

ANNO NONO

GEORGII IV. REGIS.

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9 Ed. 2. st. 1. c. 3. 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;
18 Ed. 3. st. 3. c. 2. 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
25 Ed. 3. st. 5. Part of c. 2. a Statute made in the Twenty-fifth Year of the same Reign, as relates
50 Ed. 3. c. 5. 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
1 Ric. 2. c. 15. Church; and so much of a Statute made in the First Year of the Reign
6 Ric. 2. st. 1. c. 6. 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
5 H. 4. c. 5. 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 the King's
5 H. 4. c. 6. Liege People, and to any Assault upon the Servant of a Knight of the
2 H. 5. st. 1. c. 9. 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
11 H. 6. c. 11. 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
3 H. 7. c. 2. Third Year of the Reign of King *Henry* the Seventh, intituled *An Act against taking away of Women against their Wills;* and an Act
3 H. 7. c. 14. passed in the same Year, intituled *An Act that the Steward, Treasurer, and Controller of the King's House, shall enquire of Offences done within the same;* and an Act passed in the Twelfth Year of the
12 H. 7. c. 7. same Reign, intituled *An Act to make some Offences Petty Treason;* and an Act passed in the Twenty-fourth Year of the Reign of King
24 H. 8. c. 5. *Henry* the Eighth, intituled *An Act where a Man killing a Thief shall not forfeit his Goods;* and an Act passed in the Twenty-fifth
25 H. 8. c. 6. Year of the same Reign, intituled *An Act for the Punishment of the Vice of Buggery;* and so much of an Act passed in the Thirty-
33 H. 8. c. 12. Part of s. 6. to s. 18. third Year of the same Reign, intituled *An Act for Murther and malicious Bloodshed within the Court,* as relates to the Punishment of Manslaughter and of malicious Striking, by reason whereof Blood
33 H. 8. c. 23. shall be shed; and an Act passed in the same Year, intituled *An Act to proceed by a Commission of Oyer and Determiner against such Persons as shall confess Treasons, without remanding the same to be tried in the same Shire where the Offence was committed;* and so much of an Act passed in the First Year of the Reign of King *Edward*
1 Ed. 6. c. 12. s. 10. 13. 16. and 22. the Sixth, intituled *An Act for the Repeal of certain Statutes concerning Treasons, Felonies, etc.,* as relates to Petty Treason and Murder, and to Bigamists, but nothing therein now in force relating to Foreign Pleas or Dower; and so much of an Act passed in the
5 & 6 Ed. 6. c. 4. s. 3. Fifth and Sixth Years of the same Reign, intituled *An Act against quarrelling and fighting in Churches and Churchyards,* as relates to the Punishment of Persons convicted of striking with any Weapon, or drawing any Weapon with Intent to strike as therein mentioned; and an Act passed in the Fourth and Fifth Years of the Reign of
4 & 5 P. & M. c. 4. King *Philip* and Queen *Mary*, intituled *An Act that Accessories in Murder and divers Felonies shall not have the Benefit of Clergy;* and
4 & 5 P. & M. c. 8. an Act passed in the same Years, intituled *An Act for the Punishment*

