ANNO QUARTO

GEORGII IV. REGIS.

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C A P. LIV.

An Act for allowing the Benefit of Clergy to Persons convicted of certain Felonies under Two Acts, of the Ninth Year of King *George* the First and of the Twenty-seventh Year of King *George* the Second; for making better Provision for the Punishment of Persons guilty of sending or delivering threatening Letters, and of Assaults with Intent to commit Robbery. [8th *July* 1823.]

WHEREAS by an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the First, intituled *An Act for the more effectual punishing wicked and* 9 G. 1. c. 22. *evil-disposed Persons going armed in Disguise, and doing Injuries and Violences to the Persons and Properties of His Majesty's Subjects, and for the more speedy bringing the Offenders to Justice*; it is among other Things enacted, that if any Person or Persons being armed with Swords, Fire Arms, or other offensive Weapons, and having his or their Faces blacked, or being otherwise disguised, shall appear in any Forest, Chase, Park, Paddock, or Grounds inclosed with any Wall, Pale, or other Fence, wherein any Deer have been or shall be usually kept, or in any Warren or Place where Hares or Conies have been or shall be usually kept, or in any High Road, Open Heath, Common, or Down; or shall unlawfully and wilfully hunt, wound, kill, destroy, or steal any Red or Fallow Deer, or unlawfully rob any Warren or Place where Conies or Hares are usually kept; or shall unlawfully steal or take away any Fish out of any River or Pond; or if any Person or Persons shall unlawfully and maliciously break down the Head or Mound of any Fish Pond, whereby the Fish shall be lost or destroyed, or shall forcibly rescue any Person being lawfully in Custody of any Officer or other Person for any of the Offences before mentioned; or if any Person or Persons shall, by Gift or Promise of Money or other Reward, procure any of His Majesty's Subjects to join him or them in any such unlawful Act, 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 it is expedient that a lesser Degree of Punishment should be provided for the said recited Offences, and that the same Punishment should be extended to Persons accessary

So much of recited Act as excludes the Benefit of Clergy from Persons guilty of going armed for certain felonious Purposes, &c. repealed, and Offenders to be transported or imprisoned.

thereto: 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 Act as excludes the Benefit of Clergy in the Cases aforesaid, shall be and the same is hereby repealed; and that from and after the passing of this Act, every Person duly convicted of the Felonies herein-before recited, or of any of them, or of procuring, counselling, aiding or abetting the Commission thereof, shall be liable, at the Discretion of the Court, 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 or House of Correction, for any Term not exceeding Three Years.

Persons killing or maiming Cattle, or destroying Trees, &c. and their Accessaries, to be liable to Transportation or Imprisonment.

II. And whereas by the said recited Act it is further enacted, that if any Person or Persons shall unlawfully and maliciously kill, maim, or wound any Cattle, or cut down or otherwise destroy any Trees planted in any Avenue, or growing in any Garden, Orchard, or Plantation, for Ornament, Shelter, or Profit, or shall forcibly rescue any Person being lawfully in Custody of any Officer or other Person for such Offence, or shall, by Gift or Promise of Money or other Reward, procure any of His Majesty's Subjects to join him or them in any such unlawful Act, every Person so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall suffer Death as in Case of Felony without Benefit of Clergy: And whereas it is expedient that a lesser Degree of Punishment should be provided for the said last-recited Offences, and that the same should be extended in the Manner herein-after mentioned; be it therefore further enacted, That so much of the said recited Act as is last herein-before recited shall be and the same is hereby repealed; save only as to Offences committed before the passing of this Act, as to which the said recited Act shall continue in force; and that from and after the passing of this Act, if any Person shall unlawfully and designedly kill, maim, or wound any Cattle, whether from Malice conceived against the Owner or otherwise, or shall unlawfully and maliciously cut down or otherwise destroy any Trees planted in any Avenue, or growing in any Garden, Orchard, or Plantation for Ornament, Shelter, or Profit, or shall procure, counsel, aid, or abet the Commission of the said Offences, or of any of them, or shall forcibly rescue any Person lawfully in Custody of any Officer or other Person, for any of the said Offences, every Person so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for such Term not less than Seven Years, as the Court shall adjudge, 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.

