Felonie, and for Deliverie of Clearkes convict without Purgation;* and an Act passed in the Second Session of the Tenth Year of the Reign of King *Charles* the First, intituled *An Act for the Punishment of the Vice of Buggery;* and an Act passed in the same Year of the same Reign, intituled *An Act for the restrayning of all Persons from Marriage until their former Wives and former Husbands be dead;* and an Act passed in the Third Session of the same Year, intituled *An Act for the Punishment of such as shall take away Maydens that be Inheritors, being within the Age of Sixteen Years, or marry them without the Consent of their Parents;* and an Act passed in the Fifteenth Year of the same Reign, intituled *An Act to discharge and free true Men from all Forfeitures for killing such as attempt to rob or murther them;* and an Act passed in the Seventh Year of the Reign of King *William* the Third, intituled *An Act to take away the Benefit of Clergy from him that doth stab another not having a Weapon drawn;* and an Act passed in the Sixth Year of the Reign of Queen *Anne,* intituled *An Act for the more effectual preventing the taking away and marrying Children against the Wills of their Parents or Guardians;* and so much of an Act passed in the Ninth Year of the same Reign, 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,* as relates to the Offence of having carnal Knowledge of any Female Child; and so much of an Act passed in the Twelfth Year of the Reign of King *George* the First, intituled *An Act to prevent Marriages by degraded Clergymen and Popish Priests, and for preventing Marriages consummated from being avoided by Pre-contracts, and for the more effectual punishing of Bigamy,* as relates to the Offence of Bigamy; and an Act passed in the Eleventh Year of the Reign of King *George* the Second, intituled *An Act to prevent malicious maiming and wounding, and to prevent carrying secret Arms;* and so much of an Act passed in the Nineteenth Year of the same Reign, intituled *An Act for annulling all Marriages to be celebrated by any Popish Priest between Protestant and Protestant and between Protestant and Papist, and to amend and make more effectual an Act passed in this Kingdom, in the Sixth Year of the Reign of Her late Majesty Queen* Anne, *intituled* '*An Act for the more effectual preventing the taking away and marrying Children against the Wills of their Parents or Guardians,*' as relates to any Offenders thereby declared to be Felons; and so much of an Act passed in the Eleventh Year of the Reign of King *George* the Third, intituled *An Act for punishing such Persons as shall do Injuries and Violences to the Persons or Properties of His Majesty's Subjects, with*

8 E. 4. c. 1.
10 H. 7. c. 11. s. 1.
28 Eliz. c. 2.
11, 12, and 13 Jac. 1. c. 3.
10 Car. 1. st. 2. c. 20.
10 Car. 1. st. 2. c. 21.
10 C. 1. st. 3. c. 17.
15 Car. 1. c. 9.
7 W. 3. c. 11.
6 Ann. c. 16.
9 Ann. c. 6. s. 2.
12 G. 1. c. 3. s. 5.
11 G. 2. c. 8.
19 G. 2. c. 13. s. 2.
6 Ann. c. 16.
11 G. 3. c. 7. s. 1, 2. partly.