of such as shall take away Maidens that be Inheritors, being within the Age of Sixteen Years, or that marry them without Consent of their Parents; and so much of an Act passed in the Fifth Year of the Reign of Queen *Elizabeth*, intituled *An Act touching divers Orders for Artificers, Labourers, Servants of Husbandry, and Apprentices,* as relates to the Punishment of any Servant, Workman, or Labourer making any Assault or Affray as therein mentioned; and an Act passed in the same Year, intituled *An Act for the Punishment of the Vice of Sodomy;* and an Act passed in the Eighteenth Year of the same Reign, intituled *An Act to take away Clergy from the Offenders in Rape and Burglary, and an Order for the Delivery of Clerks convict without Purgation;* and an Act passed in the Thirty-ninth Year of the same Reign, 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;* and an Act passed in the First Year of the Reign of King *James* the First, intituled *An Act to take away the Benefit of Clergy from some Kind of Manslaughter;* and an Act passed in the same Year, intituled *An Act to restrain all Persons from Marriage until their former Wives and former Husbands be dead;* and an Act passed in the Twenty-second and Twenty-third Years of the Reign of King *Charles* the Second, intituled *An Act to prevent malicious Maiming and Wounding;* and so much of an Act passed in the same Years, intituled *An Act to prevent the Delivery up of Merchant Ships, and for the Increase of good and serviceable Shipping,* as relates to any Mariner laying violent Hands on his Commander, as therein mentioned; and so much of an Act passed in the Eleventh Year of the Reign of King *William* the Third, intituled *An Act for the more effectual Suppression of Piracy,* as relates to any Master of a Merchant Vessel, who shall force any Man on Shore, or wilfully leave him behind, or refuse to bring Home any Man as therein mentioned; and so much of an Act passed in the Ninth Year of the Reign of Queen *Anne*, intituled *An Act for the better preventing of excessive and deceitful Gaming,* as relates to the Forfeiture and Punishment of any Person assaulting and beating or challenging or provoking to fight any other Person on account of any Money won as therein mentioned; and an Act passed in the same Year, intituled *An Act to make an Attempt on the Life of a Privy Councillor in the Execution of his Office to be Felony without Benefit of Clergy;* and so much of an Act passed in the Twelfth Year of the Reign of King *George* the First, intituled *An Act to prevent unlawful Combinations of Workmen employed in the Woollen Manufactures, and for better Payment of their Wages,* as creates any Felony; and an Act passed in the Second Year of the Reign of King *George* the Second, intituled *An Act for the Trial of Murders in Cases where either the Stroke or Death only happens within that Part of* Great Britain *called* England; and so much of an Act passed in the Eleventh Year of the same Reign, intituled *An Act for punishing such Persons as shall do Injuries and Violences to the Persons or Properties of His Majesty's Subjects, 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 Offence Felony; and so much of an Act passed in the Twenty-second

5 Eliz. c. 4. s. 21.
5 Eliz. c. 17.
18 Eliz. c. 7.
39 Eliz. c. 9.
Vulgo 2 J. 1. c. 8.
Vulgo 2 J. 1. c. 11.
22 & 23 C. 2. c. 1.
22 & 23 C. 2. c. 11. s. 9.
Vulgo 11 & 12 W. 3. c. 7. s. 18.
9 Ann. c. 14. s. 8.
9 Ann. c. 16.
12 G. 1. c. 34. s. 6.
2 G. 2. c. 21.
11 G. 2. c. 22. Part of s. 1 and 2.

