

= Black Act =

The Black Act (9 Geo . 1 c . 22) was an Act of the Parliament of Great Britain passed in 1723 in response to a series of raids by two groups of poachers , known as the Blacks . Arising in the aftermath of the South Sea Bubble 's collapse and the ensuing economic downturn , the Blacks gained their name from their habit of blacking their faces when undertaking poaching raids . They quickly demonstrated both " a calculated programme of action , and a conscious social resentment " , and their activities led to the introduction of the Black Act to Parliament on 26 April 1723 ; it came into force on 27 May . The Act introduced the death penalty for over 50 criminal offences , including being found in a forest while disguised , and " no other single statute passed during the eighteenth century equalled [the Black Act] in severity , and none appointed the punishment of death in so many cases " . Following a criminal law reform campaign in the early 19th century , it was largely repealed on 8 July 1823 , when a reform bill introduced by Robert Peel came into force .

= = Background = =

Following the South Sea Bubble 's collapse in 1720 , Britain suffered an economic downturn that led to heightened social tensions . A small element of this was the activity of two groups of poachers , based in Hampshire and Windsor Forest respectively . The first flurry of activity came from the Hampshire group , and began in October 1721 when 16 poachers assembled in Farnham to raid the park of the Bishop of Winchester . Three deer were carried off , and two others killed ; four of the poachers were later caught , with two released due to a lack of evidence and the others pilloried and sentenced to a year and a day in prison . The poachers became known as the " Blacks " , due to their practise of blackening their faces to prevent identification ; most famously , the Hampshire groups were the " Waltham Blacks " . In response to the convictions , the poachers decided to attack the Bishop 's property again , demonstrating " a calculated programme of action , and a conscious social resentment " that distinguished them from normal poachers . In the reprisal attack , 11 deer were taken and many more killed , leading to a royal proclamation offering £ 100 for information that led to the arrest of the gang . This was followed by a series of raids highlighting a " fairly direct class hatred " , that culminated in the raid of a shipment of wine ordered for the Prince of Wales . This proved to be the final straw , with Sir Francis Page , a " notorious hanging judge " , sent to the Winchester Assizes to preside over any prosecutions , forcing the Hampshire Blacks underground .

The Windsor Blacks then began their activities , copying the Hampshire group . Their main target was Caversham Park , owned by the Earl of Cadogan , with a series of increasingly audacious raids in 1722 and 1723 including one in which a gamekeeper 's son was killed . In response to these actions , the government introduced the Black Act , formally " An Act for the more effectual punishing wicked and evil disposed Persons going armed in Disguise and doing Injuries and Violence to the Persons and Properties of His Majesty 's Subject , and for the more speedy bringing the Offenders to Justice " , to Parliament on 26 April 1723 ; it came into force on 27 May .

= = Act = =

The Act dealt with any offender who was armed and with a blacked face , armed and otherwise disguised , merely blacked , merely disguised , accessories after the fact or " any other person or persons " . If anyone who fitted into one of the above categories was found in a forest , chase , down or Royal Park , they could be sentenced to death . Similarly , it was an offence to hunt , kill , wound or steal deer in these locations , with the first offence punishable by a fine , and the second by penal transportation . Other criminalised activities included fishing , the hunting of hares , the destruction of fish @-@ ponds , the destruction of trees and the killing of cattle in these locations ? the latter also punishable by death . An offender could also be executed if he set fire to corn , hay , straw , wood , houses or barns , or shot another person . The same penalties applied to attempting to rescue anyone imprisoned under the Black Act , or attempting to solicit other people to participate in crimes that violated it . In total , the Act introduced the death penalty for over 50 criminal acts .

= = Aftermath = =

Three of the Blacks' leaders had already been captured during the passage of the Act, although one later escaped, and a series of raids captured a total of 32 Blacks who were tried after the Act's passage in Reading. Four were sentenced to death for the killing of the gamekeeper's son, with the executions occurring on 15 June 1723. Trials for the others continued into 1724, and 7 more were captured and tried on 7 December. This marked the effective end of the Blacks as an organised group. At the time, it was thought that the Blacks were Jacobites, with Sir Robert Walpole encouraging these ideas to advance his own interests; the rationale for the Act has been described as "at least as much to do with the hysteria induced by Walpole ... as with any need for new powers to fight deer @-@ stealing".

Modern scholars have differed in their view of whether the Blacks were Jacobites or not. Some argue that the links between the Blacks and the Jacobites were "fantasies", and that the Blacks were "simply a mixed group of foresters: labourers, yeomen and some gentry defending their customary rights". Others, however, have claimed that the Blacks were closely connected with Jacobitism and that the Black Act was designed to combat this political threat.

In March 1723 Philip Caryll was arrested by the government for drinking to the Pretender's health in the home of the Pretender's former nurse in Portsea, Portsmouth. An innkeeper of Horndean testified that Caryll held meetings at his inn with the former Tory MP Sir Henry Goring. Goring fled to France after the Jacobite Atterbury Plot was discovered, in August 1722. It quickly became known to the Dutch ambassador that Goring had requested from the Waltham Blacks support for a Jacobite rising. The ambassador wrote that the Blacks were originally a group of smugglers and that their Jacobite allegiance was the primary reason for the passing of the Black Act. Goring wrote to the Pretender on 6 May 1723:

I had settled an affair with five gentlemen of that country who were each of them to raise a regiment of dragoons well mounted and well armed which I knew they could easily do for the men had horses and homes of their own, and were, to say the truth most of them, the persons who some time since robbed the late Bishop of Winchester's Park, and have increased in their number ever since. They go by the name of the Waltham Blacks (tho few of them live there) which is a most loyal little town ... I once saw two hundred and upwards of these Blacks in a body within half a mile of my house. They had been running brandy. There was 24 customs officers following them who they abused heartily and carried off their cargo. I am told there is no less than a thousand of them and indeed I believe they have now taken loyalty into their heads, and will I hope prove very useful.

As late as the Jacobite rising of 1745 @-@ 46 newspapers were reporting that the Blacks had reappeared in Hampshire, stealing deer and robbing parks.

Sir Geoffrey Elton claimed that the Act was "passed not in order to suppress legitimate protest but because organized gangs were destroying deer and planning a Jacobite rising". The Act has been described as "severe and sanguinary", and L. Radzinowicz notes in the *Cambridge Law Journal* that "no other single statute passed during the eighteenth century equalled [the Black Act] in severity, and none appointed the punishment of death in so many cases". Efforts to repeal it started in 1810, with comments by William Grant as part of a wider debate on penal reform; a formal recommendation for its repeal took almost a decade, with the publication of the *Report on Criminal Laws* in 1819 marking the first "official" suggestion that the law be removed from the statute books. Following the publication of the *Report*, Sir James Mackintosh introduced a law reform bill that would have repealed the Act, but although it passed through the House of Commons successfully it was strongly opposed in the Lords. In 1823 he submitted a memo to the House of Commons, again suggesting the repeal of the Act, and a few months later Robert Peel, the Home Secretary, introduced a bill that repealed the entirety of the Black Act except for the provisions that criminalised setting fire to houses and shooting a person. This passed, and came into effect on 8 July 1823.