

ANNO VICESIMO QUARTO & VICESIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. XCVI.

An Act to consolidate and amend the Statute Law of *England* and *Ireland* relating to Larceny and other similar Offences. [6th *August* 1861.]

WHEREAS it is expedient to consolidate and amend the Statute Law of *England* and *Ireland* relating to Larceny and other similar Offences: Be it enacted by the Queen'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, as follows:

Interpretation of Terms: "Document of Title to Goods:"

1. In the Interpretation of this Act:

The Term "Document of Title to Goods" shall include any Bill of Lading, *India* Warrant, Dock Warrant, Warehouse Keeper's Certificate, Warrant or Order for the Delivery or Transfer of any Goods or valuable Thing, Bought and Sold Note, or any other Document used in the ordinary Course of Business as Proof of the Possession or Control of Goods, or authorizing or purporting to authorize, either by Indorsement or by Delivery, the Possessor of such Document to transfer or receive any Goods thereby represented or therein mentioned or referred to:

The

"Document of Title to Lands:" The Term "Document of Title to Lands" shall include any Deed, Map, Paper, or Parchment, written or printed, or partly written and partly printed, being or containing Evidence of the Title, or any Part of the Title, to any Real Estate, or to any Interest in or out of any Real Estate:

"Trustee:" The Term "Trustee" shall mean a Trustee on some express Trust created by some Deed, Will, or Instrument in Writing, and shall include the Heir, or personal Representative, of any such Trustee, and any other Person upon or to whom the Duty of such Trust shall have devolved or come, and also an Executor and Administrator, and an Official Manager, Assignee, Liquidator, or other like Officer acting under any present or future Act relating to Joint Stock Companies, Bankruptcy, or Insolvency:

"Valuable Security:" The Term "valuable Security" shall include any Order, Exchequer Acquittance, or other 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 of the United Kingdom, or of *Great Britain* or of *Ireland*, or of any Foreign State, or in any Fund of any Body Corporate, Company, or Society, whether within the United Kingdom or in any Foreign State or Country, or to any Deposit in any Bank, and shall also include any Debenture, Deed, Bond, Bill, Note, Warrant, Order, or other Security whatsoever for Money or for Payment of Money, whether of the United Kingdom, or of *Great Britain*, or of *Ireland*, or of any Foreign State, and any Document of Title to Lands or Goods as herein-before defined:

"Property:" The Term "Property" shall include every Description of Real and Personal Property, Money, Debts, and Legacies, and all Deeds and Instruments relating to or evidencing the Title or Right to any Property, or giving a Right to recover or receive any Money or Goods, and shall also include, not only such Property as shall have been originally in the Possession or under the Control of any Party, but also any Property into or for which the same may have been converted or exchanged, and any Thing acquired by such Conversion or Exchange, whether immediately or otherwise:

"Night." For the Purposes of this Act, the Night shall be deemed to commence at Nine of the Clock in the Evening of each Day, and to conclude at Six of the Clock in the Morning of the next succeeding Day.

All Larcenies to be of the same Nature.

2. 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 Twenty-first Day of *June* One thousand eight hundred and twenty-seven; and every

every Court whose Power as to the Trial of Larceny was before that Time limited to Petty Larceny shall have Power to try every Case of Larceny, the Punishment of which cannot exceed the Punishment herein-after mentioned for Simple Larceny, and also to try all Accessories to such Larceny.

Bailees fraudulently converting Property guilty of Larceny.

3. Whosoever, being a Bailee of any Chattel, Money, or valuable Security, shall fraudulently take or convert the same to his own Use or the Use of any Person other than the Owner thereof, although he shall not break Bulk or otherwise determine the Bailment, shall be guilty of Larceny, and may be convicted thereof upon an Indictment for Larceny; but this Section shall not extend to any Offence punishable on summary Conviction.

Punishment for Simple Larceny.

4. Whosoever shall be 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 kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping.

Three Larcenies within Six Months may be charged in One Indictment.

5. It shall be lawful to insert several Counts in the same Indictment against the same Person for any Number of distinct Acts of Stealing, not exceeding Three, which may have been committed by him against the same Person within the Space of Six Months from the first to the last of such Acts, and to proceed thereon for all or any of them.

Where a single Taking is charged, and several Takings at different Times are proved.

