

ANNO NONO

GEORGII IV. REGIS.

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CAP. LXXIV.

An Act for improving the Administration of Criminal Justice in the *East Indies*. [25th *July* 1828.]

WHEREAS many wholesome Alterations have lately been made in the Criminal Law of *England*, and the Administration thereof, by Authority of Parliament; and it is expedient that some of the said Alterations should be extended to the *British* Territories under the Government of the United Company of Merchants of *England* trading to the *East Indies*; 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 this Act shall commence and take effect on and from the First Day of *March* One thousand eight hundred and twenty-nine, and shall extend to all Persons and all Places, as well on Land as on the High Seas, over whom or which the Criminal Jurisdiction of any of His Majesty's Courts of Justice erected or to be erected within the *British* Territories under the Government of the United Company of Merchants of *England* trading to the *East Indies* does or shall hereafter extend.

From the 1st of March 1829 this Act to take effect throughout the Jurisdiction of the King's Courts in the East Indies.

II. And be it enacted, That where any Person shall be taken on a Charge of Felony or Suspicion of Felony before One or more Justice or Justices of the Peace, and the Charge shall be supported by positive and credible Evidence of the Fact, or by such Evidence as if not explained or contradicted shall in the Opinion of the Justice

Who may be admitted to Bail on a Charge of Felony, and who may not.

or

or Justices raise a strong Presumption of the Guilt of the Person charged, such Person shall be committed to Prison by such Justice or Justices in the Manner herein-after mentioned; but if there shall be only One Justice present, and the whole Evidence given before him shall be such as neither to raise a strong Presumption of Guilt nor to warrant the Dismissal of the Charge, such Justice shall order the Person charged to be detained in Custody until he or she shall be taken before Two Justices at the least; and where any Person so taken, or any Person in the first Instance taken before Two Justices of the Peace, shall be charged with Felony or on Suspicion of Felony, and the Evidence given in support of the Charge shall in their Opinion not be such as to raise a strong Presumption of the Guilt of the Person charged, and to require his or her Committal, or such Evidence shall be adduced on behalf of the Person charged as shall in their Opinion weaken the Presumption of his or her Guilt, but there shall notwithstanding appear to them, in either of such Cases, to be sufficient Ground for judicial Inquiry into his or her Guilt, the Person charged shall be admitted to Bail by such Two Justices in the Manner herein-after mentioned: Provided always, that nothing herein contained shall be construed to require any such Justice or Justices to hear Evidence on behalf of any Person so charged as aforesaid, unless it shall appear to him or them to be meet and conducive to the Ends of Justice to hear the same: Provided also, that in all Cases where any Person or Persons charged as aforesaid shall be brought before One Justice, at any Place beyond the local Limits of the Jurisdiction of any of His Majesty's Courts of Justice erected or to be erected within the *British* Territories under the Government of the said United Company, it shall be lawful for such Justice alone either to commit such Person to Prison or to admit him to Bail as herein-before directed.

Before any Person charged with Felony, &c. shall be bailed or committed, the Justices shall take down in Writing the Examination, &c. and bind Witnesses to appear at the Trial.

III. And be it enacted, That the Justice or Justices of the Peace, before he or they shall admit to Bail or commit to Prison any Person arrested for Felony or on Suspicion of Felony, shall take the Examination of such Person, and the Information upon Oath of those who shall know the Facts and Circumstances of the Case, and shall put the same, or as much thereof as shall be material, into Writing, and the Two Justices shall certify such Bailment in Writing; and every such Justice shall have Authority to bind by Recognizance all such Persons as know or declare any thing material touching any such Felony or Suspicion of Felony, to appear at the next Court of Oyer and Terminer or Gaol Delivery, or Superior Criminal Court or Sessions of the Peace, at which the Trial thereof is intended to be, then and there to prosecute or give Evidence against the Party accused; and such Justices and Justice respectively shall subscribe all such Examinations, Informations, Bailments, and Recognizances, and deliver or cause the same to be delivered to the proper Officer of the Court in which the Trial is to be, before or at the opening of the Court.

Examinations, &c. to be delivered to the Court.

Duty of Justice on Charges of Misdemeanor.

IV. And be it enacted, That every Justice of the Peace before whom any Person shall be taken on a Charge of Misdemeanor, or Suspicion thereof, shall take the Examination of the Person charged, and the Information upon Oath of those who shall know the Facts and Circumstances of the Case, and shall put the same, or as much

thereof as shall be material, into Writing, before he shall commit to Prison or require Bail from the Person so charged; and in every Case of Bailment shall certify the Bailment in Writing, and shall have Authority to bind all Persons by Recognizance to appear to prosecute or give Evidence against the Party accused, in like Manner as in Cases of Felony; and shall subscribe all Examinations, Informations, Bailments, and Recognizances, and deliver or cause the same to be delivered to the proper Officer of the Court in which the Trial is to be, before or at the opening of the Court, in like Manner as in Cases of Felony.

Duty of Coroner.

V. And be it enacted, That every Coroner, upon any Inquisition before him taken, whereby any Person shall be indicted for Manslaughter or Murder, or as an Accessory to Murder before the Fact, shall put in Writing the Evidence given to the Jury before him, or as much thereof as shall be material, and shall have Authority to bind by Recognizance all such Persons as know or declare any thing material touching the said Manslaughter or Murder, or the said Offence of being accessory to Murder, to appear at the next Court of Oyer and Terminer or Gaol Delivery, or Superior Criminal Court of Sessions, at which the Trial is to be, then and there to prosecute or give Evidence against the Party charged; and every such Coroner shall certify and subscribe the same Evidence, and all such Recognizances, and also the Inquisition before him taken, and shall deliver the same to the proper Officer of the Court in which the Trial is to be, before or at the opening of the Court.

Penalty on Justices and Coroners.

VI. And be it enacted, That if any Justice or Coroner shall offend in any thing contrary to the true Intent and Meaning of these Provisions, the Court to whose Officer any such Examination, Information, Evidence, Bailment, Recognizance, or Inquisition ought to have been delivered, shall, upon Examination and Proof of the Offence in a summary Manner, set such Fine upon every such Justice or Coroner as the Court shall think meet.

Accessory before the Fact may be tried as such, or as a substantive Felon, by any Court which has Jurisdiction to try the principal Felon, although the Offence be committed on the Seas or Abroad.

VII. And for the more effectual Prosecution of Accessories before the Fact to Felony, be it enacted, That if any Person shall counsel, procure, or command any other Person to commit any Felony, whether the same be a Felony at Common Law or by virtue of any Statute or Statutes made or to be made, the Person so counselling, procuring, or commanding shall be deemed guilty of Felony, and may be indicted and convicted either as an Accessory before the Fact to the principal Felony, together with the principal Felon, or after the Conviction of the principal Felon, or may be indicted and convicted of a substantive Felony, whether the principal Felon shall or shall not have been previously convicted, or shall or shall not be amenable to Justice, and may be punished in the same Manner as any Accessory before the Fact to the same Felony, if convicted as an Accessory, may be punished; and the Offence of the Person so counselling, procuring, or commanding, howsoever indicted, may be inquired of, tried, determined, and punished by any Court which shall have Jurisdiction to try the principal Felon, in the same Manner as if such Offence had been committed at the same Place as the

the principal Felony, although such Offence may have been committed either on the High Seas, or at any Place on Land, whether within His Majesty's Dominions or without; and that in case the principal Felony, and the Offence of counselling, procuring, or commanding, shall have been committed in different Places, the last-mentioned Offence may be inquired of, tried, determined, and punished in any of His Majesty's Courts of Justice within the *British* Territories under the Government of the said United Company, having Jurisdiction to try either of the said Offences: Provided always, that no Person who shall be once duly tried for any such Offence, whether as an Accessory before the Fact or as for a substantive Felony, shall be liable to be again indicted or tried for the same Offence.

If the Offence be committed in different Places, Accessory may be tried in any of the King's Courts in India having Jurisdiction.

VIII. And be it enacted, That if any Person shall become an Accessory after the Fact to any Felony, whether the same be a Felony at Common Law, or by virtue of any Statute or Statutes made or to be made, the Offence of such Person may be inquired of, tried, determined, and punished by any Court which shall have Jurisdiction to try the principal Felon, in the same Manner as if the Act by reason whereof such Person shall have become an Accessory had been committed at the same Place as the principal Felony, although such Act may have been committed either on the High Seas or at any Place on Land, whether within His Majesty's Dominions or without; and that in case the principal Felony, and the Act by reason whereof any Person shall have become accessory, shall have been committed in different Places, the Offence of such Accessory may be inquired of, tried, determined, and punished in any of His Majesty's Courts of Justice within the *British* Territories under the Government of the said United Company, having Jurisdiction to try either of the said Offences: Provided always, that no Person who shall be once duly tried for any Offence of being an Accessory shall be liable to be again indicted or tried for the same Offence.

Accessory after the Fact may be tried by any Court which has Jurisdiction to try the principal Felon.

If the Offence be committed in different Places, Accessory may be tried in any Court having Jurisdiction.

IX. And be it enacted, That if any principal Offender shall be in anywise convicted of any Felony, it shall be lawful to proceed against any Accessory, either before or after the Fact, in the same Manner as if such principal Felon had been attainted thereof, notwithstanding such principal Felon shall die or be pardoned, or otherwise delivered before Attainder; and every such Accessory shall suffer the same Punishment, if he or she be in anywise convicted, as he should have suffered if the Principal had been attainted.

Accessory may be prosecuted after Conviction of the Principal, though the Principal be not attainted.

X. And be it enacted, That in any Indictment or Information for any Felony or Misdemeanor wherein it shall be requisite to state the Ownership of any Property whatsoever, whether Real or Personal, which shall belong to or be in the Possession of more than One Person, whether such Persons be Partners in Trade, Joint Tenants, Parceners, or Tenants in Common, it shall be sufficient to name One of such Persons, and to state such Property to belong to the Person so named, and another or others, as the Case may be; and whenever in any Indictment or Information for any Felony or Misdemeanor it shall be necessary to mention, for any Purpose whatsoever, any

In Indictments for Offences committed on the Property of Partners, it may be laid in any one Partner by Name, and others.

of Partners,

Partners, Joint Tenants, Parceners, or Tenants in Common, it shall be sufficient to describe them in the Manner aforesaid; and this Provision shall be construed to extend to all Joint Stock Companies and Trustees.

Indictment not to abate by dilatory Plea of Misnomer.

XI. And be it enacted, That no Indictment or Information shall be abated by reason of any dilatory Plea of Misnomer, or of Want of Addition, or of wrong Addition of the Party offering such Plea, if the Court shall be satisfied by Affidavit or otherwise of the Truth of such Plea, but in such Case the Court shall forthwith cause the Indictment or Information to be amended according to the Truth, and shall call upon such Party to plead thereto, and shall proceed as if no such dilatory Plea had been pleaded.