with Intent to hinder the Exportation of Corn, as relates to any Person who shall beat, wound, or use any other Violence to any Person or Driver, and so much thereof as makes any Second such Offence Felony; and an Act passed in the Thirteenth and Fourteenth Years
13 & 14 G. 3. c. 45. of the Reign of King *George* the Third, intituled *An Act to prevent malicious cutting and wounding, and to punish Offenders called Chalkers;* and so much of an Act passed in the Nineteenth and Twentieth
19 & 20 G. 3. c. 19. Part of s. 5. Years of the same Reign, intituled *An Act to prevent Combinations, and for the further Encouragement of Trade*, as relates to any maiming or wounding, or to the Offence of horsing, colting, carrying in Procession, or endangering the Life of any Person; and so much of an Act passed in the Twenty-third and Twenty-fourth Years of the
23 & 24 G. 3. c. 48. s. 7. same Reign, intituled *An Act for the Amendment of the Law in relation to the Salvage of Ships and Goods stranded, or in danger of perishing at Sea*, as relates to any Assault, beating, or wounding; and an Act
31 G. 3. c. 17. except s. 10. and 11, repealing 10 H. 7. c. 21. 9 Ann. c. 4. passed in the Thirty-first Year of the same Reign, intituled *An Act to prevent the horrid Crime of Murder, and to repeal an Act passed in the Tenth Year of King* Henry *the Seventh, intituled* '*An Act to* '*make Murder of Malice prepensed Treason,*' *and for repealing an Act made in the Ninth Year of Queen* Anne, *intituled* '*An Act for* '*bringing an Appeal in case of Murder, notwithstanding the Statute* '*of King* Henry *the Seventh, whereby Murder is made High Treason,*' save so much thereof as relates to Rescues or Attempts to rescue; and an Act passed in the Thirty-sixth Year of the same Reign, in-
36 G. 3. c. 27. tituled *An Act to make conspiring to murder Felony without Benefit of Clergy;* and so much of an Act passed in the same Year, intituled
36 G. 3. c. 31. *An Act for discontinuing the Judgment which has been required by Law to be given against Women convicted of certain Crimes, and substituting another Judgment in lieu thereof*, as relates to Petit Treason; and an Act passed in the Thirty-eighth Year of the same Reign,
38 G. 3. c. 57. intituled *An Act to amend an Act passed in the Thirty-sixth Year of His present Majesty, intituled* '*An Act to make conspiring to murder* '*Felony without Benefit of Clergy;*' and also the following Statutes and Acts, and Parts of Statutes and Acts, made in the Parliament of the United Kingdom; that is to say, an Act passed in the
Acts of the United Parliament:
43 G. 3. c. 58. Forty-third Year of the Reign of King *George* the Third, intituled *An Act for the further Prevention of malicious shooting and attempting to discharge loaded Fire Arms, stabbing, wounding, poisoning, and the malicious using of Means to procure the Miscarriage of Women, and also the malicious setting Fire to Buildings; and also for repealing a certain Act made in* England *in the Twenty-first Year of the late King* James *the First, intituled* '*An Act to prevent the destroying* '*and murdering of Bastard Children,*' *and also an Act made in* Ireland *in the Sixth Year of the Reign of the late Queen* Anne, *also intituled* '*An Act to prevent the destroying and* '*murdering of Bastard Children,*' *and for making other Provisions in lieu thereof;* and an Act passed in the Fifty-fourth Year of the
54 G. 3. c. 101. Reign of King *George* the Third, intituled *An Act for the more effectual Prevention of Child-stealing;* and an Act passed in the same
54 G. 3. c. 181. except s. 1 & 2. 55 G. 3. c. 88. Year, intituled *An Act to render more easy and effectual Redress for Assaults in* Ireland, (save only so far as the said Act relates to Proceedings by Civil Bill); and an Act passed in the Fifty-fifth Year of the same Reign, to amend the said last-mentioned Act; and so much

of an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act to remove Doubts and to remedy Defects in the Law, with respect to certain Offences committed upon the Sea or under the Jurisdiction of the Admiralty*, as refers to the Act of the Forty-third Year of the Reign of King *George* the Third, herein-before mentioned; and so much of an Act passed in the First and Second Years of the present Reign, intituled *An Act for the Amendment of the Law of Rescue*, as relates to the Offences of assaulting, beating, and wounding therein mentioned; and an Act passed in the Third Year of the present Reign, intituled *An Act for the further and more adequate Punishment of Persons convicted of Manslaughter, and of Servants convicted of robbing their Masters, and of Accessories before the Fact to Grand Larceny and certain other Felonies;* and so much of an Act passed in the Seventh Year of the present Reign, intituled *An Act to provide for the more effectual Punishment of certain Offences in* Ireland *with hard Labour*, as relates to any Assault; and the several herein-before recited Statutes and Acts, and Parts of Statutes and Acts, are hereby repealed accordingly, so far as relates to *Ireland*, and to Offences committed within the Jurisdiction of the Admiralty of *Ireland;* save and except so far as any of the said Statutes and Acts, or Parts of Statutes and Acts respectively, or any of them, may repeal the Whole or any Part of any other Act or Acts; and save and except as to Offences committed before or upon the said First Day of *September* One thousand eight hundred and twenty-nine, which shall be dealt with and punished as if this Act had not been passed.

1 G. 4. c. 90. s. 2.

1 & 2 G. 4. c. 88. s. 2.

3 G. 4. c. 38.

7 G. 4. c. 9.

All continuing Acts repealed.

II. And be it further enacted, That all Acts and Parts of Acts continuing or perpetuating any of the Statutes or Acts, or Parts of Statutes or Acts, herein-before repealed, so far only as relates to such Continuation or Perpetuation, from and after the said First Day of *September* One thousand eight hundred and twenty-nine, shall be and the same are hereby repealed.

Petit Treason to be treated in all respects as Murder.

III. And be it enacted, That every Offence which before the Commencement of this Act 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.

Punishment of Principals and Accessories in Murder.

IV. And be it enacted, That every Person convicted of Murder, or of being an Accessory before the Fact to Murder, shall suffer Death as a Felon; and every Accessory after the Fact to Murder shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or to be imprisoned with or without hard Labour in the Common Gaol or House of Correction for any Time not exceeding Four Years.

Period of Execution and Marks of Infamy.