6. If upon the Trial of any Indictment for Larceny it shall appear that the Property alleged in such Indictment to have been stolen at One Time was taken at different Times, the Prosecutor shall not by reason thereof be required to elect upon which Taking he will proceed, unless it shall appear that there were more than Three Takings, or that more than the Space of Six Months elapsed between the first and the last of such Takings; and in either of such last-mentioned Cases the Prosecutor shall be required to elect to proceed for such Number of Takings, not exceeding Three, as appear to have taken place within the Period of Six Months from the first to the last of such Takings.

Larceny, after a Conviction for Felony.

7. Whosoever shall commit the Offence of Simple Larceny after a previous Conviction for Felony, whether such Conviction shall have taken place upon an Indictment, or under the Provisions of

of the Act passed in the Session held in the Eighteenth and Nineteenth Years of Queen *Victoria*, Chapter One hundred and twenty-six, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Ten Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping.

Larceny after Conviction of an indictable Misdemeanor under this Act.

8. Whosoever shall commit the Offence of Simple Larceny, or any Offence hereby made punishable like Simple Larceny, after having been previously convicted of any indictable Misdemeanor punishable under this Act, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping.

Larceny, after Two Summary Convictions.

9. Whosoever shall commit the Offence of Simple Larceny, or any Offence hereby made punishable like Simple Larceny, after having been twice summarily convicted of any of the Offences punishable upon Summary Conviction, under the Provisions contained in the Act of the Session held in the Seventh and Eighth Years of King *George* the Fourth, Chapter Twenty-nine, or the Act of the same Session, Chapter Thirty, or the Act of the Ninth Year of King *George* the Fourth, Chapter Fifty-five, or the Act of the same Year, Chapter Fifty-six, or the Act of the Session held in the Tenth and Eleventh Years of Queen *Victoria*, Chapter Eighty-two, or the Act of the Session held in the Eleventh and Twelfth Years of Queen *Victoria*, Chapter Fifty-nine, or in Sections Three, Four, Five, and Six of the Act of the Session held in the Fourteenth and Fifteenth Years of Queen *Victoria*, Chapter Ninety-two, or in this Act, or the Act of this Session, intituled *An Act to consolidate and amend the Statute Law of* England *and* Ireland *relating to malicious Injuries to Property*, (whether each of the Convictions shall have been in respect of an Offence of the same Description or not, and whether such Convictions or either of them shall have been or shall be before or after the passing of this Act,) shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping.

7 & 8 G. 4. cc. 29. 30.
9 G. 4. cc. 55. 56.
10 & 11 Vict. c. 82.
11 & 12 Vict. c. 59.
14 & 15 Vict. c. 92.
24 & 25 Vict. c. 97.

As

As to Larceny of Cattle or other Animals:

Stealing Horses, Cows, Sheep, &c.

10. Whosoever shall steal any Horse, Mare, Gelding, Colt, or Filly, or any Bull, Cow, Ox, Heifer, or Calf, or any Ram, Ewe, Sheep, or Lamb, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Killing Animals with Intent to steal the Carcase, &c.

11. Whosoever shall wilfully kill any Animal, with Intent to steal the Carcase, Skin, or any Part of the Animal so killed, shall be guilty of Felony, and being convicted thereof shall be liable to the same Punishment as if he had been convicted of feloniously stealing the same, provided the Offence of stealing the Animal so killed would have amounted to Felony.

Stealing Deer in an uninclosed Part of a Forest.

Second Offence.

12. Whosoever shall unlawfully and wilfully course, hunt, snare, or carry away, or kill or wound, or attempt to kill or wound, any Deer kept or being in the uninclosed Part of any Forest, Chase, or Purlieu, shall for every such Offence, on Conviction thereof before a Justice of the Peace, forfeit and pay such Sum, not exceeding Fifty Pounds, as to the Justice shall seem meet; and whosoever having been previously convicted of any Offence relating to Deer, for which a pecuniary Penalty shall have been imposed by this or by any former Act of Parliament, shall afterwards commit any of the Offences herein-before enumerated, whether such Second Offence be of the same Description as the first or not, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping.

Stealing Deer in any inclosed Ground.

13. Whosoever shall unlawfully and wilfully course, hunt, snare, or carry away, or kill or wound, or attempt to kill or wound, any Deer kept or being in the inclosed Part of any Forest, Chase, or Purlieu, or in any inclosed Land where Deer shall be usually kept, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping.

Suspected Persons found in possession of

14. If any Deer, or the Head, Skin, or other Part thereof, or any Snare or Engine for the taking of Deer, shall be found in the Possession

Venison, &c., and not satisfactorily accounting for it.