What Defects shall not vitiate an Indictment after Verdict, or otherwise.

XII. And be it enacted, That no Judgment upon any Indictment or Information for any Felony or Misdemeanor, whether after Verdict or Outlawry, or by Confession, Default, or otherwise, shall be stayed or reversed for Want of the Averment of any Matter unnecessary to be proved, nor for the Omission of the Words "as appears by the "Record," or of the Words "with Force and Arms," or of the Words "against the Peace;" nor for the Insertion of the Words "against "the Form of the Statute" instead of the Words "against the Form "of the Statutes," or *vice versâ;* nor for that any Person or Persons mentioned in the Indictment or Information is or are designated by the Name of Office or other descriptive Appellation instead of his, her, or their proper Name or Names; nor for omitting to state the Time at which the Offence was committed, in any Case where Time is not of the Essence of the Offence, nor for stating the Time imperfectly, nor for stating the Offence to have been committed on a Day subsequent to the finding of the Indictment or exhibiting the Information, or on an impossible Day, or on a Day that never happened; nor for Want of a proper or perfect Venue, where the Court shall appear by the Indictment or Information to have had Jurisdiction over the Offence.

What shall not be sufficient to stay or reverse Judgment after the Verdict.

XIII. And be it enacted, That no Judgment after Verdict, upon any Indictment or Information for any Felony or Misdemeanor, shall be stayed or reversed for Want of a Similiter, nor by reason that the Jury Process has been awarded to a wrong Officer, or upon an insufficient Suggestion, nor for any Misnomer or Misdescription of the Officer returning such Process, or of any of the Jurors, nor because any Person has served upon the Jury who has not been returned as a Juror by the Sheriff or other Officer; and that where the Offence charged has been created by any Statute, or subjected to a greater Degree of Punishment, the Indictment or Information shall, after Verdict, be held sufficient to warrant the Punishment prescribed by the Statute, if it describe the Offence in the Words of the Statute.

A Plea of Not guilty shall put the Prisoner on his Trial by Jury.

XIV. And be it enacted, That if any Person, being arraigned upon any Indictment or Inquisition for Treason, Felony, or Piracy, shall plead thereto a Plea of Not guilty, he shall by such Plea, without any further Form, be deemed to have put himself upon the Country for

for Trial, and the Court shall in the usual Manner order a Jury for the Trial of such Person accordingly.

If he refuse to plead, Court may order a Plea of Not guilty to be entered.

XV. And be it enacted, That if any Person, being arraigned upon or charged with any Indictment, Inquisition, or Information for Treason, Felony, Piracy, or Misdemeanor, shall stand mute, or will not answer directly to such Indictment, Inquisition, or Information, in every such Case it shall be lawful for the Court, if it shall so think fit, to order the proper Officer to enter a Plea of Not guilty on behalf of such Person, and the Plea so entered shall have the same Force and Effect as if such Person had actually pleaded the same.

Every Challenge beyond the legal Number shall be void.

XVI. And be it enacted, That if any Person arraigned upon any Indictment or Inquisition for any Treason, Felony, or Piracy shall challenge peremptorily a greater Number of the Men returned to be of the Jury than such Person is entitled by Law so to challenge in any of the said Cases, every peremptory Challenge beyond the Number allowed by Law in any of the said Cases shall be entirely void, and the Trial of such Person shall proceed as if no such Challenge had been made.

Attainder of another Crime not pleadable.

XVII. And be it enacted, That no Plea setting forth any Attainder shall be pleaded in bar of any Indictment, unless the Offence stated in the Plea be substantially the same Offence as that charged in the Indictment.

Jury not to inquire of Prisoner's Lands, &c.

XVIII. And be it enacted, That where any Person shall be arraigned upon any Indictment or Inquisition for Treason or Felony, the Jury impannelled to try such Person shall not be charged to inquire concerning his Lands, Tenements, or Goods, nor whether he fled for such Treason or Felony.

Benefit of Clergy abolished.

XIX. And be it enacted, That Benefit of Clergy with respect to Persons convicted of Felony shall be abolished.

What Felonies only shall be capital.

XX. And be it enacted, That no Person convicted of Felony shall suffer Death, unless it be for some Felony which was excluded from the Benefit of Clergy before the Day herein-before mentioned for this Act taking effect, or which shall be made punishable with Death by this Act or by some Statute to be passed hereafter.

Felonies not capital to be punished under the Acts, if any, relating thereto, otherwise under this Act.

XXI. And be it enacted, That every Person convicted of any Felony not punishable with Death shall be punished in the Manner prescribed by the Statute or Statutes specially relating to such Felony; and that every Person convicted of any Felony for which no Punishment hath been or hereafter may be specially provided, shall be deemed to be punishable under this Act, and shall be liable, at the Discretion of the Court, to be transported to such Place as such Court shall direct, for any Term not exceeding Seven Years, or to be imprisoned 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.

XXII. And

XXII. And be it enacted, That where any Person shall be convicted of any Offence punishable under this Act, for which Imprisonment may be awarded, it shall be lawful for the Court to sentence the Offender to be imprisoned, or to be imprisoned and kept to hard Labour, in the Common Gaol or House of Correction, and also to direct that the Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, or of such Imprisonment with hard Labour, as to the Court in its Discretion shall seem meet. The Court may order hard Labour or solitary Confinement as Part of the Sentence of Imprisonment.

XXIII. And be it enacted, That wherever Sentence shall be passed for Felony on a Person already imprisoned under Sentence for another Crime, it shall be lawful for the Court to award Imprisonment for the subsequent Offence, to commence at the Expiration of the Imprisonment to which such Person shall have been previously sentenced; and where such Person shall be already under Sentence either of Imprisonment or of Transportation, the Court, if empowered to pass Sentence of Transportation, may award such Sentence for the subsequent Offence, to commence at the Expiration of the Imprisonment or Transportation to which such Person shall have been previously sentenced, although the aggregate Term of Imprisonment or Transportation respectively may exceed the Term for which either of those Punishments could be otherwise awarded. If a Person under Sentence for another Crime is convicted of Felony, the Court may pass a Second Sentence, to commence after the Expiration of the First.

XXIV. And be it enacted, That if any Person shall be convicted of any Felony not punishable with Death, committed after a previous Conviction for Felony, such Person shall on such subsequent Conviction be liable, at the Discretion of the Court, to be transported to such Place as such Court shall direct, for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four 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; and in an Indictment for any such Felony committed after a previous Conviction for Felony, it shall be sufficient to state that the Offender was at a certain Time and Place convicted of Felony, without otherwise describing the previous Felony; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the previous Felony, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk or Officer, (for which Certificate a Fee of Three Sicca Rupees, and no more, shall be demanded or taken,) shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the first Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if any Person other than such Clerk, Officer, or Deputy, shall sign any such Certificate as such Clerk, Officer, or Deputy, or if any Person shall utter any such Certificate with a false or counterfeit Signature thereto, every such Offender shall be guilty of Felony, and being lawfully convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for any Term not exceeding Seven Years, or to be imprisoned for any Term not exceeding Punishment for a subsequent Felony. Form of Indictment for the subsequent Felony. What will be sufficient Proof of the first Conviction. Punishment for signing or uttering false Certificate of Conviction.

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.

Admiralty Offences.

XXV. And be it enacted, That all Offences prosecuted in any of His Majesty's Courts of Admiralty shall, upon every first and subsequent Conviction, be subject to the same Punishments, whether of Death or otherwise, as if such Offence had been committed upon the Land.

Rule for interpreting all Criminal Statutes.

XXVI. And be it enacted, That wherever this or any other Statute relating to any Offence, whether punishable upon Indictment or summary Conviction, in describing or referring to the Offence or the Subject Matter thereof, or the Offender, or the Party affected or intended to be affected by the Offence, shall use Words importing the Singular Number or the Masculine Gender only, yet the Statute shall be understood to include several Matters as well as One Matter, and several Persons as well as One Person, and Females as well as Males, and Bodies Corporate as well as Individuals, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction; and wherever any Forfeiture or Penalty is payable to a Party aggrieved, it shall be payable to a Body Corporate in every Case where such Body shall be the Party aggrieved.

Court may abstain from pronouncing Sentence of Death on Persons convicted of any Felonies, except Murder.

XXVII. And be it enacted, That whenever any Person shall be convicted of any Felony, except Murder, for which he shall by Law be liable to suffer Death, and the Court before which such Offender shall be convicted shall be of Opinion that the particular Circumstances of the Case do not require that Judgment of Death should be pronounced, but that such Offender is a fit and proper Subject either to be recommended to the Royal Mercy, or to be ordered to be transported under the Authority of this Act, it shall and may be lawful for such Court, if it shall think fit so to do, to direct the proper Officer then being present in Court to require and ask, whereupon such Officer shall require and ask, if such Offender hath or knoweth any thing to say why Judgment of Death should not be recorded against such Offender; and in case such Offender shall not allege any Matter or Thing sufficient in Law to arrest or bar such Judgment, the Court shall and may and is hereby authorized to abstain from pronouncing Judgment of Death upon such Offender, and instead of pronouncing such Judgment, to order the same to be entered of Record, and thereupon such proper Officer as aforesaid shall and may and is hereby authorized to enter Judgment of Death on Record against such Offender in the usual and accustomed Form, and in such and the same Manner as is now used, and as if Judgment of Death had actually been pronounced in open Court against such Offender by the Court before which such Offender shall have been convicted.

Record of Judgment to have same Effect as if pronounced.

XXVIII. And be it further enacted, That a Record of every such Judgment so entered as aforesaid shall have the like Effect to all Intents and Purposes, and be followed by all the same Consequences, as

as if such Judgment had actually been pronounced in open Court, and the Offender had been reprieved by the Court.

Court may order Capital Offenders to be transported instead of being left for Execution.

XXIX. And be it enacted, That when any Person shall be convicted of any Felony for which Judgment of Death shall be pronounced or recorded against him, it shall and may be lawful for the Court, instead of leaving such Judgment of Death to be executed on such Offender, to order such Offender to be transported to such Place as the Court shall direct, either for Life or for such Term of Years as the Court shall order.

For Performance of such Orders of Transportation.

XXX. And be it enacted, That where any Offender shall be ordered or sentenced to be transported by any Court, the Governor in Council of the Presidency, or other Chief Officer of the Place where the Conviction shall be had, shall and he is hereby required to take Order for the due Performance of such Sentence of Transportation accordingly: Provided always, that it shall not be lawful for any such Court to order the Transportation of any Person, being a Native of the *East Indies* and not born of *European* Parents, to the Eastern Coast of *New South Wales*, or any of the Islands adjacent thereto.