V. And be it enacted, That every Person convicted of Murder shall be executed according to Law on the Day next but One after that on which the Sentence shall be passed, unless the same shall happen to be *Sunday*, and in that Case on the *Monday* following;

ing; and the Body of every Murderer shall, after Execution, either be dissected or hung in Chains, as to the Court shall seem meet; and Sentence shall be pronounced immediately after the Conviction of every Murderer, unless the Court shall see reasonable Cause for postponing the same; and such Sentence shall express, not only the usual Judgment of Death, but also the Time hereby appointed for the Execution thereof, and that the Body of the Offender shall be dissected or hung in Chains, whichsoever of the Two the Court shall order: Provided always, that after such Sentence shall have been pronounced it shall be lawful for the Court or Judge to stay the Execution thereof, if such Court or Judge shall so think fit.

Sentence to be pronounced immediately.

Power to respite.

Dissection of Bodies of Murderers.

VI. And be it enacted, That whenever Dissection shall be ordered by such Sentence, the Body of the Murderer, if executed in the County of *Dublin* or in the County of the City of *Dublin*, shall be immediately conveyed by the Sheriff or Sheriffs, or his or their Officers, to the Hall of the Surgeons Company in the City of *Dublin*, or to such other Place as the said Company shall appoint, and shall be delivered to such Person as the said Company shall appoint, for the Purpose of being dissected; and the Body of the Murderer, if executed elsewhere, shall in like Manner be conveyed, for the Purpose of being dissected, to any School of Surgery in the County or Place in which such Execution shall take place, if there shall be such a School in such County or Place, and if not, then to the Hall of the Surgeons Company in the City of *Dublin*, or such other Place as the said Company shall appoint, in like Manner as if such Execution had taken place in the County of *Dublin* or in the County of the City of *Dublin*.

Prison Regulations as to Murderers under Sentence.

VII. And be it enacted, That every Person convicted of Murder shall, after Judgment, be confined in some safe Place within the Prison, apart from all other Prisoners, and shall be fed with Bread and Water only, and with no other Food or Liquor, except in case of receiving the Sacrament, or in case of any Sickness or Wound, in which Case the Surgeon of the Prison may order other Necessaries to be administered; and no Person but the Gaoler and his Servants, and the Chaplain and Surgeon of the Prison, shall have Access to any such Convict, without the Permission in Writing of the Court or Judge before whom such Convict shall have been tried, or of the Sheriff or his Deputy: Provided always, that in case the Court or Judge shall think fit to respite the Execution of such Convict, such Court or Judge may by a Licence in Writing release, during the Period of the Respite, all or any of the Restraints or Regulations herein-before directed to be observed.

Conspiring to murder, a Capital Felony.

VIII. And be it enacted, That all Persons conspiring, confederating, and agreeing to murder any Person, shall be guilty of Felony, and being convicted thereof, shall suffer Death as Felons.

Solicitation to murder, Capital.

IX. And be it enacted, That every Person who shall solicit, encourage, persuade or endeavour to persuade, or who shall propose to any Person to murder any other Person, shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon.

X. And

X. And be it enacted, That if any of His Majesty's Subjects shall be charged in *Ireland* with any Murder or Manslaughter, or with being accessory before the Fact to any Murder, or after the Fact to any Murder or Manslaughter, the same being respectively committed on Land out of the United Kingdom, whether within the King's Dominions or without, it shall be lawful for any Justice of the Peace of the County or Place where the Person so charged shall be, to take cognizance of the Offence so charged, and to proceed therein as if the same had been committed within the Limits of his ordinary Jurisdiction; and if any Person so charged shall be committed for Trial, or admitted to Bail to answer such Charge, the Offence so charged may be dealt with, inquired of, tried, determined, and punished in the County or Place in which such Person shall be so charged, in the same Manner in all respects as if such Offence had been committed in that County or Place: Provided that nothing herein contained shall prevent any Person from being tried in any Place out of *Ireland*, in the same Manner as such Person might have been tried before the passing of this Act.

Murder or Manslaughter committed Abroad, may be tried in Ireland.

XI. And be it enacted, That where any Person, being feloniously stricken, poisoned, or otherwise hurt upon the Sea, or at any Place out of *Ireland*, shall die of such Stroke, Poisoning, or Hurt in *Ireland*, or, being feloniously stricken, poisoned, or otherwise hurt at any Place in *Ireland*, shall die of such Stroke, Poisoning, or Hurt upon the Sea, or at any Place out of *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 before the Fact to Murder, or after the Fact to Murder or Manslaughter, may be dealt with, inquired of, tried, determined, and punished in the County or Place in *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.

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

XII. And be it enacted, That every Person convicted of Manslaughter shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for any Term not exceeding Four Years, or to pay such Fine as the Court shall award; and it shall be lawful for the Court to direct that the Offender shall be kept in solitary Confinement during the Whole or any Portion or Portions of such Imprisonment, or Imprisonment with hard Labour.

Punishment of Manslaughter.

XIII. Provided always, and be it enacted, That 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.

As to Homicide not felonious.