Possession of any Person or on the Premises of any Person with his Knowledge, and such Person, being taken, or summoned before a Justice of the Peace, shall not satisfy the Justice that he came lawfully by such Deer, or the Head, Skin, or other Part thereof, or had a lawful Occasion for such Snare or Engine, and did not keep the same for any unlawful Purpose, he shall, on Conviction by the Justice, forfeit and pay any Sum not exceeding Twenty Pounds; and if any such Person shall not under the said Provisions be liable to Conviction, then, for the Discovery of the Party who actually killed or stole such Deer, the Justice, at his Discretion, as the Evidence given and the Circumstances of the Case shall require, may summon before him every Person through whose Hands such Deer, or the Head, Skin, or other Part thereof, shall appear to have passed; and if the Person from whom the same shall have been first received, or who shall have had Possession thereof, shall not satisfy the Justice that he came lawfully by the same, he shall, on Conviction by the Justice, be liable to the Payment of such Sum of Money as is hereinbefore last mentioned.

Penalty.

In case they cannot be convicted, how the Justice may proceed.

Setting Engines for taking Deer or pulling down Park Fences.

15. Whosoever shall unlawfully and wilfully set or use any Snare or Engine whatsoever, for the Purpose of taking or killing Deer, in any Part of any Forest, Chase, or Purlieu, whether such Part be inclosed or not, or in any Fence or Bank dividing the same from any Land adjoining, or in any inclosed Land where Deer shall be usually kept, or shall unlawfully and wilfully destroy any Part of the Fence of any Land where any Deer shall be then kept, shall, on Conviction thereof before a Justice of the Peace, forfeit and pay such Sum of Money, not exceeding Twenty Pounds, as to the Justice shall seem meet.

Deer Keepers, &c. may seize the Guns, &c. of Offenders who, on Demand, do not deliver up the same.

16. If any Person shall enter into any Forest, Chase, or Purlieu, whether inclosed or not, or into any inclosed Land where Deer shall be usually kept, with Intent unlawfully to hunt, course, wound, kill, snare, or carry away any Deer, every Person intrusted with the Care of such Deer, and any of his Assistants, whether in his Presence or not, may demand from every such Offender any Gun, Fire-arms, Snare, or Engine in his Possession, and any Dog there brought for hunting, coursing, or killing Deer, and in case such Offender shall not immediately deliver up the same, may seize and take the same from him in any of those respective Places, or, upon Pursuit made, in any other Place to which he may have escaped therefrom, for the Use of the Owner of the Deer; and if any such Offender shall unlawfully beat or wound any Person intrusted with the Care of the Deer, or any of his Assistants, in the Execution of any of the Powers given by this Act, every such Offender shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion

Penalty on Resistance to Keepers, &c. in the Execution of their Duty.

Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping.

Killing, &c. Hares or Rabbits in a Warren in the Night Time.

17. Whosoever shall unlawfully and wilfully, between the Expiration of the First Hour after Sunset and the Beginning of the last Hour before Sunrise, take or kill any Hare or Rabbit in any Warren or Ground lawfully used for the breeding or keeping of Hares or Rabbits, whether the same be inclosed or not, shall be guilty of a Misdemeanor; and whosoever shall unlawfully and wilfully, between the Beginning of the last Hour before Sunrise and the Expiration of the First Hour after Sunset, take or kill any Hare or Rabbit in any such Warren or Ground, or shall at any Time set or use therein any Snare or Engine for the taking of Hares or Rabbits, shall, on Conviction thereof before a Justice of the Peace, forfeit and pay such Sum of Money, not exceeding Five Pounds, as to the Justice shall seem meet; provided that nothing in this Section contained shall affect any Person taking or killing in the Daytime any Rabbits on any Sea Bank or River Bank in the County of *Lincoln*, so far as the Tide shall extend, or within One Furlong of such Bank.

The like in the Daytime.

Exception.

Stealing Dogs.

18. Whosoever shall steal any Dog shall, on Conviction thereof before Two Justices of the Peace, either be committed to the Common Gaol or House of Correction, there to be imprisoned, or to be imprisoned and kept to Hard Labour, for any Term not exceeding Six Months, or shall forfeit and pay, over and above the Value of the said Dog, such Sum of Money, not exceeding Twenty Pounds, as to the said Justices shall seem meet; and whosoever, having been convicted of any such Offence, either against this or any former Act of Parliament, shall afterwards steal any Dog, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Eighteen Months, with or without Hard Labour.