Proviso for certain Natives of India.

Persons returning from Transportation into the Territories of the Company, &c.

XXXI. And be it enacted, That if any Offender who shall be ordered by any Court to be transported for any Term, of Life or Years, shall be found within any of the *British* Territories within the Limits of the said United Company's Charter, except the Place to which he shall have been so ordered to be transported, or shall come into any Part of this United Kingdom, before the End of his Term, and shall be convicted thereof, he shall be liable to be punished as a Person attainted of Felony, and to suffer Death accordingly: Provided nevertheless, that nothing herein contained shall be construed or taken to prevent His Majesty from extending His Royal Mercy to any such Offender, and allowing his Return from such Place of Transportation.

His Majesty may extend His Mercy to Offenders.

The Party whose Name is forged shall be a competent Witness in Prosecutions for Forgery.

XXXII. And be it enacted, That on any Prosecution by Indictment or Information, either at Common Law or by virtue of any Statute, against any Person, for forging or counterfeiting any Deed, Writing, Instrument, or other Matter whatsoever, or for uttering any Deed, Writing, Instrument, or other Matter whatsoever, knowing the same to be forged or counterfeited, or for being accessory before or after the Fact to any such Offence, if the same be a Felony, or for aiding, abetting, or counselling the Commission of any such Offence, if the same be a Misdemeanor, no Person shall be deemed to be an incompetent Witness in support of any such Prosecution, by reason of any Interest which such Person may have or be supposed to have in respect of such Deed, Writing, Instrument, or other Matter.

Effect of free or conditional Pardon to a Convict.

XXXIII. And be it declared and enacted, That where the King's Majesty shall be pleased to extend His Royal Mercy to any Offender convicted of any Felony punishable with Death or otherwise, and by Warrant under his Sign Manual, countersigned by One of His Principal Secretaries of State, shall grant to such Offender either a free

or a conditional Pardon, the Discharge of such Offender out of Custody in the Case of a free Pardon, and the Performance of the Condition in the Case of a conditional Pardon, shall have the Effect of a Pardon under the Great Seal for such Offender as to the Felony for which such Pardon shall be so granted: Provided always, that no free Pardon, nor any such Discharge in consequence thereof, nor any conditional Pardon, nor the Performance of the Condition thereof, in any of the Cases aforesaid, shall prevent or mitigate the Punishment to which the Offender might otherwise be lawfully sentenced on a subsequent Conviction for any Felony committed after the granting of any such Pardon.

Every Punishment for Felony, after it has been endured, shall have the Effect of a Pardon under the Great Seal.

XXXIV. And be it enacted, That where any Offender hath been or shall be convicted of any Felony, and hath endured or shall endure the Punishment which hath been or shall be adjudged or ordered in respect thereof, the Punishment so endured hath and shall have the like Effects and Consequences as a Pardon under the Great Seal, as to the Felony whereof the Offender was so convicted: Provided always, that nothing herein contained, nor the enduring of such Punishment, shall prevent or mitigate any Punishment to which the Offender might otherwise be lawfully sentenced on a subsequent Conviction for any other Felony.

No Misdemeanor (except Perjury) shall render a Party an incompetent Witness after Punishment.

XXXV. And be it enacted, That where any Offender hath been or shall be convicted of any Misdemeanor which renders the Parties convicted thereof incompetent Witnesses, (except Perjury or Subornation of Perjury,) and hath endured or shall endure the Punishment to which such Offender hath been or shall be adjudged for the same, such Offender shall not, after the Punishment so endured, be deemed to be by reason of such Misdemeanor an incompetent Witness in any Court or Proceeding, Civil or Criminal.

Affirmations of Quakers or Moravians, &c. to be admitted in all Cases.

XXXVI. And be it enacted, That every Quaker or Moravian, who shall be required to give Evidence in any Case whatsoever, Criminal or Civil, shall, instead of taking an Oath in the usual Form, be permitted to make his or her solemn Affirmation or Declaration in the Words following; that is to say, "I *A.B.* do solemnly, sincerely, "and truly declare and affirm;" and that every Native of any Country within the Limits of the Charter of the said United Company, who may be required to give Evidence in any Case whatsoever, Criminal or Civil, and who shall object on the Ground of any religious Scruple to take an Oath in the usual Form, may, at the Discretion of the Court, be permitted to make his or her solemn Affirmation or Declaration in such Manner and Form as the Court shall deem sufficiently binding upon his or her Conscience, which said Affirmation or Declaration shall be of the same Force and Effect in all Courts of Justice and other Places, where by Law an Oath is required, as if such Quaker, Moravian, or Native had taken an Oath in the usual Form; and if any Person making such Affirmation or Declaration shall be convicted of having wilfully, falsely, and corruptly affirmed or declared any Matter or Thing which if the same had been sworn in the usual Form would have amounted to wilful and corrupt Perjury, every such Offender shall be subject to the same Pains, Penalties, and

Forfeitures to which Persons convicted of wilful and corrupt Perjury are subject.

All Persons to be sworn according to the Forms of their respective Religions.

XXXVII. And be it enacted, That all Persons who by any Laws are now required to take an Oath upon the Holy Evangelists, or in any other Manner, for the Purpose of sitting or acting as Members of any Court, Civil or Criminal, or for any other Purpose whatsoever, may, instead thereof, be sworn according to the Forms of their respective Religions.

Aiders and Abettors in Felonies and Misdemeanors against this Act.

XXXVIII. And be it enacted, That in case of any Felony punishable under this Act, every Principal in the Second Degree, and every Accessory before the Fact, shall be punishable with Death, or otherwise, in the same Manner as the Principal in the First Degree is by this Act punishable; and every Accessory after the Fact to any Felony punishable under this Act, (except only a Receiver of stolen Property,) and an Accessory after the Fact to Murder, shall, on Conviction, be liable to be imprisoned for any Term not exceeding Two Years; and every Person who shall aid, abet, counsel, or procure the Commission of any Misdemeanor punishable under this Act, shall be liable to be indicted and punished as a principal Offender.

Aiders and Abettors in Offences punishable on a summary Conviction.

XXXIX. And be it enacted, That if any Person shall aid, abet, counsel, or procure the Commission of any Offence which is by this Act punishable on summary Conviction, either for every Time of its Commission, or for the First and Second Time only, or for the First Time only, every such Person shall, on Conviction before a Justice of the Peace, be liable for every First, Second, or subsequent Offence of aiding, abetting, counselling, or procuring, to the same Forfeiture and Punishment to which a Person guilty of a First, Second, or subsequent Offence as a principal Offender is by this Act made liable.

A Person may be apprehended in the Act of committing an Offence.

XL. And be it enacted, That any Person found committing any Offence punishable either upon Indictment or upon summary Conviction by virtue of this Act, may be immediately apprehended without a Warrant by any Peace Officer, or by the Party aggrieved, or by his Servant, or any Person authorized by him, and forthwith taken before some neighbouring Justice of the Peace, to be dealt with according to Law; and if any credible Witness shall prove upon Oath before a Justice of the Peace a reasonable Cause to suspect that any Person has in his Possession or on his Premises any Property whatsoever, on or with respect to which any such Offence shall have been committed, the Justice may grant a Warrant to search for such Property, as in the Case of stolen Goods; and any Person to whom any Property shall be offered to be sold, pawned, or delivered, if he shall have reasonable Cause to suspect that any such Offence has been committed on or with respect to such Property, is hereby authorized, and if in his Power is required, to apprehend and forthwith to carry before a Justice of the Peace the Party offering the same, together with such Property, to be dealt with according to Law.

A Justice, upon good Grounds of Suspicion, may grant a Search Warrant.

A Person to whom Property suspected to be stolen, &c. is offered, may seize the Party offering.

XLI. And

Summary Proceedings shall be commenced within Three Months.

XLI. And be it enacted, That the Prosecution for every Offence punishable on summary Conviction under this Act shall be commenced within Three Calendar Months after the Commission of the Offence, and not otherwise; and the Evidence of the Party aggrieved shall be admitted in Proof of the Offence.

Mode of compelling the Appearance of Persons punishable on summary Conviction.

XLII. And 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 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 personally, or by leaving the same at his usual Place of Abode,) the Justice may either proceed to hear and determine the Case *ex parte*, or issue his Warrant for apprehending such Person, and bringing him before himself or some other Justice of the Peace; or the Justice before whom the Charge shall be made may (if he shall so think fit) without any previous Summons (unless where otherwise specially directed) issue such Warrant, and the Justice before whom the Person charged shall appear or be brought shall proceed to hear and determine the Case.

Application of Forfeitures and Penalties on summary Convictions.

XLIII. And be it enacted, That every Sum of Money which shall be forfeited for the Value of any Property stolen or taken, or for the Amount of any Injury done, (such Value or Amount to be assessed in such Case by the convicting Justice,) shall be paid to the Party aggrieved, if known, except where such Party shall have been examined in Proof of the Offence; or when the Party aggrieved is unknown, such Sum shall be applied in the same Manner as the Penalty: Proviso. Provided always, that where several Persons shall join in the Commission of the same Offence, and shall, upon Conviction thereof, each be adjudged to forfeit a Sum equivalent to the Value of the Property, or to the Amount of the Injury, in every such Case no further Sum shall be paid to the Party aggrieved than that which shall be forfeited by one of such Offenders only, and the corresponding Sum or Sums forfeited by the other Offender or Offenders shall be applied in the same Manner as any Penalty imposed by a Justice of the Peace is herein directed to be applied.

If a Person summarily convicted shall not pay, &c. the Justice may commit him.

Scale of Imprisonment.

XLIV. And be it enacted, That in every Case of a summary Conviction under this Act, where the Sum which shall be forfeited for the Value of the Property stolen or taken, or for the Amount of the Injury done, or which shall be imposed as a Penalty by the Justice, shall not be paid either immediately after the Conviction or within such Period as the Justice shall at the Time of the Conviction appoint, it shall be lawful for the convicting Justice (unless where otherwise specially directed) to commit the Offender to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, according to the Discretion of the Justice, for any Term not exceeding Two Calendar Months, where the Amount of the Sum forfeited or of the Penalty imposed, or of both, (as the Case may be,) together with the Costs, shall not exceed Fifty Sicca Rupees, and for any Term not exceeding Four Calendar Months, where

where the Amount, with Costs, shall not exceed One hundred Sicca Rupees, and for any Term not exceeding Six Calendar Months in any other Case, the Commitment to be determinable in each of the Cases aforesaid upon Payment of the Amount, with Costs.