9 G. 1. c. 22. Threatening Letters.

III. And whereas by the said recited Act it is further enacted, that if any Person or Persons shall knowingly send any Letter without any Name subscribed thereto, or signed with a fictitious Name, demanding Money, Venison, or other valuable Thing, or shall forcibly rescue any Person being lawfully in Custody of any Officer or other Person for any such Offence, or shall, by Gift or Promise of Money or other Reward, procure any of His Majesty's Subjects to join him or them in any such unlawful Act, 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 another Act, passed in the Twenty-seventh Year of the Reign of His late Majesty King *George* the Second, intituled *An Act to explain and amend an Act made in the Ninth Year of the Reign of His late Majesty King* George *the First, intituled 'An Act for the more effectual punishing wicked and evil-disposed Persons going armed and disguised, and doing Injuries and Violences to the Persons and Properties of His Majesty's Subjects, and for the speedy bringing the Offenders to Justice,'* it is among other Things enacted, that if any Person or Persons shall knowingly send any Letter, without any Name subscribed thereto, or signed with a fictitious Name or Names, Letter or Letters, threatening to kill or murder any of His Majesty's Subject or Subjects, or to burn their Houses, Outhouses, Barns, Stacks of Corn or Grain, Hay or Straw, though no Money or Venison or other valuable Thing shall be demanded in or by such Letter or Letters, or shall forcibly rescue any Person being lawfully in Custody of any Officer or other Person for the said Offence, 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 another Act, passed in the Thirtieth Year of the Reign of His said late Majesty King *George* the Second, intituled *An Act for the more effectual Punishment of Persons who shall attain or attempt to attain Possession of Goods or Money by false or untrue Pretences, for preventing the unlawful pawning of Goods, for the easy Redemption of Goods pawned, and for preventing Gaming in Public Houses by Journeymen, Labourers, Servants, and Apprentices,* it is among other Things enacted, that all Persons who shall knowingly send or deliver any Letter or Writing, with or without a Name or Names subscribed thereto, or signed with a fictitious Name or Names, Letter or Letters, threatening to accuse any Person of any Crime punishable by Law with Death, Transportation, Pillory, or any other infamous Punishment, with a View or Intent to extort or gain Money, Goods, Wares, or Merchandizes from the Person or Persons so threatened to be accused, shall be deemed Offenders against Law and the Public Peace; and the Court before whom such Offender or Offenders shall be tried, shall, in case he, she, or they shall be convicted of any of the said Offences, order such Offender or Offenders to be fined and imprisoned, or to be put in the Pillory or publicly whipped, or to be transported for the Term of Seven Years, as the Court in which any such Offender or Offenders shall be convicted shall think fit and order: And whereas it is expedient that a lesser Degree of Punishment should be provided for the Offence of sending threatening Letters, in the Cases mentioned in the Two first recited Acts, and that the same Degree of Punishment should be inflicted in the Cases mentioned in the last recited Act, and be extended to Persons accessary to the said Offences; be it therefore further enacted, That from and after the passing of this Act, so much of the said recited Acts of the Ninth Year of the Reign of King *George* the First, and of the Twenty-seventh and Thirtieth Years of the Reign of King *George* the Second, as relates to the sending and delivering Letters in the Cases therein respectively mentioned, shall be and the same is hereby repealed, save only as to Offences committed before the passing of this Act, as to which the said Acts shall continue in force; and that from and after the passing of this Act, if any Person shall knowingly and wilfully send or deliver any Letter or Writing, with or without any Name

27 G. 2. c. 15.

30 G. 2. c. 24.

Recited Acts, so far as relate to sending threatening Letters, repealed, and Persons sending such Letters, and their Accessaries, to be liable to Transportation or Imprisonment.

Name or Signature subscribed thereto, or with a fictitious Name or Signature, demanding Money or other valuable Thing, or threatening to kill or murder any of His Majesty's Subjects, or to burn or destroy his or their Houses, Outhouses, Barns, Stacks of Corn or Grain, Hay or Straw, or shall knowingly and wilfully send or deliver any such Letter or Writing, threatening to accuse any of His Majesty's Subjects of any Crime punishable by Law with Death, Transportation or Pillory, or of any infamous Crime, with a View or Intent to extort or gain Money, Security for Money, Goods or Chattels, Wares or Merchandize, from the Person or Persons so threatened, or shall procure, counsel, aid, or abet the Commission of the said Offences, or of any of them, or shall forcibly rescue any Person being lawfully in Custody of any Officer or other Person for any of the said Offences, every Person so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for such Term, not less than Seven Years, as the Court shall adjudge, 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.

Remedy to Party injured not taken away.

IV. Provided always, and be it hereby declared, That nothing herein contained shall be construed to alter or affect the Remedy given by the said first recited Act to the Party damaged, by killing or maiming Cattle, or by cutting or destroying Trees, against the Inhabitants of the Hundred, but that the same Remedy shall remain in as full and ample Manner as before the passing of this Act.

7 G. 2. c. 21. repealed.

V. And whereas it is expedient to make better Provision for the Punishment of Persons guilty of Offences against the Form of an Act made in the Seventh Year of the Reign of His Majesty King *George* the Second, intituled *An Act for the more effectual Punishment of Assaults with Intent to commit Robbery*, and to amend the said Act; be it therefore enacted, That from and after the passing of this Act, the said last recited Act shall be and the same is hereby repealed, save only as to Offences committed before the passing of this Act, as to which the said Act shall continue in force; and that from and after the passing of this Act, if any Person shall maliciously assault any other Person with Intent to rob such other Person, or shall by Menaces or by Force maliciously demand Money, Security for Money, Goods or Chattels, Wares or Merchandize, of any other Person, with Intent to steal the same, or shall maliciously threaten to accuse any other Person of any Crime punishable by Law with Death, Transportation or Pillory, or of any infamous Crime, with a View or Intent to extort or gain Money, Security for Money, Goods or Chattels, Wares or Merchandize, from the Person so threatened; or shall procure, counsel, aid, or abet the Commission of the said Offences, or of any of them; every Person so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for such Term, not less than Seven Years, as the Court shall adjudge, or to be imprisoned and kept to hard Labour in the Common Gaol or House of Correction, for any Term not exceeding Seven Years.

Assaults with Intent to commit Robbery, or threatening to accuse others of Crimes with Intent to extort Money, &c. to be punished by Transportation or Imprisonment.

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