22 G. 2. c. 27. Part of s. 12. second Year of the same Reign, intituled *An Act for the more effectual preventing of Frauds and Abuses committed by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures; and for preventing unlawful Combinations of Journeymen Dyers and Journeymen Hotpressers, and of all Persons employed in the said several Manufactures, and for the better Payment of their Wages*, as extends to the Persons therein mentioned that Part of the Act of the Twelfth Year of King *George* the First which is herein-before referred to; and the whole of an Act passed in the Twenty-fifth Year of the Reign of King *George* the Second, intituled *An Act for better preventing the horrid Crime of Murder*, except so far as relates to Rescues and Attempts to rescue; and so much of an Act passed in the Twenty-sixth Year of the same Reign, intituled *An Act for enforcing the Laws against Persons who steal or detain Shipwrecked Goods, and for the Relief of Persons suffering Loss thereby*, as relates to any Person who shall be assaulted, beaten, and wounded for the Exercise of his Duty in the Salvage of any Vessel, Goods, or Effects, as therein mentioned; and so much of an Act passed in the Thirtieth Year of the Reign of King *George* the Third, intituled *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 so much of an Act passed in the Thirty-third Year of the same Reign, intituled *An Act for better preventing Offences in obstructing, destroying, or damaging Ships or other Vessels, and in obstructing Seamen, Keelmen, Casters, and Ship Carpenters from pursuing their lawful Occupations*, as relates to any Seaman, Keelman, Caster, Ship Carpenter, or other Person, who shall prevent, hinder, or obstruct, or assault, beat, wound, or do any bodily Violence or Hurt to any Seaman, Keelman, Caster, or Ship Carpenter, as therein particularly mentioned; and an Act passed in the Thirty-fifth Year of the same Reign, intituled *'An Act for rendering more effectual an Act passed in the First Year of the Reign of King* James *the First, intituled 'An Act to restrain all Persons from Marriage until their former Wives and former Husbands be dead;'* and so much of an Act passed in the Thirty-sixth Year of the same Reign, intituled *An Act to prevent Obstructions to the free Passage of Grain within the Kingdom*, 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 Offence Felony; and an Act passed in the Forty-third Year of the same Reign, intituled *An Act for the further Prevention of malicious shooting, and attempting to discharge loaded Fire Arms, stabbing, cutting, 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 murthering 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 murthering of Bastard Children,' and for making other Provisions in lieu thereof;* and an Act passed in the same Forty-third Year, intituled *An Act for the more effectually providing for the*

33 G. 3. c. 67. s. 2.

35 G. 3. c. 67.

36 G. 3. c. 9. Part of s. 1 and 2.

43 G. 3. c. 58.

43 G. 3. c. 113.

Punishment of Offences in wilfully casting away, burning, or destroying Ships and Vessels, and for the more convenient Trial of Accessories in Felonies, and for extending the Powers of an Act made in the Thirty-third Year of the Reign of King Henry *the Eighth, as far as relates to Murders, to Accessories to Murders, and to Manslaughters;* and an Act passed in the Fifty-fourth Year of the Reign of King *George* the Third, intituled *An Act for the more effectual Prevention of Child-stealing;* and so much of an Act passed in the Fifty-eighth Year of the same Reign, intituled *An Act to extend and render more effectual the present Regulations for the Relief of seafaring Men and Boys, Subjects of the United Kingdom of* Great Britain *and* Ireland, *in Foreign Parts,* as relates to the Trial of Offences against the Act of King *William* the Third, herein-before mentioned; 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 within 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 first mentioned; and an Act passed in the same First Year, intituled *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;* 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 same Year, intituled *An Act to provide for the more effectual Punishment of certain Offences by Imprisonment with hard Labour,* as relates to any of the Assaults therein mentioned; shall continue in force until and throughout the last Day of *June* in the present Year, and shall from and after that Day, as to that Part of the United Kingdom called *England,* and as to Offences committed within the Jurisdiction of the Admiralty of *England,* be repealed, except so far as any of the said Acts may repeal the Whole or any Part of any other Acts, and except as to Offences committed before or upon the said last Day of *June,* which shall be dealt with and punished as if this Act had not been passed; and this Act shall commence and take effect (except as is herein-before excepted) on the First Day of *July* in the present Year.

54 G. 3. c. 101.

58 G. 3. c. 38. s. 1.

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

1 G. 4. c. 115.

1 & 2 G. 4. c. 88.

3 G. 4. c. 38.

3 G. 4. c. 114.

Commencement of this Act.

II. 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.

Petit Treason to be treated in all respects as Murder.

Punishment of Principals and Accessories in Murder.

III. 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 Term not exceeding Four Years.

Period of Execution and Marks of Infamy.

Sentence to be pronounced immediately.

Power to respite.

IV. 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; 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.

As to the Dissection of the Bodies of Murderers.

V. And be it enacted, That whenever Dissection shall be ordered by such Sentence, the Body of the Murderer, if executed in the County of *Middlesex* or City of *London*, shall be immediately conveyed by the Sheriff or Sheriffs, or his or their Officers, to the Hall of the Surgeons' Company, 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 delivered to such Surgeon as the Court or Judge shall direct, for the same Purpose.