The Justice may discharge the Party from his Conviction in certain Cases.

XLV. Provided always, and be it enacted, That where any Person shall be summarily convicted before a Justice of the Peace of any Offence against this Act, and it shall be a First Conviction, it shall be lawful for the Justice, if he shall so think fit, to discharge the Offender from his Conviction, upon his making such Satisfaction to the Party aggrieved, for Damages and Costs, or either of them, as shall be ascertained by the Justice,

A summary Conviction shall be a Bar to any other Proceeding for the same Cause.

XLVI. And be it enacted, That in case any Person convicted of any Offence punishable upon summary Conviction by virtue of this Act shall have paid the Sum adjudged to be paid, together with Costs under such Conviction, or shall have suffered the Imprisonment awarded for Nonpayment thereof, or the Imprisonment adjudged in the first Instance, or shall have been discharged from his Conviction in the Manner aforesaid, in every such Case he shall be released from all further or other Proceedings for the same Cause.

Form of Conviction.

XLVII. And be it enacted, That the Justice before whom any Person shall be 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; *videlicet*,

'BE it remembered, That on the Day of in the Year of our Lord at [*as the Case may be*] *A.O.* is convicted before me *I.P.*, One of His Majesty's Justices of the Peace for 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 on a Second Conviction state the First Conviction,*] and I the said *I.P.* adjudge the said *A.O.* for the said Offence to be imprisoned in the [*or* to be imprisoned in the and there kept to hard Labour for the Space of ;] *or*, I adjudge the said *A.O.* for his said Offence to forfeit and pay [*here state the Penalty actually imposed, or state the Penalty, and also the Value of the Articles stolen, or the Amount of the Injury, and as the Case may be,*] and also to pay the Sum of for Costs; and in default of immediate Payment of the said Sums, to be imprisoned in the [*or* to be imprisoned in the and there kept to hard Labour] for the Space of unless the said Sums shall be sooner paid; [*or*, and I order that the said Sums shall be paid by the said *A. O.* on or before the Day of ;] and I direct that the said Sum of [i. e. *the Penalty only*] 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

'Case made and provided; [*or that the said Sum of* i.e. *the Penalty*, shall be paid to, &c. *as before*,] and that the said Sum of [i.e. *the Value of the Articles stolen, or the Amount of the Injury done*,] shall be paid to *C. D.* [*the Party aggrieved, unless he has been examined in Proof of the Offence, in which Case state that Fact, and dispose of the whole like the Penalty, as before.*] Given under my Hand and Seal, the Day and Year first above mentioned.'

Appeal.

XLVIII. And be it enacted, That in all Cases where the Sum adjudged to be paid on any summary Conviction shall exceed Fifty Sicca Rupees, or the Imprisonment adjudged shall exceed One Calendar Month, or the Conviction shall take place before One Justice only, any Person who shall think himself aggrieved by any such Conviction may appeal to the next Court of General or Quarter Sessions which shall be holden not less than Twelve Days after the Day of such Conviction, provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days after such Conviction, and Seven clear Days at the least before such Sessions, and shall also either remain in Custody until the Sessions, or enter into a Recognizance, with Two sufficient Sureties, before a Justice of the Peace, conditioned personally to appear at the said Sessions, and to try such Appeal and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given and such Recognizance being entered into, the Justice before whom the same shall be entered into shall liberate such Person if in Custody; and the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet; and in case of the Dismissal of the Appeal, or the Affirmance of the Conviction, shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment.

No Certiorari, &c. allowed.

XLIX. And be it enacted, That no such Conviction, or Adjudication made on Appeal therefrom, 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.

Convictions to be returned to the Sessions.

How far they shall be Evidence in future Cases.

L. And be it enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall transmit the Conviction to the next Court of General or Quarter Sessions, there to be kept by the proper Officer among the Records of the Court; and upon any Indictment or Information against any Person for a subsequent Offence, a Copy of such Conviction, certified by the proper Officer of the Court, or proved to be a true Copy, shall be sufficient Evidence to prove Conviction for the former Offence, and the Conviction shall be presumed to have been unappealed against until the contrary be shown.

LI. And

Venue in Actions under this Act.

LI. And be it enacted, That all Actions and Prosecutions to be commenced against any Person for any thing done in pursuance of this Act shall be commenced within Six Calendar Months after the Fact committed, and not otherwise; and Notice in Writing of such Cause of Action shall be given to the Defendant One Calendar Month at least before the Commencement of the Action; and in any such Action the Defendant may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action brought, by or on behalf of the Defendant; and if a Verdict shall pass for the Defendant, or the Plaintiff shall become nonsuit, or discontinue any such Action after Issue joined, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant hath by Law in other Cases; and though a Verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial shall be shall certify his Approbation of the Action.

Notice of Action.

General Issue, &c.

How either of the Supreme Courts may apply certain Fines.

LII. And whereas Doubts have arisen whether His Majesty's Supreme Courts at *Calcutta*, *Madras*, and *Bombay* respectively, or any Justice of the Peace in the *British* Territories under the Government of the said United Company, may lawfully defray the Costs of any Prosecution, or may make Compensation to any Prosecutor, otherwise than out of any Fine levied in the same Prosecution; be it enacted, That each of the said Supreme Courts may apply towards the reasonable Costs of prosecuting Offences, or of compensating Prosecutors, (whether the Prosecution be before the said Court or any Justices of the Peace,) any Part of the whole Sum arising out of Fines levied by or transmitted to the said Courts: Provided always, that no such Allowance for Costs or Compensation shall be made, except upon Motion in open Court; and that nothing herein contained shall prevent Justices of the Peace from making such Allowances for Costs or Compensation to Prosecutors as they might before have lawfully done.

Petit Treason to be treated as Murder.

LIII. 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.

Punishment of Principal and Accessory.

LIV. 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 to such Place as the Court shall direct, for Life or for any Term of Years, or to be imprisoned for any Term not exceeding Four Years.

LV. And

Period of Execution, and Marks of Infamy.

LV. 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, if the Court shall think fit: 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.

Sentence to be pronounced immediately after Conviction.

Power to respite.

Provision for the Trial of Murder and Manslaughter, where the Death, or the Cause of Death only, happens within the Limits of the East India Company's Charter.

LVI. And be it enacted, That where any Person, being feloniously stricken, poisoned, or otherwise hurt at any Place whatsoever, either upon the Land or at Sea, within the Limits of the Charter of the said United Company, shall die of such Stroke, Poisoning, or Hurt at any Place without those Limits, or being feloniously stricken, poisoned, or otherwise hurt at any Place whatsoever, either upon Land or at Sea, shall die of such Stroke, Poisoning, or Hurt at any Place within the Limits aforesaid, 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 or after the Fact to Murder or Manslaughter, may be dealt with, inquired of, tried, determined, and punished by any of His Majesty's Courts of Justice within the *British* Territories under the Government of the said United Company, in the same Manner in all respects as if such Offence had been wholly committed within the Jurisdiction of the Court within the Jurisdiction of which such Offender shall be apprehended or be in Custody.

Punishment of Manslaughter.

LVII. And be it enacted, That every Person convicted of Manslaughter shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, or to pay such Fine as the Court shall award.

Excusable and justifiable Homicide.

LVIII. 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 Manner without Felony.

Attempting, by Poison or Violence, to murder.

LIX. 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

unlawfully and maliciously stab, cut, or wound any Person, with Intent, in any of the Cases aforesaid, to murder such Person, every 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 rob, maim, &c. capital.

LX. And be it 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 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.

Proviso.

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

Using Means with Intent to procure Miscarriage, where the Woman is not quick with Child.

LXI. 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 whatsoever with the like Intent, every 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 shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for any Term not exceeding Fourteen Years nor less than Seven Years, or to be imprisoned 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 concealing the Birth of her Child.

LXII. 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 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.

LXIII. 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.

LXIV. 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 the Age of Eight, and above Eight and under Ten.

LXV. And be it enacted, That if any Person shall unlawfully and carnally know and abuse any Girl under the Age of Eight 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 Eight Years and under the Age of Ten Years, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable to be imprisoned for such Term as the Court shall award.

What sufficient to constitute Rape, &c.

LXVI. 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 these 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 any Woman on account of her Fortune, with Intent to marry her, &c.

LXVII. 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 shall be guilty of Felony, and being convicted thereof, shall be liable to be transported to such Place as the Court shall direct, either for Life or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years.

Unlawful Abduction of any Girl under 16 from her Parents, &c.

LXVIII. 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 Misde-

meanor, and being convicted thereof, shall be liable to suffer such Punishment, by Fine or Imprisonment, or by both, as the Court shall award.

Stealing a Child under the Age of Ten Years.

LXIX. 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 shall be guilty of Felony, and being convicted thereof, shall be liable to be transported to such Place as the Court shall direct for the Term of Seven Years, or to be imprisoned 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 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.

LXX. And be it enacted, That if any Person professing the Christian Religion, 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 the *East Indies* or elsewhere, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable to be transported to such Place as the Court shall direct for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years; and every such Offence may be dealt with, inquired of, tried, determined, and punished by any of His Majesty's Courts of Justice within the *British* Territories under the Government of the said United Company, within the Jurisdiction of which the Offender shall be apprehended or be in Custody, as if the Offence had been actually committed within such Jurisdiction: Provided always, that nothing herein contained shall extend to any Second Marriage contracted out of His Majesty's Dominions 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.

Master of a Merchant Vessel

LXXI. 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

forcing a Seaman on Shore, or refusing to bring him Home.

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 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.

Counterfeiting any Deed, &c.

LXXII. And be it enacted, That if any Person shall falsely make, forge, counterfeit, or alter, or shall utter or publish as true, or sell, offer, or dispose of, or put away, knowing the same to be false, forged, counterfeited, or altered, any Deed, or any written Instrument for the Conveyance or Transfer of any Property or Interest in any Land, House, or Goods, or any Share or Interest in any Public Stock or Fund established by Authority of Parliament or of the said United Company, or of any Foreign State, or in any Stock or Fund of any Body Corporate, Company, or Society, or for securing the Payment of Money, or any Will, Testament, Bond, Writing Obligatory, Bill of Exchange, Promissory Note for Payment of Money, or any Indorsement or Assignment of any Bill of Exchange or Promissory Note for the Payment of Money, or any Acceptance of any Bill of Exchange, or any Acquittance or Receipt for Money, or any Goods or valuable Thing, or any accountable Receipt of any Note, Bill, or other Security for Payment of Money, or any Warrant or Order for Payment of Money, or Delivery or Transfer of any Goods or valuable Thing, or any Decree, Order, Record, Certificate, Minute, Affidavit, Deposition, or other Writing which shall be or purport to have been enrolled, drawn up, filed, entered, issued, or delivered by any Court or Magistrate in any Proceeding, Criminal or Civil, with Intention to defraud any Person whatsoever, or any Corporation, every such Offender shall be guilty of Felony, and being thereof convicted, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life, or any Term of Years, or to be imprisoned for any Term not exceeding Four 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.