XIV. And be it enacted, That if any Person unlawfully and maliciously shall administer or attempt to administer to any Person, or shall cause to be taken by any Person, any Poison or destructive Thing, or shall unlawfully and maliciously attempt to drown, suffocate, or strangle any Person, or shall unlawfully and maliciously shoot

Attempts to murder, when evidenced by certain Acts, Capital.

shoot at any Person, or shall by drawing a Trigger, or in any other Manner, unlawfully and maliciously attempt to discharge any Kind of loaded Arms at any Person, or shall unlawfully and maliciously stab, cut, or wound any Person either with a sharp or a blunt Weapon or Instrument, and whether such wounding shall be by cutting, stabbing, or by Contusion, or shall unlawfully and maliciously throw or cast at or upon or otherwise apply to any Person any corrosive or noxious Liquid or Substance, with Intent, in any of the Cases aforesaid, to murder such Person, every such Offender, and every Person counselling, aiding, or abetting such Offender, shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon.

Shooting at, or stabbing, cutting, or wounding, &c. any Person, with Intent to maim, &c. Capital.

XV. And be it further enacted, That if any Person unlawfully and maliciously shall shoot at any Person, or shall by drawing a Trigger, or in any other Manner, unlawfully and maliciously attempt to discharge any Kind of loaded Arms at any Person, or shall unlawfully and maliciously stab, cut, or wound any Person, whether such wounding shall be with a sharp or with a blunt Instrument, and whether by cutting or Contusion, or shall unlawfully and maliciously throw or cast at or upon or otherwise apply to any Person any corrosive or noxious Liquid or Substance, with Intent, in any of the Cases aforesaid, to maim, disfigure, or disable such Person, or to do some other grievous bodily Harm to such Person, or with Intent to resist the lawful Apprehension or Detainer of the Party so offending, or of any of his Accomplices, for any Offence for which he or they may respectively be liable by Law to be apprehended or detained, every such Offender, and every Person counselling, aiding, or abetting such Offender, shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon: Provided always, that in case it shall appear, on the Trial of any Person indicted for any of the Offences above specified, that such Acts of shooting, or of attempting to discharge loaded Arms, or of stabbing, cutting, or wounding, or throwing, casting, or applying any corrosive or noxious Liquid or Substance as aforesaid, were committed under such Circumstances that if Death had ensued therefrom the same would not in Law have amounted to the Crime of Murder, in every such Case the Person so indicted shall be acquitted of Felony.

Proviso.

Administering Poison, or using Means to procure the Miscarriage of a Woman quick with Child.

The like as to a Woman not quick with Child.

XVI. And be it enacted, That if any Person, with Intent to procure the Miscarriage of any Woman then being quick with Child, unlawfully and maliciously shall administer to her, or cause to be taken by her, any Poison or other noxious Thing, or shall use any Instrument or other Means whatever with the like Intent, every such Offender, and every Person counselling, aiding, or abetting such Offender, shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon; and if any Person, with the Intent to procure the Miscarriage of any Woman not being or not being proved to be then quick with Child, unlawfully and maliciously shall administer to her, or cause to be taken by her, any Medicine or other Thing, or shall use any Instrument or other Means whatever with the like Intent, every such Offender, and every Person counselling, aiding, or abetting such Offender, shall be guilty of Felony, and being convicted thereof,

shall be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not exceeding Fourteen Years nor less than Seven Years, or to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for any Term not exceeding Three Years, and, if a Male, to be Once, Twice, or Thrice publicly whipped (if the Court shall so think fit), in addition to such Imprisonment.

Woman disposing of the dead Body of her Child, to conceal the Birth, guilty of a Misdemeanor.

XVII. And be it enacted, That if any Woman shall be delivered of a Child, and shall, by secret burying or otherwise disposing of the dead Body of the said Child, endeavour to conceal the Birth thereof, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for any Term not exceeding Two Years; and it shall not be necessary to prove whether the Child died before, at, or after its Birth: Provided always, that if any Woman tried for the Murder of her Child shall be acquitted thereof, it shall be lawful for the Jury by whose Verdict she shall be acquitted to find, in case it shall so appear in Evidence, that she was delivered of a Child, and that she did, by such secret burying or otherwise disposing of the dead Body of such Child, endeavour to conceal the Birth thereof, and thereupon the Court may pass such Sentence as if she had been convicted upon an Indictment for Concealment of the Birth.

Proviso.

Sodomy.

XVIII. And be it enacted, That every Person convicted of the abominable Crime of Buggery, committed either with Mankind or with any Animal, shall suffer Death as a Felon.

Rape.

XIX. And be it enacted, That every Person convicted of the Crime of Rape shall suffer Death as a Felon.

Carnal Knowledge of a Girl under 10, Death; above 10 and under 12, a Misdemeanor.

