

ANNO QUARTO

GEORGII IV. REGIS.

CAP. XLVI.

An Act for repealing the Capital Punishments inflicted by several Acts of the Sixth and Twenty-seventh Years of King *George* the Second, and of the Third, Fourth, and Twenty-second Years of King *George* the Third; and for providing other Punishments in lieu thereof, and in lieu of the Punishment of Frame-breaking under an Act of the Twenty-eighth Year of the same Reign.

[4th *July* 1823.]

WHEREAS by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for making perpetual the several Acts therein mentioned, for the better Regulation of Juries, and for empowering the Justices of Session or Assizes for the Counties Palatine of* Chester, Lancaster, *and* Durham, *to appoint a Special Jury in Manner therein mentioned; and for continuing the Act for regulating the Manufacture of Cloth in the West Riding of the County of* York (*except a Clause therein contained*); *and for continuing an Act for the more effectual punishing wicked and evil-disposed Persons going armed in Disguise, and for other Purposes therein mentioned; and to prevent the cutting or breaking down the Bank of any River or any Sea Bank; and to prevent the malicious cutting off Hop Binds; and for continuing an Act made in the Thirteenth and Fourteenth Years of the Reign of King* Charles *the* Second, *for preventing Theft and Rapine upon the Northern Borders of* England, *and for reviving and continuing certain Clauses in Two other Acts made for the same Purpose*, it is among other Things enacted, 6 G. 2. c. 37.

acted, that if any Person or Persons shall unlawfully and maliciously break down or cut down the Bank or Banks of any River or any Sea Bank, whereby any Lands shall be overflowed or damaged, every Person so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall suffer Death as in Cases of Felony without Benefit of Clergy: And whereas by the same Act it is further enacted, that if any Person or Persons shall unlawfully and maliciously cut any Hop Binds growing on Poles in any Plantation of Hops, every Person or Persons so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall suffer Death as in Cases of Felony without Benefit of Clergy: And whereas by an Act passed in the Twenty-seventh Year of the Reign of His said late Majesty,
27 G. 2. c. 19. intituled, *An Act for discharging the Corporation of the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, commonly called* Bedford Level, *from a Debt due to the Duke of* Bedford *and Earl of* Lincoln; *and for enabling the Proprietors of Lands in the North Level, Part of the said Great Level, to raise Money to discharge the Proportion of the said North Level in the Debts of the said Corporation; and for ascertaining and appropriating the Taxes to be laid on the said North Level; and for the more effectual draining and preserving the said North Level, and divers Lands adjoining thereto, in the Manor of* Crowland; it is among other Things enacted, that if any Person or Persons shall maliciously cut, break down, burn, demolish, or destroy any Bank, Mill, Engine, Flood Gate or Sluice, making or erecting, or made or erected, supported or maintained, for answering the Purposes specified in the said Act, every Person or Persons so offending, being thereof convicted, shall be guilty of Felony, and shall suffer Death as Felons without Benefit of Clergy: And whereas by an Act passed in the Third Year of the Reign of His late Majesty King *George* the Third,
3 G. 3. c. 16. intituled *An Act to empower the Commissioners or Governors of the Royal Hospital for Seamen at* Greenwich, *after defraying the necessary Expences thereof, to provide for such Seamen, worn out and become decrepit in the Service of their Country, who shall not be provided for within the said Hospital, and to enable them to receive such Pensions as shall be granted them by the said Commissioners or Governors in the most easy and convenient Manner, and for preventing Frauds and Abuses attending the same*, it is among other Things enacted, that whosoever willingly and knowingly shall personate or falsely assume the Name or Character of, or procure any other to personate or falsely to assume the Name and Character of any Person entitled or supposed to be entitled as an Out-pensioner to any Out-pension or Allowance of Money, from the Commissioners or Governors of the said Hospital, in order to receive the Money due or supposed to be due on such Out-pension, every such Person so offending, and being lawfully convicted of any such Offence or Offences, shall be deemed guilty of Felony, and suffer Death as a Felon without Benefit of Clergy: And whereas it is expedient that a lesser Degree of Punishment should be provided for the several Offences created by the above recited Acts: 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 recited Acts as

So much of recited Acts as excludes the Benefit of Clergy from Persons destroying

as excludes the Benefit of Clergy from Persons convicted of the Felonies thereby respectively created, shall be and the same are hereby repealed; and that from and after the passing of this Act, any Person convicted of the said Felonies, or any of them, 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 only, or to be imprisoned and kept to hard Labour in the Common Gaol or House of Correction, for any Term not exceeding Seven Years.

For Banks, &c. or cutting Hop Binds, or personating Pensioners, repealed; and Offenders to be liable to Transportation.