Counterfeiting current Coin.

LXXIII. And be it enacted, That if any Person shall counterfeit any Gold or Silver Coin of any of the Territories under the Governments of the said United Company in the *East Indies*, or any Gold or Silver Coin usually current and received as Money in Payment in any Part of the *British* Territories under the Government of the said United Company, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life, or any Term of Years, or to be imprisoned for any Term not exceeding Four 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.

LXXIV. And

Uttering counterfeit Coin.

LXXIV. And be it enacted, That if any Person shall utter or tender in Payment, or sell, or give in Exchange, or pay or put off to any Person, any such false or counterfeited Coin as aforesaid, knowing the same to be so false or counterfeited, every such Offender, being thereof convicted, shall be adjudged by the Court to suffer Six Months Imprisonment, and find Sureties for his good Behaviour for Six Months more, to be computed from the End of the said first Six Months; and if the same Person shall afterwards be convicted a Second Time of the like Offence of uttering or tendering in Payment, or selling, or giving in Exchange, or paying or putting off, any such false or counterfeit Coin as aforesaid, knowing the same to be false or counterfeit, such Person shall for such Second Offence suffer Two Years Imprisonment, and find Sureties for his or her good Behaviour for Two Years more, to be computed from the End of the said first Two Years; and if the same Person shall afterwards offend a Third Time, in uttering or tendering in Payment, or selling, or giving in Exchange, or paying or putting off, any such false or counterfeit Coin as aforesaid, knowing the same to be false or counterfeit, and shall be convicted of such Third Offence, he shall be sentenced to Transportation for Life to such Place beyond the Seas as the Court shall direct.

1st Offence.

2d Offence.

3d Offence.

Having in possession more than Five Pieces of counterfeit Coin, without lawful Excuse, punishable with Fine or Three Months Imprisonment.

LXXV. And be it enacted, That if any Person shall have in his Custody, without lawful Excuse, the Proof whereof shall lie on the Party accused, any greater Number of Pieces than Five Pieces of such false or counterfeit Coin as aforesaid, every such Person, being thereof convicted upon the Oath of One or more credible Witness or Witnesses before One of His Majesty's Justices of the Peace, or if there shall be no Justice of the Peace duly qualified to act in the Place where such Offence shall be committed, before One of the Judges of His Majesty's Court there, shall forfeit and lose all such false and counterfeit Coin, which shall be cut in Pieces and destroyed by Order of such Justice or Judge, and shall for every Offence forfeit and pay any Sum of Money not exceeding in Value Forty Sicca Rupees, or less than Twenty Sicca Rupees, in the Currency of the Place in which such Offence shall be committed, for every such Piece of false or counterfeit Coin which shall be found in the Custody of such Person, one Moiety to the Informer or Informers, and the other Moiety to the Poor of the Presidency, Settlement, or Place in which such Offence shall be committed; and in case any such Penalty shall not be forthwith paid, it shall be lawful for such Justice or Judge to commit the Person or Persons who shall be adjudged to pay the same to the Common Jail or House of Correction, there to be kept to hard Labour for the Space of Three Calendar Months, or until such Penalty shall be paid.

Counterfeiting Licences or Certificates, or attested Copies thereof, punishable with Fine and Imprisonment.

LXXVI. And be it enacted, That if any Person shall counterfeit, erase, alter, or falsify any Licence authorizing any Ship or Vessel to proceed to any Place in the *East Indies* or Parts aforesaid, or any Licence or Certificate authorizing any Person to go to or reside at any such Place, or any attested Copy of any such Licence or Certificate, or shall utter or publish as true any such counterfeited, erased, altered, or falsified Licence, Certificate, or attested Copy, knowing the same to

to be counterfeited, erased, altered, or falsified, every such Offender, being convicted thereof, shall suffer such Imprisonment not exceeding One Year, and shall pay such Fine not exceeding in Value One thousand Sicca Rupees in the Currency of the Place in which such Offence shall be committed, as the Court shall direct.

Distinction between Grand and Petty Larceny abolished.

LXXVII. And be it enacted, That the Distinction between Grand Larceny and Petty Larceny shall be abolished; and every Larceny, whatever be the Value of the Property stolen, shall be deemed to be of the same Nature, and shall be subject to the same Incidents, in all respects, as Grand Larceny was before the Day of this Act taking effect.

Punishments for Simple Larceny,

LXXVIII. And be it enacted, That every Person convicted of Simple Larceny, or of any Felony hereby made punishable like Simple Larceny, shall, except in the Cases herein-after otherwise provided for, be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for any Term not exceeding Seven Years, or to be imprisoned 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.

Stealing public or private Securities for Money, or Warrants for Goods, shall be Felony, and punishable like stealing Goods.

LXXIX. And be it enacted, That if any Person shall steal any Security whatsoever, entitling or evidencing the Title of any Person or Body Corporate to any Share or Interest in any Public Stock or Fund, whether established by Authority of Parliament or of the said United Company, or of any Foreign State, or in any Stock or Fund of any Body Corporate, Company, or Society, or to any Deposit in any Savings Bank, or shall steal any Debenture, Deed, Bond, Bill, Note, Warrant, Order, or other Security whatsoever for Money or for Payment of Money, whether of the Territories under the Government of the said United Company or of any other of His Majesty's Dominions, or of any Foreign Country or State, or shall steal any Warrant or Order for the Delivery or Transfer of any Goods or valuable Thing, every such Offender shall be deemed guilty of Felony of the same Nature and in the same Degree, and punishable in the same Manner, as if he had stolen any Chattel of like Value with the Share, Interest, or Deposit to which the Security so stolen may relate, or with the Money due on the Security so stolen or secured thereby and remaining unsatisfied, or with the Value of the Goods or other valuable Thing mentioned in the Warrant or Order; and each of the several Documents herein-before enumerated shall, throughout this Act, be deemed for every Purpose to be included under and denoted by the Words "valuable Security."

Rule of Interpretation.

Robbery from the Person;

Stealing from the Person;

LXXX. And be it enacted, That if any Person shall rob any other Person of any Chattel, Money, or valuable Security, every such Offender, being convicted thereof, shall suffer Death as a Felon; and if any Person shall steal any such Property from the Person of another, or shall assault any other Person with Intent to rob him, or shall with Menaces or by Force demand any such Property of any other Person with Intent to steal the same, every such Offender shall

be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life, or for any Term of Years, or to be imprisoned for any Term not exceeding Four 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.

Assaults with Intent to rob, and Demands accompanied with Menaces or Force.

LXXXI. And be it declared and enacted, That if any Person shall accuse or threaten to accuse any other Person of any infamous Crime, as herein-after defined, with a View or Intent to extort or gain from him, and shall, by intimidating him by such Accusation or Threat, extort or gain from him any Chattel, Money, or valuable Security, every such Offender shall be deemed guilty of Robbery, and shall be indicted and punished accordingly.

Obtaining Money, &c. by threatening to accuse a Party of an infamous Crime.

LXXXII. And be it enacted, That if any Person shall knowingly send or deliver any Letter or Writing, demanding of any Person, with Menaces, or without any reasonable or probable Cause, any Chattel, Money, or valuable Security; or if any Person shall accuse or threaten to accuse, or shall knowingly send or deliver any Letter or Writing accusing or threatening to accuse, any Person of any Crime punishable by Law with Death, Transportation, or Pillory, or of any Assault with Intent to commit any Rape, or of any Attempt or Endeavour to commit any Rape, or of any infamous Crime, as herein-after defined, with a View or Intent to extort or gain from such Person any Chattel, Money, or valuable Security, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life, or for any Term of Years, or to be imprisoned for any Term not exceeding Four 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.

Sending Letters threatening to accuse a Party of an infamous Crime for the Purpose of extorting Money, &c.

LXXXIII. And be it enacted, That the abominable Crime of Buggery, committed either with Mankind or with any Animal, and every Assault with Intent to commit the said abominable Crime, and every Attempt or Endeavour to commit the said abominable Crime, and every Solicitation, Persuasion, Promise, or Threat offered or made to any Person, whereby to move or induce such Person to commit or permit the said abominable Crime, shall be deemed to be an infamous Crime within the Meaning of this Act.

What shall be deemed an infamous Crime.

LXXXIV. And be it enacted, That every Person convicted of Burglary shall suffer Death as a Felon; and it is hereby declared, that if any Person shall enter the Dwelling House of another with Intent to commit Felony, or being in such Dwelling House shall commit any Felony, and shall in either Case break out of the said Dwelling House in the Night-time, such Person shall be deemed guilty of Burglary.

Burglary, capital.

LXXXV. And be it enacted, That if any Person shall break and enter any Dwelling House, and steal therein any Chattel, Money, or valuable Security, to any Value whatever, or shall steal any such Property

House-breaking and stealing in a House, when capital.

perty to any Value whatever in any Dwelling House, any Person therein being put in fear, or shall steal in any Dwelling House any Chattel, Money, or valuable Security, to the Value in the whole of Fifty Sicca Rupees or more, every such Offender, being convicted thereof, shall suffer Death as a Felon.

What Buildings only are Part of a House for capital Purposes.

LXXXVI. Provided always, and be it enacted, That no Building, although within the same Curtilage with the Dwelling House, and occupied therewith, shall be deemed to be Part of such Dwelling House for the Purpose of Burglary, or for any of the Purposes aforesaid, unless there shall be a Communication between such Building and Dwelling House, either immediate or by means of a covered and inclosed Passage leading from the one to the other.

Robbery in any Building within the same Curtilage as the House, but not privileged as Part of the House.

LXXXVII. And be it enacted, That if any Person shall break and enter any Building, and steal therein any Chattel, Money, or valuable Security, such Building being within the Curtilage of a Dwelling House, and occupied therewith, but not being Part thereof according to the Provision herein-before mentioned, every such Offender, being convicted thereof, either upon an Indictment for the same Offence, or upon an Indictment for Burglary, Housebreaking, or stealing to the Value of Fifty Sicca Rupees in a Dwelling House, containing a separate Count for such Offence, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life, or for any Term of Years, or to be imprisoned for any Term not exceeding Four 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.

Robbery in a Shop, Warehouse, &c.

LXXXVIII. And be it enacted, That if any Person shall break and enter any Shop, Warehouse, or Counting-house, and steal therein any Chattel, Money, or valuable Security, every such Offender, being convicted thereof, shall be liable to any of the Punishments which the Court may award as herein-before last mentioned.