Prison Regulations as to Murderers under Sentence.

VI. 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, relax, during the Period of the Respite, all or any of the Restraints or Regulations herein-before directed to be observed.

British Subjects may be tried in England for Murder or Manslaughter committed Abroad.

VII. And be it enacted, That if any of His Majesty's Subjects shall be charged in *England* 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, a Commission of Oyer and Terminer under the Great Seal shall be directed to such Persons, and into such County or Place as shall be appointed by the Lord Chancellor, or Lord Keeper or Lords Commissioners of the Great Seal, for the speedy Trial of any such Offender; and such Persons shall have full Power to enquire of, hear, and determine all such Offences, within the County or Place limited in their Commission, by such good and lawful Men of the said County or Place as shall be returned before them for that Purpose, in the same Manner as if the Offences had been actually committed in the said County or Place: Provided always, that if any Peers of the Realm, or Persons entitled to the Privilege of Peerage, shall be indicted of any such Offences, by virtue of any Commission to be granted as aforesaid, they shall be tried by their Peers in the Manner heretofore used: Provided also, that nothing herein contained shall prevent any Person from being tried in any Place out of this Kingdom for any Murder or Manslaughter committed out of this Kingdom, in the same Manner as such Person might have been tried before the passing of this Act. Proviso.

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

VIII. And be it enacted, That where any Person, being feloniously stricken, poisoned, or otherwise hurt upon the Sea, or at any Place out of *England*, shall die of such Stroke, Poisoning, or Hurt in *England*, or being feloniously stricken, poisoned, or otherwise hurt at any Place in *England*, shall die of such Stroke, Poisoning, or Hurt, upon the Sea, or at any Place out of *England*, 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, enquired of, tried, determined, and punished in the County or Place in *England* 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.

Punishment of Manslaughter.

IX. 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.

X. Pro-

As to Homicide not felonious.

X. 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.

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

XI. 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 other destructive Thing, or shall unlawfully and maliciously attempt to drown, suffocate, or strangle any Person, or shall unlawfully and maliciously shoot at any Person, or shall, by drawing a Trigger, or in any other Manner, attempt to discharge any Kind of loaded Arms at any Person, or shall unlawfully and maliciously stab, cut, or wound any Person, 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 any Person, with Intent to maim, &c. shall be Capital, provided the Case would have been Murder if Death had ensued.

XII. 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, attempt to discharge any Kind of loaded Arms at any Person, or shall unlawfully and maliciously stab, cut, or wound any Person, 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 or prevent 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 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.

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

The like as to a Woman not quick with Child.

XIII. 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 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 or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

A Woman secreting the dead Body of her Child, to conceal the Fact of its Birth, guilty of Misdemeanor. Proviso.

XIV. 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 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 the Concealment of the Birth.

Sodomy.

XV. 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.

XVI. 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, the like of a Girl above 10 and below 12.

XVII. 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.

XVIII. And whereas upon Trials for the Crimes of Buggery and of 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 those 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 a Woman on account of her Fortune, with Intent to marry her, &c.

XIX. And be it enacted, That where any Woman 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, from Motives of Lucre, take away or detain such Woman against her Will, with Intent to marry or defile her, or to cause her to be married or defiled by any other Person, 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 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.

Unlawful Abduction of a Girl from her Parents or Guardians.

XX. And be it enacted, That if any Person shall unlawfully take, or cause to be taken, any unmarried Girl, being 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.

XXI. 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 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 taking their illegitimate Children.

Bigamy.

XXII. 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 *England* or elsewhere, 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,

Labour, in the Common Gaol or House of Correction, for any Term not exceeding Two Years; and any such Offence may be dealt with, enquired 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 *England* 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 former Marriage shall have been declared void by the Sentence of any Court of competent Jurisdiction.

Place of Trial.

Exceptions.

