


ANNO TERTIO

# GEORGII IV. REGIS.

## CAP. XXXVIII.

**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.**

[24th *June* 1822.]

WHEREAS the Punishment of burning in the Hand has long been deemed ineffectual and inexpedient: And whereas the other Punishments which may by Law be inflicted upon Persons convicted of the Offence of Manslaughter are frequently inadequate to the aggravated Circumstances of such Offence: 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 passing of this Act, whenever any Person shall be lawfully convicted of the Offence of Manslaughter, such Person shall not be liable to be burned or marked in the Hand, or in any Part thereof, but such Person shall be liable to be transported beyond the Seas for the Term of his or her natural Life, or for any Term of Years, as the Court before which any such Person shall be convicted shall adjudge; or shall be liable, in case the said Court shall think fit, to be imprisoned only, or to be imprisoned and kept

Punishment of Persons guilty of Manslaughter.

kept to hard Labour, in the Common Gaol, House of Correction, or Penitentiary House, for any Term not exceeding Three Years; or shall be liable to such a pecuniary Fine, as to the said Court, in its Discretion, shall seem meet; and such Fine or other Punishment imposed by virtue of this Act shall have the like Effects and Consequences to the Party on whom such Fine or other Punishment shall be so imposed, with respect to any Discharge from the same or other Felonies, or any Restitution to his or her Estates, Capacities and Credits, as if he or she had continued liable to the former Punishment of burning or marking in the Hand, and had suffered such former Punishment.

Punishment of Servants, &c. robbing their Employers.

II. And whereas frequent Depredations have of late been committed by Clerks, Apprentices, and Servants, to the serious Detriment and Loss of their Masters, Mistresses, or Employers; and it is expedient that such Offenders, when entitled to Benefit of Clergy, should be made liable to a more severe Punishment than can now by Law be inflicted; be it therefore further enacted, That from and after the passing of this Act, if any Clerk, Apprentice, or Servant whatsoever, shall feloniously steal any Goods, Chattels, Money, Bond, Bank Note, Cheque upon a Banker or Bankers, Draft, Promissory Note for the Payment of Money, Bill of Exchange, or other valuable Security or Effects, from or belonging to, or in the Possession, Custody, or Power of his, her, or their Master or Masters, Mistress or Mistresses, or Employer or Employers, and shall be lawfully convicted thereof, and be entitled to the Benefit of Clergy, then and in every such Case, such Offender or Offenders, instead of being subjected to such Punishment as may now by Law be inflicted upon Persons so convicted, and entitled to the Benefit of Clergy, may, at the Discretion of the Court by or before which he, she, or they shall be convicted, be ordered and adjudged to be transported beyond the Seas for any Term not exceeding Fourteen Years, or to be imprisoned only, or to be imprisoned or kept to hard Labour, in the Common Gaol, House of Correction, or Penitentiary House, for any Term not exceeding Three Years.

Persons advising Children or others to commit Thefts, how to be punished.

III. And whereas Children, Servants, and others, are often induced to commit Thefts, by the Persuasion, Instigation, or Commands of wicked and evil-disposed Persons, who, not being present, aiding, and assisting in the Commission of such Thefts, frequently escape the Punishment which so mischievous an Offence demands; be it therefore further enacted, That from and after the passing of this Act, if any Person or Persons shall counsel, hire, procure, or command any other Person or Persons to commit any Larceny whatsoever of the Degree of Grand Larceny, then and in every such Case, if the Person or Persons so counselling, hiring, procuring, or commanding as aforesaid, shall be convicted of Felony, and shall be entitled to the Benefit of Clergy, and by the Laws now in force shall be liable to be fined and imprisoned for any Term not exceeding One Year only, he, she, or they, instead of being so fined and imprisoned as aforesaid, may, at the Discretion of the Court by or before which any such Offender shall be convicted, be ordered and adjudged

to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned only, or to be imprisoned and kept to hard Labour, in the Common Gaol, House of Correction, or Penitentiary House, for any Term not exceeding Three Years.

Punishment of Accessories before the Fact, in certain Cases.

IV. And for the due Punishment of Accessories before the Fact to Burglary, Robbery, and Larceny, in Cases where the principal Offenders shall not have been discovered, or shall be concealed, or not be amenable to Justice; be it further enacted, That from and after the passing of this Act, if any Person or Persons shall counsel, hire, procure, or command any other Person or Persons to commit any Burglary, Robbery, or Larceny whatsoever, of the Degree of Grand Larceny, then and in any such Case (except where the Person or Persons actually committing any such Felony as aforesaid shall have been actually convicted thereof) the Person or Persons so counselling, hiring, procuring, or commanding as aforesaid, shall be held and deemed guilty of and may be prosecuted for a Misdemeanor, and being convicted thereof shall be liable to be imprisoned only, or to be imprisoned and kept to hard Labour, in the Common Gaol, House of Correction, or Penitentiary House, for any Term not exceeding Two Years, although the principal Felon or Felons be concealed or be conveyed away, or be not before convicted of any such Felony as aforesaid, and whether he, she, or they is or are amenable to Justice or not; any Law or Statute to the contrary notwithstanding: Provided always, that any such Offender, after having been prosecuted and convicted under this Act, shall not for the same Offence be afterwards punished, or liable to be punished, as an Accessory before the Fact, if the principal Felon or Felons shall be afterwards convicted.

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