XX. And be it enacted, That if any Person shall unlawfully and carnally know and abuse any Girl under the Age of Ten Years, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon; and if any Person shall unlawfully and carnally know and abuse any Girl, being above the Age of Ten Years and under the Age of Twelve Years, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for such Term as the Court shall award.

What shall be sufficient Proof of carnal Knowledge in the Four preceding Cases.

XXI. And whereas upon Trials for the Crimes of Buggery and Rape, and of carnally abusing Girls under the respective Ages herein-before mentioned, Offenders frequently escape by reason of the Difficulty of the Proof which has been required of the Completion of these several Crimes; for Remedy thereof be it enacted, That it shall not be necessary in any of those Cases to prove the actual Emission of Seed in order to constitute a carnal Knowledge, but that the carnal Knowledge shall be deemed complete upon Proof of Penetration only.

Forcible Abduction of Women.

XXII. And be it enacted, That if any Person shall by Force take or carry away any Woman or Girl against her Consent, with Intent that such Person or any other Person shall marry or defile her, every such Offender, and every Accessory before the Fact to such Offence, shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon; and every Accessory after the Fact to such Offence shall be guilty of Felony, and being convicted thereof, shall be liable to be transported beyond the Seas for Life or for any Term not less than Seven Years, or to be imprisoned, with or without hard Labour, for any Term not exceeding Three Years.

Abduction of an unmarried Girl under 18 Years of Age.

XXIII. And be it enacted, That when any unmarried Girl under the Age of Eighteen Years shall have any Interest, whether legal or equitable, present or future, absolute, conditional, or contingent, in any Real or Personal Estate, or shall be an Heiress presumptive or next of Kin to any one having such Interest, if any Person shall fraudulently allure, take, or convey away, or cause to be allured, taken, or conveyed away, such Girl out of the Possession and against the Will of her Father or Mother, or of any other Person having the lawful Care or Charge of her, and shall contract Matrimony with her, or shall defile her, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable to such Imprisonment, not exceeding the Term of Three Years, as the Court shall award, and shall be incapable of taking any Estate or Interest, legal or equitable, in any Real or Personal Property of such Girl; and such Property shall, upon such Conviction, be vested, from the Time of such Marriage, in such Trustees as the Lord Chancellor, Lord Keeper, or Commissioners for the Custody of the Great Seal in *Ireland* shall appoint, for the sole and separate Use of such Girl, in the like Manner as if such Marriage had not taken place.

Abduction of an unmarried Girl under Sixteen.

XXIV. And be it enacted, That if any Person shall unlawfully take or cause to be taken any unmarried Girl under the Age of Sixteen Years, out of the Possession and against the Will of her Father or Mother, or of any other Person having the lawful Care or Charge of her, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable to suffer such Punishment, by Fine or Imprisonment, or by both, as the Court shall award.

Child-stealing.

XXV. And be it enacted, That if any Person shall maliciously, either by Force or Fraud, lead or take away, or decoy or entice away, or detain, any Child under the Age of Ten Years, with Intent to deprive the Parent or Parents, or any other Person having the lawful Care or Charge of such Child, of the Possession of such Child, or with Intent to steal any Article upon or about the Person of such Child, to whomsoever such Article may belong; or if any Person shall, with any such Intent as aforesaid, receive or harbour any such Child, knowing the same to have been by Force or Fraud led, taken, decoyed, enticed away, or detained, as herein-before mentioned; every such Offender, and every Person counselling, aiding, or abetting such Offender, shall be guilty of Felony, and being convicted thereof, shall be liable to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned, with or without hard Labour, in the Common

Common Gaol or House of Correction, for any Term not exceeding Two Years, and, if a Male, to be Once, Twice, or Thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment: Provided always, that no Person who shall have claimed to be the Father of an illegitimate Child, or to have any Right to the Possession of such Child, shall be liable to be prosecuted by virtue hereof, on account of his getting Possession of such Child, or taking such Child out of the Possession of the Mother, or any other Person having the lawful Charge thereof. Not to extend to Fathers of illegitimate Children.

XXVI. And be it enacted, That if any Person, being married, shall marry any other Person during the Life of the former Husband or Wife, whether the Second Marriage shall have taken place in *Ireland* or elsewhere, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for any Term not exceeding Two Years; and any such Offence may be dealt with, inquired of, tried, determined, and punished in the County where the Offender shall be apprehended or be in Custody, as if the Offence had been actually committed in that County: Provided always, that nothing herein contained shall extend to any Second Marriage contracted out of *Ireland* by any other than a Subject of His Majesty, or to any Person marrying a Second Time whose Husband or Wife shall have been continually absent from such Person for the Space of Seven Years then last past, and shall not have been known by such Person to be living within that Time, or shall extend to any Person who at the Time of such Second Marriage shall have been divorced from the Bond of the First Marriage, or to any Person whose Marriage shall have been declared void by the Sentence of any Court of competent Jurisdiction. Bigamy. Place of Trial. Exceptions.