Stealing Goods from a Vessel in a Port, River, or Canal.

LXXXIX. And be it enacted, That if any Person shall steal any Goods or Merchandize in any Vessel, Barge, or Boat of any Description whatsoever, in any Port of Entry or Discharge, or upon any navigable River or Canal, or in any Creek belonging to or communicating with any such Port or Canal, or shall steal any Goods or Merchandize from any Dock, Wharf, or Quay adjacent to any such Port, River, Canal, or Creek, every such Offender, being convicted thereof, shall be liable to any of the Punishments which the Court may award as herein-before last mentioned.

Plundering the Tackle or Cargo of a wrecked Vessel.

XC. And be it enacted, That if any Person shall plunder or steal any Part of any Ship or Vessel which shall be in Distress, or wrecked, stranded, or cast on Shore, or any Goods, Merchandize, or Articles of any kind belonging to such Ship or Vessel, every such Offender, being convicted thereof, shall suffer Death as a Felon: Provided

Proviso.

always, that when Articles of small Value shall be stranded or cast on Shore, and shall be stolen without Circumstances of Cruelty, Outrage, or

or Violence, it shall be lawful to prosecute and punish the Offender as for Simple Larceny.

Persons in possession of shipwrecked Goods not giving a satisfactory Account.

XCI. And be it enacted, That if any Goods, Merchandize, or Articles of any kind, belonging to any Ship or Vessel in Distress, or wrecked, stranded, or cast on Shore as aforesaid, shall by virtue of a Search Warrant, to be granted as herein-after mentioned, be found in the Possession of any Person, or on the Premises of any Person with his Knowledge, and such Person, being carried before a Justice of the Peace, shall not satisfy the Justice that he came lawfully by the same, then the same shall by Order of the Justice be forthwith delivered over to or for the Use of the rightful Owner thereof; and the Offender, on the Conviction of such Offence before the Justice, shall forfeit and pay, over and above the Value of the Goods, Merchandize, or Articles, such Sum of Money, not exceeding Two hundred Sicca Rupees, as to the Justice shall seem meet.

Shipwrecked Goods offered for Sale may be seized.

XCII. And be it enacted, That if any Person shall offer or expose for Sale any Goods, Merchandize, or Articles whatsoever, which shall have been unlawfully taken, or reasonably suspected so to have been, from any Ship or Vessel in Distress, or wrecked, stranded, or cast on Shore as aforesaid, in every such Case any Person to whom the same shall be offered for Sale, or any Officer of the Customs or Excise, or Peace Officer, may lawfully seize the same, and shall with all convenient Speed carry the same, or give Notice of such Seizure, to some Justice of the Peace; and if the Person who shall have offered or exposed the same for Sale, being duly summoned by such Justice, shall not appear and satisfy the Justice that he came lawfully by such Goods, Merchandize, or Articles, then the same shall by Order of the Justice be forthwith delivered over to or for the Use of the rightful Owner thereof, upon Payment of a reasonable Reward (to be ascertained by the Justice) to the Person who seized the same; and the Offender, on Conviction of such Offence by the Justice, shall forfeit and pay, over and above the Value of the Goods, Merchandize, or Articles, such Sum of Money, not exceeding Two hundred Sicca Rupees, as to the Justice shall seem meet.

Stealing, &c. of Records and other Proceedings of Courts of Justice.

XCIII. And be it enacted, That if any Person shall steal, or shall for any fraudulent Purpose take from its Place of Deposit for the Time being, or from any Person having the lawful Custody thereof, or shall unlawfully and maliciously obliterate, injure, or destroy, any Record, Writ, Return, Panel, Process, Interrogatory, Deposition, Affidavit, Rule, Order, or Warrant of Attorney, or any original Document whatever, of or belonging to any Court of Record, or relating to any Matter, Civil or Criminal, begun, depending, or terminated in any such Court; or any Bill, Answer, Interrogatory, Deposition, Affidavit, Order or Decree, or any original Document whatsoever, of or belonging to any Court of Equity, or relating to any Cause or Matter begun, depending, or terminated in any such Court; every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct for any Term not exceeding Seven Years, or to suffer such other Punishment

by Fine or Imprisonment, or by both, as the Court shall award; and it shall not in any Indictment for such Offence be necessary to allege that the Article in respect of which the Offence is committed is the Property of any Person, or that the same is of any Value.

Stealing or destroying of Wills.

XCIV. And be it enacted, That if any Person shall, either during the Life of the Testator or Testatrix, or after his or her Death, steal, or for any fraudulent Purpose destroy or conceal, any Will, Codicil, or other Testamentary Instrument, whether the same shall relate to Real or Personal Estate, or to both, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable to any of the Punishments which the Court may award as herein-before last mentioned; and it shall not in any Indictment for such Offence be necessary to allege that such Will, Codicil, or other Instrument is the Property of any Person, or that the same is of any Value.

Stealing of Writings relating to any Real Estate.

XCV. And be it enacted, That if any Person shall steal any Paper or Parchment, written or printed, or partly written and partly printed, being Evidence of the Title or of any Part of the Title to any Real Estate, every such Offender shall be deemed guilty of a Misdemeanor, and being convicted thereof, shall be liable to any of the Punishments which the Court may award as herein-before last mentioned; and in any Indictment for such Offence it shall be sufficient to allege the Things stolen to be Evidence of the Title or of Part of the Title of the Person, or of some one of the Persons, having a present Interest, whether legal or equitable, in the Real Estate to which the same relates, and to mention such Real Estate or some Part thereof; and it shall not be necessary to allege the Thing stolen to be of any Value.

Nothing herein as to Wills and Writings shall lessen any Remedy at Law or in Equity which the aggrieved Party now has.

XCVI. Provided always, and be it enacted, That nothing in this Act contained, relating to either of the Misdemeanors aforesaid, nor any Proceeding, Conviction, or Judgment to be had or taken thereupon, shall prevent, lessen, or impeach any Remedy at Law or in Equity which any Party aggrieved by any such Offence might or would have had if this Act had not been passed; but nevertheless the Conviction of any such Offender shall not be received in Evidence in any Action at Law or Suit in Equity against him; and no Person shall be liable to be convicted of either of the Misdemeanors aforesaid, by any Evidence whatever, in respect of any Act done by him, if he shall at any Time previously to his being indicted for such Offence have disclosed such Act on Oath, in consequence of any compulsory Process of any Court of Law or Equity, in any Action, Suit, or Proceeding which shall have been *bonâ fide* instituted by any Party aggrieved.

Stealing Dogs, or Beasts or Birds, kept in Confinement.

XCVII. And be it enacted, That if any Person shall steal any Dog, or shall steal any Beast or Bird, ordinarily kept in a State of Confinement, not being the Subject of Larceny at Common Law, every such Offender, being convicted thereof before a Justice of the Peace, shall for the First Offence forfeit and pay, over and above the Value of the Dog, Beast, or Bird, such Sum of Money, not exceeding Two

hundred Sicca Rupees, as to the Justice shall seem meet; and if any Person so convicted shall afterwards be guilty of any of the said Offences, and shall be convicted thereof in like Manner, every such Offender shall be committed to the Common Gaol or House of Correction, there to be kept to hard Labour for such Term, not exceeding Twelve Calendar Months, as the convicting Justice shall think fit; and if such subsequent Conviction shall take place before Two Justices, they may further order the Offender, if a Male, to be once or twice publicly or privately whipped after the Expiration of Four Days from the Time of such Conviction.

Stealing Fixtures of any kind from Buildings, and Metal Fixtures from Grounds.

XCVIII. And be it enacted, That if any Person shall steal, or rip, cut, or break with Intent to steal, any Glass or Wood Work belonging to any Building whatsoever, or any Lead, Iron, Copper, Brass or other Metal, or any Utensil or Fixture, whether made of Metal or other Material, respectively fixed in or to any Building whatsoever, or any thing made of Metal fixed in any Land being Private Property, or for a Fence to any Dwelling House, Garden, or Area, or in any Square, Street, or other Place dedicated to Public Use or Ornament, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable to be punished in the same Manner as in the Case of Simple Larceny; and in case of any such Thing fixed in any Square, Street, or other like Place, it shall not be necessary to allege the same to be the Property of any Person.

Clerks and Servants stealing from their Masters.

XCIX. And be it enacted, That if any Clerk or Servant shall steal any Chattel, Money, or valuable Security, belonging to or in the Possession or Power of his Master, every such Offender, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct for any Term not exceeding Fourteen Years, or to be imprisoned 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.

Clerks and Servants receiving any Money, &c. on their Master's Account, and embezzling it.

C. And be it enacted, That if any Clerk or Servant, or any Person employed for the Purpose or in the Capacity of a Clerk or Servant, shall by virtue of such Employment receive or take into his Possession any Chattel, Money, or valuable Security, for or in the Name or on the Account of his Master, and shall fraudulently embezzle the same or any Part thereof, every such Offender shall be deemed to have feloniously stolen the same from his Master, although such Chattel, Money, or Security was not received into the Possession of such Master otherwise than by the actual Possession of his Clerk, Servant, or other Person so employed; and every such Offender, being convicted thereof, shall be liable, at the Discretion of the Court, to any of the Punishments which the Court may award as herein-before last mentioned.

Distinct Acts of Embezzlement may be charged in the same Indictment.

CI. And be it enacted, That it shall be lawful to charge in One Indictment, and proceed under the same against the Offender for any Number of distinct Acts of Embezzlement not exceeding Three, which may have been committed by him against the same Master within the

the Space of Twelve Calendar Months from the first to the last of such Acts; and in every such Indictment, except where the Offence shall relate to any Chattel, it shall be sufficient to allege the Embezzlement to be of Money, without specifying any particular Coin or valuable Security; and such Allegation, so far as regards the Description of the Property, shall be sustained, if the Offender shall be proved to have embezzled any Amount, although the particular Species of Coin or valuable Security of which such Amount was composed shall not be proved, or if he shall be proved to have embezzled any Piece of Coin or valuable Security, or any Portion of the Value thereof, although such Piece of Coin or valuable Security may have been delivered to him in order that some Part of the Value thereof should be returned to the Party delivering the same, and such Part shall have been returned accordingly.

As to Allegation and Proof of the Property embezzled.

