ANNO PRIMO

GEORGII IV. REGIS.

****

C A P. XC.

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. [24th *July* 1820.]

WHEREAS by an Act passed in the Twenty-eighth Year of the Reign of King *Henry* the Eighth, intituled *For Pirates,* it is enacted, that all Treasons, Felonies, Robberies, Murthers, and Confederacies committed in or upon the Sea, or in any other Haven, River, Creek, or Place where the Admiral or Admirals have or pretend to have Power, Authority, or Jurisdiction, shall be enquired, tried, heard, determined, and adjudged, in such Shires and Places in the Realm as shall be limited by the King's Commission or Commissions to be directed for the same, in like Form and Condition as if any such Offence or Offences had been committed or done in or upon the Land: And whereas by an Act passed in the Thirty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for remedying certain Defects in the Law respecting Offences committed upon the High Seas,* after reciting the said Act of the Twenty-eighth Year of the Reign of King *Henry* the Eighth, and also reciting that it was expedient to declare that other Offences committed on the Seas might be enquired of, tried, and determined in like Manner, it was enacted, that all and every Offence and Offences which, after the passing of the said Act of the Thirty-ninth Year of the Reign aforesaid, should be committed upon

28 H. 8. c. 15.

39 G. 3. c. 37.

the High Seas, out of the Body of any County of this Realm, should be, and they were thereby declared to be Offences of the same Nature respectively, and to be liable to the same Punishments respectively, as if they had been committed upon the Shore, and should be enquired of, heard, tried, and determined and adjudged, in the same Manner as Treasons, Felonies, Murthers, and Confederacies are directed to be by the said Act of the Twenty-eighth Year of the Reign of King *Henry* the Eighth; and it was by the said Act of the Thirty-ninth Year of the Reign of His said late Majesty further enacted, that when any Person or Persons should be tried for the Crime of Murther or Manslaughter committed upon the Sea, by virtue of any Commission directed under the said Act of the Twenty-eighth Year of the Reign of King *Henry* the Eighth, and should be found guilty of Manslaughter only, such Person or Persons should be entitled to receive the Benefit of Clergy in like Manner, and should be subject to the same Punishment, as if he or they had committed such Manslaughter in or upon the Land: And whereas another Act passed in the Forty-third Year of the Reign

43 G. 3. c. 58. of His said late Majesty King *George* the Third, 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 Reign 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 whereas Doubts have arisen whether Persons tried by virtue of any Commission directed under the said Act of the Twenty-eighth Year of the Reign of King *Henry* the Eighth, for any other Crime or Offence than those of Murder or Manslaughter, and found guilty of Manslaughter, are entitled to receive the Benefit of Clergy, although if such other Crimes or Offences had been committed in or upon the Land, the Person or Persons committing the same would have been entitled to receive the Benefit of Clergy in respect of some of such Crimes and Offences; and Doubts have also arisen whether the Offences mentioned in the said Act of the Forty-third Year of the Reign of His said late Majesty King *George* the Third, can, if the same be committed upon the Seas out of the Body of any County of this Realm, be tried and punished by virtue of any Commission directed under the said Act of the Twenty-eighth Year of the Reign of King *Henry* the Eighth, in the same Manner as if the said Offences had been committed upon the Land, by reason that the said Act of the Forty-third Year of the Reign of His late Majesty extends only to the Offences therein mentioned, if the same be committed either in *England* or *Ireland*; and it is expedient that the said several Doubts should be removed, and the Provisions of the said Act of the Thirty-ninth Year of the Reign of His said late Majesty extended, as herein-after mentioned; 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,

bled, and by the Authority of the same, That from and after the passing of this Act, when any Person or Persons shall be tried for any Capital Crime or Offence committed upon the Sea, out of the Body of any County of this Realm, and within the Jurisdiction of the Admiralty, by virtue of any Commission directed under the said Act of the Twenty-eighth Year of the Reign of King *Henry* the Eighth, and shall be found guilty of any Crime or Offence which, if committed in or upon the Land, would be clergyable, such Person or Persons shall be entitled to receive the Benefit of Clergy in respect of such Crime or Offence, in like Manner, and shall be subject to the same Punishment for such clergyable Crime or Offence, as if he, she, or they had committed such clergyable Crime or Offence in or upon the Land.

Persons tried for Murther or Manslaughter committed at Sea, shall receive the Benefit of Clergy as if committed on Land.

II. And be it further enacted, That all and every the Crimes and Offences mentioned in the said Act of the Forty-third Year of the Reign of His said late Majesty, which, after the passing of this Act, shall be committed upon the High Seas, out of the Body of any County of this Realm, shall be and they are hereby declared to be Offences of the same Nature respectively, and to be liable to the same Punishments respectively as if they had been committed upon the Land in *England* or *Ireland*, and shall be enquired of, heard, tried, and determined and adjudged, in the same Manner as Treasons, Felonies, Murthers, and Confederacies are directed to be by the said Act of the Twenty-eighth Year of the Reign of King *Henry* the Eighth.

Offences under 43 G. 3. c. 58. to be subject to the Provisions of this Act.

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