XXVII. And be it enacted, That if any Person shall arrest any Clergyman upon any Civil Process while he shall be performing Divine Service, or shall, with the Knowledge of such Person, be going to perform the same, or returning from the Performance thereof, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall suffer such Punishment, by Fine or Imprisonment, or by both, as the Court shall award. Arrest of Clergyman during Divine Service.

XXVIII. And be it enacted, That if any Person shall, in consequence of any unlawful Combination or Conspiracy respecting any Trade, Business, or Manufacture, or respecting any Person concerned or employed therein, unlawfully and maliciously assault any Person with Intent to do to such Person any grievous bodily Harm, every such Offender shall be liable to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for any Term not exceeding Three Years, and, if a Male, to be Once, Twice, or Thrice privately whipped (if the Court shall think fit), in addition to such Imprisonment. Assaults arising from Combination.

XXIX. And be it enacted, That if any Person shall unlawfully and maliciously assault, beat, or wound any Person, so as thereby to endanger Violent Assaults.

endanger the Life of such Person, or so as thereby to inflict upon such Person any grievous bodily Harm, every such Offender, being convicted thereof, shall be liable to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for any Term not exceeding Three Years, and, if a Male, to be Once, Twice, or Thrice publicly or privately whipped, in addition to such Imprisonment, if the Court shall think fit.

Assaults on Officers, &c. for endeavouring to save shipwrecked Property.

XXX. And be it enacted, That if any Person shall assault and strike or wound any Magistrate, Officer, or other Person whatsoever lawfully authorized, on account of the Exercise of his Duty in or concerning the Preservation of any Vessel in Distress, or of any Vessel, Goods, or Effects wrecked or stranded or cast on Shore, or lying under Water, every such Offender, being convicted thereof, shall be liable to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for such Term as the Court shall award.

Certain Assaults punishable with hard Labour.

XXXI. And be it enacted, That where any Person shall be charged with and convicted of any of the following Offences or Misdemeanors; that is to say, of any Assault with Intent to commit Felony; of any Assault upon any Peace Officer or Revenue Officer in the due Execution of his Duty, or upon any Person acting in aid of such Officer; of any Assault upon any Person with Intent to resist or prevent the lawful Apprehension or Detainer of the Party so assaulting, or of any other Person for any Offence for which he or they may be liable by Law to be apprehended or detained; in any such Case the Court may sentence the Offender to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for any Term not exceeding Two Years, and may also (if the Court shall so think fit) fine the Offender, and require him to find Sureties for keeping the Peace.

Assaults with Intent to prevent the Sale or Purchase of Grain.

XXXII. And be it enacted, That if any Person shall beat, wound, or use any other Violence to any Person with Intent to deter or hinder him from selling or buying any Wheat or other Grain, Flour, Meal, Malt, or Potatoes, in any Market or other Place, or shall beat, wound, or use any other Violence to any Person having the Care or Charge of any Wheat or other Grain, Flour, Meal, Malt, or Potatoes, whilst on the Way to or from any City, Market Town, or other Place, with Intent to stop the Conveyance of the same, every such Offender may be convicted thereof before Two Justices of the Peace, and imprisoned and kept to hard Labour in the Common Gaol or House of Correction for any Term not exceeding Three Calendar Months: Provided always, that no Person, who shall be punished for any such Offence by virtue of this Provision, shall be punished for the same Offence by virtue of any other Law whatsoever.

On Conviction for Assault, Court may order Payment of Prosecutor's Costs.

XXXIII. And be it enacted, That where any Person shall be convicted on any Indictment for an Assault, whether with or without Battery and wounding, or either of them, such Person may, if the Court shall so think fit, in addition to the Judgment which shall be considered proper for the Offence, be ordered and adjudged to pay to the Prosecutor his actual and necessary Costs and Expences of Prosecu-

tion, and such moderate Allowance for the Loss of Time as the Court shall by Affidavit or other Inquiry and Examination ascertain to be reasonable; and unless the Sum so awarded shall be sooner paid, to be imprisoned for any Time not exceeding Three Months, in addition to the Term of Imprisonment (if any) to which the Offender may be sentenced for the Offence.

Payment may be enforced by Distress of Offender's Goods.

XXXIV. Provided always, and be it enacted, That it shall and may be lawful for the Court, by Warrant under Hand and Seal, to order that such Sum as shall be so awarded shall be levied by Distress and Sale of the Goods and Chattels of the Offender, and paid to the Person prosecuting, and that the Surplus (if any) arising from such Sale shall be paid to the Owner; and in case such Sum shall be so levied, the Imprisonment awarded until Payment of such Sum shall thereupon cease.

Prosecutor a competent Witness.

XXXV. And be it enacted, That the Power hereby given to award such Compensation as aforesaid shall not prevent any Prosecutor from being a competent Witness on any Indictment.