Agents embezzling Money entrusted to them for a special Purpose;

CII. And be it enacted, That if any Money, or Security for the Payment of Money, shall be entrusted to any Banker, Merchant, Broker, Attorney, or other Agent, with any Direction in Writing to apply such Money or any Part thereof, or the Proceeds or any Part of the Proceeds of such Security, for any Purpose specified in such Direction, and he shall, in violation of good Faith, and contrary to the Purpose so specified, in anywise convert to his own Use or Benefit such Money, Security, or Proceeds, or any Part thereof respectively, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place beyond the Seas as the Court shall direct, for any Term not exceeding Fourteen Years, or to suffer such other Punishment by Fine or Imprisonment, or by both, as the Court shall award; and if any Chattel or valuable Security, or any Power of Attorney for the Sale or Transfer of any Share or Interest in any Public Stock or Fund established by Authority of Parliament or of the said United Company, or of any Foreign State, or in any Stock or Fund of any Body Corporate, Company, or Society, shall be entrusted to any Banker, Merchant, Broker, Attorney, or other Agent, for safe Custody, or for any special Purpose, without any Authority to sell, negociate, transfer, or pledge, and he shall, in violation of good Faith, and contrary to the Object or Purpose for which such Chattel, Security, or Power of Attorney shall have been entrusted to him, sell, negociate, transfer, pledge, or in any Manner convert to his own Use or Benefit, such Chattel or Security, or the Proceeds of the same, or any Part thereof, or the Share or Interest in the Stock or Fund to which such Power of Attorney shall relate, or any Part thereof, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to any of the Punishments which the Court may award as herein-before last mentioned.

or Goods or valuable Securities.

Not to affect Trustees or Mortgagees;

CIII. Provided always, and be it enacted, That nothing herein-before contained relating to Agents shall affect any Trustee in or under any Instrument whatever, or any Mortgagee of any Property Real or Personal, in respect of any Act done by such Trustee or Mortgagee in relation to the Property comprised in or affected by any such Trust or Mortgage; nor shall restrain any Banker, Merchant, Broker, Attorney, or

or other Agent, from receiving any Money which shall be or become actually due and payable upon or by virtue of any valuable Security according to the Tenor and Effect thereof, in such Manner as he might have done if this Act had not been passed; nor from selling, transferring, or otherwise disposing of any Securities or Effects in his Possession upon which he shall have any Lien, Claim, or Demand entitling him by Law so to do, unless such Sale, Transfer, or other Disposal shall extend to a greater Number or Part of such Securities or Effects than shall be requisite for satisfying such Lien, Claim, or Demand.

nor to restrain Bankers, &c. from receiving Money due on Securities; nor from disposing of Securities on which they have a Lien.

CIV. And be it enacted, That if any Factor or Agent entrusted for the Purpose of Sale with any Goods or Merchandize, or entrusted with any Bill of Lading, Warehousekeeper's or Wharfinger's Certificate or Warrant or Order for Delivery of Goods or Merchandize, shall, for his own Benefit, and in violation of good Faith, deposit or pledge any such Goods or Merchandize, or any of the said Documents, as a Security for any Money or negotiable Instrument borrowed or received by such Factor or Agent at or before the Time of making such Deposit or Pledge, or intended to be thereafter borrowed or received, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct for any Term not exceeding Fourteen Years, or to suffer such other Punishment by Fine or Imprisonment, or by both, as the Court shall award; but no such Factor or Agent shall be liable to any Prosecution for depositing or pledging any such Goods or Merchandize, or any of the said Documents, in case the same shall not be made a Security for or subject to the Payment of any greater Sum of Money than the Amount which at the Time of such Deposit or Pledge was justly due and owing to such Factor or Agent from his Principal, together with the Amount of any Bill or Bills of Exchange drawn by or on account of such Principal, and accepted by such Factor or Agent.

Factors pledging for their own Use Goods, or Documents relating to Goods entrusted to them for the Purpose of Sale.

Not to extend to Cases where the Pledge does not exceed the Amount of the Lien.

CV. Provided always, and be it enacted, That nothing in this Act contained, nor any Proceeding, Conviction, or Judgment to be had or taken thereupon, against any Banker, Merchant, Broker, Factor, Attorney, or other Agent as aforesaid, shall prevent, lessen, or impeach any Remedy at Law or in Equity, which any Party aggrieved by any such Offence might or would have had if this Act had not been passed; but nevertheless the Conviction of any such Offender shall not be received in Evidence in any Action at Law or Suit in Equity against him; and no Banker, Merchant, Broker, Factor, Attorney, or other Agent as aforesaid, shall be liable to be convicted by any Evidence whatever, as an Offender against this Act, in respect of any Act done by him, if he shall at any Time previously to his being indicted for such Offence have disclosed such Act on Oath, in consequence of any compulsory Process of any Court of Law or Equity, in any Action, Suit, or Proceeding which shall have been *bonâ fide* instituted by any Party aggrieved.

Nothing herein, as to Agents, &c. to lessen any Remedy which the aggrieved Party now has.

CVI. And

Obtaining Money, &c. by false Pretences, a Misdemeanor.

CVI. And be it enacted, That if any Person shall by any false Pretence obtain from any other Person any Chattel, Money, or valuable Security, with Intent to cheat or defraud any Person of the same, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for any Term not exceeding Seven Years, or to suffer such other Punishment by Fine or Imprisonment, or by both, as the Court shall award: Provided always, that if upon the Trial of any Person indicted for a Misdemeanor it shall appear that he obtained the Property in any Manner amounting to Larceny, he shall not by reason thereof be entitled to be acquitted of such Misdemeanor, if the Offence be in any other respects substantially proved; and no Person tried for such Misdemeanor shall be liable to be afterwards prosecuted for Larceny upon the same Facts.

No Acquittal on the Ground that the Case proved amounts to Larceny.

Where the original Offence is Felony, the Receivers of stolen Property may be tried, either as Accessories after the Fact, or as substantive Felons.

CVII. And be it enacted, That if any Person shall receive any Chattel, Money, valuable Security, or other Property whatsoever, the stealing, taking, or obtaining whereof shall amount to a Felony, either at Common Law or by virtue of this Act, such Person knowing the same to have been feloniously stolen, taken, or obtained, every such Receiver shall be guilty of Felony, and may be indicted and convicted either as an Accessory after the Fact, or as for a substantive Felony, whether in the latter Case the principal Felon shall or shall not have been previously convicted, or shall or shall not be amenable to Justice; and every such Receiver, howsoever convicted, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct for any Term not exceeding Fourteen Years, or to be imprisoned 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: Provided always, that no Person, howsoever tried for receiving as aforesaid, shall be liable to be prosecuted a Second Time for the same Offence.

Where the original Offence is Misdemeanor, Receivers may be prosecuted for a Misdemeanor, whether the Principal be convicted or not.

CVIII. And be it enacted, That if any Person shall receive any Chattel, Money, valuable Security, or other Property whatsoever, the stealing, taking, obtaining, or converting whereof is made an indictable Misdemeanor by this Act, such Person knowing the same to have been unlawfully stolen, taken, obtained, or converted, every such Receiver shall be guilty of a Misdemeanor, and may be indicted and convicted thereof, whether the Person guilty of the principal Misdemeanor shall or shall not have been previously convicted thereof, or shall or shall not be amenable to Justice; and every such Receiver shall, on Conviction, be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for any Term not exceeding Seven Years, or to be imprisoned 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.

All Receivers may be tried where the

CIX. And be it enacted, That if any Person shall receive any Chattel, Money, valuable Security, or other Property whatsoever, knowing the same

same to have been feloniously or unlawfully stolen, taken, obtained, or converted, every such Person, whether charged as an Accessory after the Fact to the Felony, or with a substantive Felony, or with a Misdemeanor only, may be dealt with, indicted, tried, and punished in any Place in which he shall have or shall have had any such Property in his Possession, or in any Place in which the Party guilty of the principal Felony or Misdemeanor may by Law be tried, in the same Manner as such Receiver may be dealt with, indicted, tried, and punished for receiving such Property in the Place where he actually received the same.

Principal is triable, or where the Property is found in their Possession, as well as where the receiving takes place.

CX. And be it enacted, That if any Person guilty of any Felony or Misdemeanor as aforesaid, in stealing, taking, obtaining, or converting, or in knowingly receiving, any Chattel, Money, valuable Security, or other Property whatsoever, shall be indicted for any such Offence by the Owner of the Property, or by his Executor or Administrator, and convicted thereof, in such Case the Property shall be restored to the Owner or his Representative; and the Court before whom any such Person shall be so convicted shall have Power to award from Time to Time Writs of Restitution for the said Property, or to order the Restitution thereof in a summary Manner: Provided always, that if it shall appear, before any Award or Order made, that any valuable Security shall have been *bonâ fide* paid or discharged by some Person or Body Corporate liable to the Payment thereof, or being a negotiable Instrument, shall have been *bonâ fide* taken or received by Transfer or Delivery by some Person or Body Corporate for a just and valuable Consideration, without any Notice, or without any reasonable Cause to suspect, that the same had by any Felony or Misdemeanor been stolen, taken, obtained, or converted as aforesaid, in such Case the Court shall not award or order the Restitution of such Security.

The Owner of stolen Property, prosecuting Thief or Receiver to Conviction, shall have Restitution of his Property.

Exception.

CXI. And be it enacted, That if any Person shall corruptly take any Money or Reward, directly or indirectly, under pretence or on account of helping any Person to any Chattel, Money, valuable Security, or other Property whatsoever, which shall by any Felony or Misdemeanor have been stolen, taken, obtained, or converted as aforesaid, every such Person so taking Money or Reward (unless he shall cause the Offender guilty of the principal Felony or Misdemeanor to be apprehended and brought to Trial for the same) shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life, or for any Term of Years, or to be imprisoned for any Term not exceeding Four 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.

Taking a Reward for helping to the Recovery of stolen Property, without bringing the Offender to Trial.

CXII. And be it enacted, That if any Person shall publicly advertise a Reward for the Return of any Property whatsoever which shall have been stolen or lost, and shall in such Advertisement use any Words purporting that no Questions will be asked, or shall make use of any Words in any public Advertisement purporting that a Reward will be given or paid for any Property which shall have been stolen or lost, without

Advertising a Reward for the Return of stolen Property, &c.

without seizing or making any Inquiry after the Person producing such Property, or shall promise or offer in any such public Advertisement to return to any Pawnbroker or other Person who may have bought or advanced Money by way of Loan upon any Property stolen or lost, the Money so paid or advanced, or any other Sum of Money or Reward for the Return of such Property, or if any Person shall print or publish any such Advertisement, in any of the above Cases every such Person shall forfeit the Sum of Five hundred Sicca Rupees for every such Offence, to any Person who will sue for the same by Action of Debt, to be recovered with full Costs of Suit.

Receivers of Property where the original Offence is punishable summarily, shall be punishable as original Offenders.