II. And whereas by an Act passed in the Fourth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for the better establishing a Manufactory of Cambricks and Lawns, or Goods of the kind usually known under those Denominations, now carrying on at* Winchelsea *in the County of* Sussex, *and for improving, regulating, and extending the Manufacture of Cambricks and Lawns, or Goods of the kind usually known under those Denominations, in that Part of* Great Britain *called* England, Provision was made for the Capital Punishment of Persons convicted of divers Offences, in stealing, cutting, and destroying Linen Yarn, Linen Cloth, or Manufactures of Linen Yarn, and the Looms, Tools, and Implements used therein: And whereas by an Act passed in the Twenty-second Year of the Reign of His said late Majesty, intituled *An Act for punishing Persons wilfully and maliciously destroying any Woollen, Silk, Linen, or Cotton Goods, or any Implements prepared for or used in the Manufacture thereof; and for repealing so much of Two Acts, made in the Twelfth Year of King* George *the First, and in the Sixth Year of His present Majesty, as relates to the Punishment of Persons destroying any Woollen or Silk Manufactures, or any Implements prepared for or used therein,* Provision was made for the Capital Punishment of Persons convicted of divers Offences, in destroying the Woollen, Silk, Linen, and Cotton Manufactures, and the Tools, Tackle, and Utensils used therein: And whereas it is expedient to provide a lesser Degree of Punishment for such Offences, and to amend some Defects in the said Two Acts, and to incorporate therewith the Provision made by an Act passed in the Twenty-eighth Year of the Reign of His said late Majesty, intituled *An Act for the better and more effectual Protection of Stocking Frames, and the Machines or Engines annexed thereto or used therewith; and for the Punishment of Persons destroying or injuring of such Stocking Frames, Machines, or Engines, and the Framework-knitted Pieces, Stockings, and other Articles and Goods used and made in the Hosiery or Framework-knitted Manufactory; or breaking or destroying any Machinery contained in any Mill or Mills used or any way employed in preparing or spinning of Wool or Cotton for the Use of the Stocking Frame,* for the Punishment of Persons convicted of divers Offences, in cutting and destroying Framework-knitted Pieces, Stockings, and other like Articles, and breaking, destroying, and damaging Frames, Machines, Engines, Tools, Instruments, and Utensils used in the same Manufacture and Machinery in the said Act mentioned; be it therefore further enacted, That from and after the passing of this Act, the whole of the said recited Act of the Twenty-second Year aforesaid, except so much thereof as repeals former Acts, and so much of the said recited Acts of the Fourth and Twenty-eighth Years aforesaid, as create Felonies

4 G. 3. c. 37.

22 G. 3. c. 40.

28 G. 3. c. 55.

Punishing Persons by Transportation or Imprisonment,

at Discretion of the Court, for destroying Woollen, Silk, Linen, or Cotton Goods, &c. in the Loom, &c.

Felonies, in stealing, damaging, or destroying Manufactures, Implements, or Machinery, shall be and the same are hereby repealed, save only as to Offences committed before the passing of this Act, as to which the said Three last recited Acts shall continue in force; and that from and after the passing of this Act, if any Person shall by Day or by Night break into any House, Shop, or Building, or enter by Force into any House, Shop, or Building, with intent to cut, break, destroy, or damage, in the Loom or Frame, or on any Machine or Engine, or on the Rack or Tenters, or in any Stage, Process, or Progress of Manufacture, any Woollen, Silk, Linen or Cotton Goods, or any Goods of any one or more of those Materials mixed with each other, or mixed with any other Material; or to cut, break, destroy, or damage any other Article of the Woollen, Silk, Linen, or Cotton Manufactures in the Loom or Frame, or on any Machine or Engine, or on the Rack or Tenters, or in any Stage, Process, or Progress of Manufacture; or to cut, break, destroy, or damage any Warp or Shute of Woollen, Silk, Linen, or Cotton, or of any one or more of those Materials mixed with each other, or mixed with any other Material, or any Framework-knitted Piece, Stocking, Hose, or Lace; or to burn, break, cut, destroy, or damage any Loom, Frame, Machine, Engine, Rack, Tool, Tackle, Utensil, Instrument, or Implement, whether fixed or moveable, prepared for or employed in carding, spinning, throwing, weaving, fulling, shearing, or otherwise manufacturing or preparing any such Goods or Articles; or shall wilfully and maliciously, and without lawful Authority, cut, break, destroy, or damage any such Woollen, Silk, Linen, Cotton or Mixed Goods, or Articles, in the Loom or Frame, or on any Machine or Engine, or on the Rack or Tenters, or in any Stage, Process, or Progress of Manufacture; or burn, break, cut, destroy, or damage any such Loom, Frame, Machine, Engine, Rack, Tool, Tackle, Utensil, Instrument, or Implement as aforesaid; or counsel, procure, aid, or abet the Commission of the said Offences, or of any of them; every Person so offending, being thereof lawfully convicted, shall be guilty of Felony, and 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 only, or to be imprisoned and kept to hard Labour in the Common Gaol or House of Correction, for any Term not exceeding Seven Years.

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