Summary Punishment for common Assaults.

XXXVI. And whereas it is expedient that a summary Power of punishing Persons for common Assaults and Batteries should be provided under the Limitations herein-after mentioned; be it therefore enacted, That when any Person shall unlawfully assault or beat any other Person, it shall be lawful for Two Justices of the Peace, upon Complaint of the Party aggrieved, to hear and determine such Offence; and the Offender, upon Conviction thereof before them, shall forfeit and pay such Fine as shall appear to them to be meet, not exceeding, together with Costs (if ordered), the Sum of Five Pounds, which Fine shall be paid to the Treasurer or other proper Officer of the Infirmary of the County, City, Town, or Place wherein such Conviction shall take place, or in case there shall not be any Infirmary therein, then to the Treasurer or other proper Officer of such other public Charity therein as such Justices shall direct; and if such Fine as shall be awarded by the Justices, together with Costs (if ordered), shall not be paid, either immediately after the Conviction or within such Period as the said Justices shall at the Time of the Conviction appoint, it shall be lawful for them to commit the Offender to the Common Gaol or House of Correction, there to be imprisoned for any Term not exceeding Two Calendar Months, unless such Fine and Costs be sooner paid; but if the Justices, upon the Hearing of any such Case of Assault or Battery, shall deem the Offence not to be proved, or shall find the Assault or Battery to have been justified, or so trifling as not to merit any Punishment, and shall accordingly dismiss the Complaint, they shall forthwith make out a Certificate under their Hands, stating the Fact of such Dismissal, and shall deliver such Certificate to the Party against whom the Complaint was preferred.

Such Certificate or Conviction shall be a Bar to any other Proceedings.

XXXVII. And be it enacted, That if any Person against whom any such Complaint shall have been preferred for any common Assault or Battery shall have obtained such Certificate as aforesaid, or having been convicted shall have paid the whole Amount adjudged to be paid

paid under such Conviction, or shall have suffered the Imprisonment awarded for Nonpayment thereof, in every such Case he shall be released from all further or other Proceedings, Civil or Criminal, for the same Cause.

These Provisions not to apply to aggravated Assaults.

XXXVIII. Provided always, and be it enacted, That in case the Justices shall find the Assault or Battery complained of to have been accompanied by any Attempt to commit Felony, or shall be of opinion that the same is, from any other Circumstance, a fit Subject for a Prosecution by Indictment, they shall abstain from any Adjudication thereupon, and shall deal with the Case in all respects in the same Manner as they would have done before the passing of this Act: Provided also, that nothing herein contained shall authorize any Justices of the Peace to hear and determine any Case of Assault or Battery in which any Question shall arise as to the Title to any Lands, Tenements, or Hereditaments, or any Interest therein or accruing thereupon, or as to any Bankruptcy or Insolvency, or any Execution under the Process of any Court of Justice.

Punishment of Master of Merchant Vessel forcing a Seaman on Shore, or refusing to bring him Home.

Mode of Trial, &c.

XXXIX. And be it enacted, That if any Master of a Merchant Vessel shall, during his being Abroad, force any Man on Shore, or wilfully leave him behind in any of His Majesty's Colonies or elsewhere, or shall refuse to bring Home with him again all such of the Men whom he carried out with him as are in a Condition to return when he shall be ready to proceed on his homeward-bound Voyage, every such Master shall be guilty of a Misdemeanor, and being lawfully convicted thereof, shall be imprisoned for such Term as the Court shall award; and all such Offences may be prosecuted by Indictment or by Information, at the Suit of His Majesty's Attorney General, in the Court of King's Bench, and may be alleged in the Indictment or Information to have been committed in the County of the City of *Dublin;* and the said Court is hereby authorized to issue One or more Commissions, if necessary, for the Examination of Witnesses Abroad; and the Depositions taken under the same shall be received in Evidence on the Trial of every such Indictment or Information.

Punishment of Accessories not before provided for.

XL. And be it enacted, That every Accessory before the Fact to any Felony punishable under this Act, for whom no Punishment has been herein-before provided, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not exceeding Fourteen Years nor less than Seven Years, or to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for any Term not exceeding Three Years; and every Accessory after the Fact to any Felony punishable under this Act, for whom no Punishment has been herein-before provided, shall be liable to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for any Term not exceeding Two Years; and every Person who shall counsel, aid, or abet the Commission of any Misdemeanor punishable under this Act, shall be liable to be proceeded against and punished as a principal Offender.

Offences against this Act com-

XLI. And be it enacted, That all indictable Offences mentioned in this Act, which shall be committed within the Jurisdiction of the

Admiralty of *Ireland*, shall be deemed to be Offences of the same Nature, and liable to the same Punishments, as if they had been committed upon the Land in *Ireland*, and may be dealt with, inquired of, tried, and determined in the same Manner as any other Offences committed within the Jurisdiction of the Admiralty of *Ireland*: Provided always, that nothing herein contained shall alter or affect any of the Laws relating to the Government of His Majesty's Land or Naval Forces. mitted at Sea.