CXIII. And be it enacted, That where the stealing or taking of any Property whatsoever is by this Act punishable on summary Conviction, either for every Offence, or for the First and Second Offence only, or for the First Offence only, any Person who shall receive any such Property, knowing the same to be unlawfully come by, shall, on Conviction thereof before a Justice of the Peace, be liable, for every First, Second, or subsequent Offence of receiving, to the same Forfeiture and Punishment to which a Person guilty of a First, Second, or subsequent Offence of stealing or taking such Property is by this Act made liable.

Setting fire to any Church or Chapel, or to any House, &c. used for Trade, whether in the Possession of the Offender or not.

CXIV. And be it enacted, That if any Person shall unlawfully and maliciously set fire to any Church or Chapel, or other public Place of Religious Worship whatsoever, or shall unlawfully and maliciously set fire to any House, Stable, Coach-house, Outhouse, Warehouse, Office, Shop, Mill, Barn, or Granary, or to any Building or Erection used in carrying on any Trade or Manufacture, or any Branch thereof, whether the same or any of them respectively shall then be in the Possession of the Offender, or in the Possession of any other Person, with Intent thereby to injure or defraud any Person, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon.

Destroying Silk or other Goods in the Loom, &c. or any Machinery belonging to those Manufactures, or breaking into any Building with Intent to destroy the same.

CXV. And be it enacted, That if any Person shall unlawfully and maliciously destroy, or damage with Intent to destroy or to render useless, any Goods or Articles in any Stage, Process, or Progress of Manufacture; or shall unlawfully and maliciously cut, break, or destroy, or damage with Intent to destroy or to render useless, any Loom, Frame, Machine, Engine, Rack, Tackle, or Implement, whether fixed or moveable, prepared for or employed in manufacturing or preparing any such Goods or Articles; or shall by Force enter into any House, Shop, Building, or Place, with Intent to commit any of the Offences aforesaid; every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life, or for any Term of Years, or to be imprisoned for any Term not exceeding Four 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.

Rioters demolishing, &c. any

CXVI. And be it enacted, That if any Persons, riotously and tumultuously assembled together to the Disturbance of the Public Peace,

Peace, shall unlawfully and with Force demolish, pull down, or destroy, or begin to demolish, pull down, or destroy, any Church or Chapel, or other public Place of Religious Worship whatsoever, or any House, Stable, Coach-house, Outhouse, Warehouse, Office, Shop, Mill, Barn, or Granary, or any Building or Erection used in carrying on any Trade or Manufacture, or any Branch thereof, or any Machinery, whether fixed or moveable, prepared for or employed in any Manufacture or in any Branch thereof, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon.

Church, Chapel, or Building used for Trade, or Machinery in any Manufactory.

CXVII. And be it enacted, That if any Person shall unlawfully and maliciously set fire to or in anywise destroy any Ship or Vessel, whether the same be complete or in an unfinished State, or shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any Ship or Vessel, or shall unlawfully and maliciously set fire to any Goods being on board any Ship or Vessel as Cargo, with Intent to burn or destroy such Cargo or Ship, and with Intent thereby to prejudice any Owner or Part Owner of such Ship or Vessel, or any Owner or Part Owner of any Goods on board the same, or any Person that hath underwritten or shall underwrite any Policy of Insurance upon such Ship or Vessel, or on the Freight thereof, or upon any Goods on board the same, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon.

Setting fire to or destroying any Ship.

CXVIII. And be it enacted, That if any Person shall unlawfully and maliciously damage, otherwise than by Fire, any Ship or Vessel, whether complete or in an unfinished State, with Intent to destroy the same, or to render the same useless, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct for any Term not exceeding Seven Years, or to be imprisoned 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.

Damaging any Ship otherwise than by Fire.

CXIX. And be it enacted, That if any Person shall exhibit any false Light or Signal, with Intent to bring any Ship or Vessel into Danger, or shall unlawfully and maliciously do any thing tending to the immediate Loss or Destruction of any Ship or Vessel in Distress, or destroy any Part of any Ship or Vessel which shall be in Distress, or wrecked, stranded, or cast on Shore, or any Goods, Merchandize, or Articles of any kind belonging to such Ship or Vessel, or shall by Force prevent or impede any Person endeavouring to save his Life from such Ship or Vessel (whether he shall be on board or shall have quitted the same), every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon.

Doing any Act tending to the immediate Loss of a Ship in Distress, or destroying the Goods or any Part of such Ship.

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CXX. And be it enacted, That if any Person shall unlawfully and maliciously break down or cut down any Sea Bank or Sea Wall, or the Bank or Wall of any River, Canal, or Marsh, whereby any Lands shall be overflowed or damaged, or shall be in danger of being so, or shall unlawfully and maliciously throw down, level, or otherwise destroy any Lock, Sluice, Floodgate, or other Work on any navigable River

Destroying any Sea Bank, or the Bank of any River or Canal, or any Lock, Floodgate, &c.

River or Canal, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life, or for any Term of Years, or to be imprisoned for any Term not exceeding Four 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; and if any Person shall unlawfully and maliciously cut off, draw up, or remove any Piles, Chalk, or other Materials fixed in the Ground, and used for securing any Sea Bank or Sea Wall, or the Bank or Wall of any River, Canal, or Marsh, or shall unlawfully and maliciously open or draw up any Floodgate, or do any other Injury or Mischief to any navigable River or Canal, with Intent and so as thereby to obstruct or prevent the carrying on, completing, or maintaining the Navigation thereof, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct for any Term not exceeding Seven Years, or to be imprisoned 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.

Cutting or removing the Piles, &c. of any Sea Bank, or Bank of a River or Canal, or doing any Damage with Intent to obstruct any such Navigation,

Breaking down the Dam of a Fishery.

CXXI. And be it enacted, That if any Person shall unlawfully and maliciously break down or otherwise destroy the Dam of any Fish-pond, or of any Water which shall be private Property, or in which there shall be any private Right of Fishery, with Intent thereby to take or destroy any of the Fish in such Pond or Water, or so as thereby to cause the Loss or Destruction of any of the Fish, or shall unlawfully and maliciously put any Lime or other noxious Material in any such Pond or Water, with Intent thereby to destroy any of the Fish therein, every such Offender, being convicted thereof before a Justice of the Peace, shall forfeit and pay, over and above the Amount of the Injury done, such Sum of Money, not exceeding Fifty Sicca Rupees, as to the Justice shall seem meet.

Killing or maiming Cattle.

CXXII. And be it enacted, That if any Person shall unlawfully and maliciously kill, maim, or wound any Cattle or Beast of Burthen, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct, for Life, or for any Term of Years, or to be imprisoned for any Term not exceeding Four 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.

Setting fire to Crops or Stacks of Corn, Grain, &c. or to any Plantation, &c.

CXXIII. And be it enacted, That if any Person shall unlawfully and maliciously set fire to any Stack of Rice, Corn, or other Grain, Pulse, Sugar Cane, Straw, Hay, or Wood, or to any Crop of Rice, Corn, or other Grain, or Pulse, or Sugar Cane, whether standing or cut down, or to any Part of a Wood, Coppice, or Plantation of Trees or valuable Plants, or to any Grass, Fern, or other like Ground Produce, whereso-ever the same may be growing, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported to such Place as the Court shall direct

for any Term not exceeding Seven Years, or to be imprisoned 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.

Malice against the Owner of the Property not essential to the Offence.

CXXIV. And be it enacted, That every Punishment and Forfeiture by this Act imposed on any Person maliciously committing any Offence, whether the same be punishable upon Indictment or upon summary Conviction, shall equally apply and be enforced, whether the Offence shall be committed from Malice conceived against the Owner of the Property in respect of which it shall be committed, or otherwise.

All Acts, &c. repealed by 7 & 8 G. 4. c. 27. and 9 G. 4. c. 31. as to England, shall be repealed in like Manner within the Jurisdiction of the Courts of Justice in India.

CXXV. And be it enacted, That all Acts and Parts of Acts which by an Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, intituled *An Act for repealing various Statutes in* England *relative to Benefit of Clergy, and to Larceny and other Offences connected therewith, and to malicious Injuries to Property, and to Remedies against the Hundred;* or by an Act passed in the present Session of Parliament, intituled *An Act for consolidating and amending the Statutes in* England *relative to Offences against the Person;* are, as to that Part of the United Kingdom called *England*, and as to Offences committed within the Jurisdiction of the Admiralty of *England*, repealed, except as therein mentioned, shall, from and after the said First Day of *March* One thousand eight hundred and twenty-nine, as to all Persons, Matters, and Things over whom or which the Jurisdiction of any of His Majesty's Courts of Justice erected within the *British* Dominions under the Government of the said United Company extends, 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 and other Matters committed or done before or upon the Day of this Act taking effect, which shall be dealt with and punished as if this Act had not been passed.

39 & 40 G. 3. c. 79.

53 G. 3. c. 155.

CXXVI. And be it enacted, That so much of an Act passed in the Thirty-ninth and Fortieth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for establishing further Regulations for the Government of the* British *Territories in* India, *and the better Administration of Justice within the same*, as relates to the Transportation of Offenders; and so much of an Act passed in the Fifty-third Year of the same Reign, intituled *An Act for continuing in the* East India *Company for a further Term the Possession of the* British *Territories in* India, *together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company's Charter*, as relates to the stealing or taking by Robbery of Securities for Payment of Money, to the falsely making, forging, counterfeiting, or altering, or to uttering, publishing, selling, offering, disposing of or putting away, knowing the same to be false, forged, or counterfeited, any Writings, Licences, Certificates, or attested Copies thereof, or to counterfeiting Coin, or to uttering, tendering in Payment, selling, giving in Exchange, paying, putting off, or having in

in Possession, forged or counterfeit Coin; and so much of an Act passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the* East India *Company, and to authorize Soldiers and Sailors in the* East Indies *to send and receive Letters at a reduced Rate of Postage*, as requires that the Oaths to be taken by Members of General or other Courts Martial, or Courts of Requests composed of Military Officers, shall be taken upon the Holy Evangelists; shall, from and after the Day of this Act taking effect, in like Manner and with the like Exceptions, be and the same is hereby repealed.

and 4 G. 4. c. 81. in part repealed.

CXXVII. And be it enacted, That all Persons, whether *British* Subjects or others, employed by or in the Service of His Majesty, shall be held subject and amenable to the Criminal Jurisdiction of His Majesty's Courts of Justice, erected or to be erected within the *British* Territories under the Government of the said *India* Company, for all Crimes and Offences to be by them committed on or from and after the First Day of *March* One thousand eight hundred and twenty-nine, in the same Manner as Persons employed by or in the Service of the said United Company are now by Law subject and amenable to the said Jurisdiction.

All Persons employed by His Majesty shall be amenable to Courts in India, as Persons employed by the Company are.

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