XXIII. 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.

Arresting a Clergyman during Divine Service.

XXIV. 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, 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.

Punishment for Assaults on Officers, &c. for their Endeavours to save shipwrecked Property.

XXV. And be it enacted, That where any Person shall be charged with and convicted of any of the following Offences as 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; or of any Assault committed in pursuance of any Conspiracy to raise the Rate of Wages; 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 it shall so think fit) fine the Offender, and require him to find Sureties for keeping the Peace.

Assaults with Intent to commit Felony; Assaults on Peace Officers; or to prevent the Arrest of Offenders; or in pursuance of a Conspiracy to raise Wages; punishable with hard Labour.

XXVI. And be it enacted, That if any Person shall unlawfully and with Force hinder any Seaman, Keelman, or Caster from working at

Assault on any Seaman, &c. to prevent

him from working; Assaults with Intent to obstruct the buying or selling of Grain, or its free Passage; punishable before Two Magistrates, with Imprisonment not exceeding Three Months.

at or exercising his lawful Trade, Business, or Occupation, or shall beat, wound, or use any other Violence to him, with Intent to deter or hinder him from working at or exercising the same; or 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, or Malt, 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, or Malt, whilst on its 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.

Persons committing any Common Assault or Battery may be compelled by Two Magistrates to pay Fine and Costs not exceeding 5*l*.

Application of the Fine.

Commitment on Nonpayment.

If the Magistrates dismiss the Complaint, they shall make out a Certificate to that Effect.

XXVII. 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 where 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 some one of the Overseers of the Poor, or to some other Officer of the Parish, Township, or Place in which the Offence shall have been committed, to be by such Overseer or Officer paid over to the Use of the general Rate of the County, Riding, or Division in which such Parish, Township, or Place shall be situate, whether the same shall or shall not contribute to such general Rate; and the Evidence of any Inhabitant of the County, Riding, or Division shall be admitted in Proof of the Offence, notwithstanding such Application of the Fine incurred thereby; and if such Fine as shall be awarded by the said Justices, together with the 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

XXVIII. 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 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. be a Bar to any other Proceedings.

XXIX. 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 therefrom, or as to any Bankruptcy or Insolvency, or any Execution under the Process of any Court of Justice. These Provisions not to apply to aggravated Cases, &c.

XXX. 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 at *Westminster* in the County of *Middlesex*; 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 for the Master of a Merchant Vessel forcing a Seaman on Shore, or refusing to bring him Home. Mode of Trial, &c.

XXXI. 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 (except Murder) 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. Provision for Accessories to Offences against this Act.

As to Offences against this Act committed at Sea.

XXXII. And be it enacted, That all indictable Offences mentioned in this Act, which shall be committed within the Jurisdiction of the Admiralty of *England*, 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 *England*, and may be dealt with, enquired of, tried, and determined in the same Manner as any other Offences committed within the Jurisdiction of the Admiralty of *England*; 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.

Not to affect the Laws relating to the Forces.

Provision for Offences against this Act punishable on summary Conviction.

XXXIII. 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 summon 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.

Time for summary Proceedings.

XXXIV. 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.

Form of Conviction.

XXXV. 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,)

'BE it remembered, That on the Day of in the Year of our Lord at in the County of , [*or* Riding, Division, Liberty, City, *etc. 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, *etc.*], 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
' of aforesaid, in which the said Offence
' was committed, to be by him applied according to the Directions of
' the Statute in that Case made and provided; and we order that the
' said Sum of for Costs shall be paid to *C. D.* [*the*
' *Party aggrieved*]. Given under our Hands the Day and Year first
' above mentioned.'

No Certiorari, &c.

XXXVI. 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 repeal any Act relating to High Treason, the Revenue, or Combinations.

XXXVII. 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.*

Not to extend to Scotland or Ireland.

XXXVIII. Provided also, and be it enacted, That nothing in this Act contained shall extend to *Scotland* or *Ireland.*

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