XLII. And for the more effectual Prosecution of Offences punishable upon summary Conviction by virtue of this Act, be it enacted, That where any Person shall be charged on the Oath of a credible Witness, before any Justice of the Peace, with any such Offence, the Justice may summons the Person charged to appear before any Two Justices of the Peace at a Time and Place to be named in such Summons; and if he shall not appear accordingly, then (upon Proof of the due Service of the Summons upon such Person by delivering the same to him) the Justices may either proceed to hear and determine the Case *ex parte*, or may issue their Warrant for apprehending such Person and bringing him before them; or the Justice before whom the Charge shall be made may (if he shall so think fit) issue such Warrant in the first Instance, without any previous Summons. Provision for Offences punishable under this Act by summary Conviction.

XLIII. Provided always, and be it enacted, That the Prosecution for every Offence punishable on summary Conviction by virtue of this Act shall be commenced within Three Calendar Months after the Commission of the Offence, and not otherwise. Limitation of summary Proceedings.

XLIV. And be it enacted, That the Justices before whom any Person shall be summarily convicted of any Offence against this Act may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall require; (that is to say,) Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord , at in the County of [*or* Riding, Division, Liberty, City, &c. *as the Case may be*], *A. O.* is convicted before us [*naming the Justices*], Two of His Majesty's Justices of the Peace for the said County [*or* Riding, &c.], for that he the said *A. O.* did [*specify the Offence, and the Time and Place when and where the same was committed, as the Case may be*]; and we the said Justices adjudge the said *A. O.* for his said Offence to be imprisoned in the , and there kept to hard Labour for the Space of , [*or*, we adjudge the said *A. O.* for his said Offence to forfeit and pay the Sum of] [*here state the Amount of the Fine imposed*], and also to pay the Sum of for Costs; and in default of immediate Payment of the said Sums, to be imprisoned in the for the Space of , unless the said Sums shall be sooner paid, [*or*, and we order that the said Sums shall be paid by the said *A. O.* on or before the Day of]; and we direct that the said Sum of [i. e. *the Amount of the Fine*] shall be paid to ; and we order that the said Sum of for

'Costs

'Costs shall be paid to *C. D.* [*the Party aggrieved*]. Given under 'our Hands the Day and Year first above mentioned.'

No Certiorari, &c.

XLV. And be it enacted, That no such Conviction shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of His Majesty's superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

Not to affect any Acts relating to High Treason, or to the Revenue, or Combinations.

XLVI. Provided always, and be it enacted, That nothing in this Act contained shall affect or alter any Act, so far as it relates to the Crime of High Treason, or to any Branch of the Public Revenue, or shall affect or alter any Act for the Prevention of Smuggling, or any Part of the Act passed in the Sixth Year of the present Reign, intituled *An Act to repeal the Laws relating to the Combination of Workmen, and to make other Provisions in lieu thereof.*

6 G. 4. c. 129.

This Act not to affect certain Irish Statutes.

XLVII. Provided also, and be it enacted, That nothing in this Act contained shall in any Manner affect or be deemed or construed to affect any of the Provisions contained in an Act passed in the Parliament of *Ireland* in the Twenty-third Year of the Reign of King *George* the Second, intituled *An Act to provide for begging Children, and for the better Regulation of Charity Schools, and for taking up vagrant and offensive Beggars in the City of* Dublin *and Liberties thereof, and the Liberties thereto adjoining;* or in an Act passed in the Parliament of *Ireland* in the Third Year of the Reign of King *George* the Third, intituled *An Act for indemnifying all such Persons as have been or shall be aiding in the dispersing of Riots and apprehending the Rioters;* or in an Act passed in the Parliament of *Ireland* in the Fifteenth and Sixteenth Years of the same Reign, intituled *An Act to prevent and punish tumultuous Risings of Persons within this Kingdom, and for other Purposes therein mentioned;* or in an Act passed in the Parliament of *Ireland* in the Twenty-third and Twenty-fourth Years of the same Reign, intituled *An Act for the more effectually punishing such Persons as shall by Violence obstruct the Freedom of Corn Markets and the Corn Trade, and who shall be guilty of other Offences therein mentioned, and for making Satisfaction to the Parties injured;* or in an Act passed in the Parliament of *Ireland* in the Twenty-seventh Year of the same Reign, intituled *An Act to prevent tumultuous Risings and Assemblies, and for the more effectual Punishment of Persons guilty of Outrage, Riot, illegal Combination, and of administering and taking unlawful Oaths.*

23 G. 2. c. 11.

3 G. 3. c. 19.

15 & 16 G. 3. c. 21.

23 & 24 G. 3. c. 20.

27 G. 3. c. 15.

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