Second Offence.

Possession of stolen Dogs.

19. Whosoever shall unlawfully have in his Possession or on his Premises any stolen Dog, or the Skin of any stolen Dog, knowing such Dog to have been stolen or such Skin to be the Skin of a stolen Dog, shall, on Conviction thereof before Two Justices of the Peace, be liable to pay such Sum of Money, not exceeding Twenty Pounds, as to such Justices shall seem meet; and whosoever, having been convicted of any such Offence, either against this or any former Act of Parliament, shall afterwards be guilty of any such Offence as in this Section before mentioned, shall be guilty of a Mis-

Second Offence.

Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Eighteen Months, with or without Hard Labour.

Taking Money to restore Dogs.

20. Whosoever shall corruptly take any Money or Reward, directly or indirectly, under Pretence or upon account of aiding any Person to recover any Dog which shall have been stolen, or which shall be in the Possession of any Person not being the Owner thereof, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Eighteen Months, with or without Hard Labour.

Stealing Beasts or Birds ordinarily kept in Confinement, and not the Subjects of Larceny.

21. Whosoever shall steal any Bird, Beast, or other Animal ordinarily kept in a State of Confinement or for any domestic Purpose, not being the Subject of Larceny at Common Law, or shall wilfully kill any such Bird, Beast, or Animal, with Intent to steal the same or any Part thereof, shall, on Conviction thereof before a Justice of the Peace, at the Discretion of the Justice, either be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to Hard Labour for any Term not exceeding Six Months, or else shall forfeit and pay, over and above the Value of the Bird, Beast, or other Animal, such Sum of Money, not exceeding Twenty Pounds, as to the Justice shall seem meet; and whosoever, having been convicted of any such Offence, either against this or any former Act of Parliament, shall afterwards commit any Offence in this Section before mentioned, and shall be convicted thereof in like Manner, shall be committed to the Common Gaol or House of Correction, there to be kept to Hard Labour for such Term not exceeding Twelve Months as the convicting Justice shall think fit.

Second Offence.

Persons found in possession of Stolen Beasts, &c. liable to Penalties.

22. If any such Bird, or any of the Plumage thereof, or any Dog, or any such Beast, or the Skin thereof, or any such Animal, or any Part thereof, shall be found in the Possession or on the Premises of any Person, any Justice may restore the same respectively to the Owner thereof; and any Person in whose Possession or on whose Premises such Bird or the Plumage thereof, or such Beast or the Skin thereof, or such Animal or any Part thereof, shall be so found, (such Person knowing that the Bird, Beast, or Animal has been stolen, or that the Plumage is the Plumage of a stolen Bird, or that the Skin is the Skin of a stolen Beast, or that the Part is a Part of a stolen Animal,) shall, on Conviction before a Justice of the Peace, be liable for the First Offence to such Forfeiture, and for every subsequent Offence to such Punishment, as any Person convicted of stealing any Beast or Bird is made liable to by the last preceding Section.

23. Who-

Killing Pigeons.

23. Whosoever shall unlawfully and wilfully kill, wound, or take any House Dove or Pigeon under such Circumstances as shall not amount to Larceny at Common Law, shall, on Conviction before a Justice of the Peace, forfeit and pay, over and above the Value of the Bird, any Sum not exceeding Two Pounds.

Taking Fish in any Water situate in Land belonging to a Dwelling House; in a private Fishery elsewhere.

24. Whosoever shall unlawfully and wilfully take or destroy any Fish in any Water which shall run through or be in any Land adjoining or belonging to the Dwelling House of any Person being the Owner of such Water, or having a Right of Fishery therein, shall be guilty of a Misdemeanor; and whosoever shall unlawfully and wilfully take or destroy, or attempt to take or destroy, any Fish in any Water not being such as herein-before mentioned, but which shall be private Property, or in which there shall be any private Right of Fishery, shall, on Conviction thereof before a Justice of the Peace, forfeit and pay, over and above the Value of the Fish taken or destroyed (if any), such Sum of Money, not exceeding Five Pounds, as to the Justice shall seem meet: Provided, that nothing herein-before contained shall extend to any Person angling between the Beginning of the last Hour before Sunrise and the Expiration of the First Hour after Sunset; but whosoever shall by angling between the Beginning of the last Hour before Sunrise and the Expiration of the First Hour after Sunset unlawfully and wilfully take or destroy, or attempt to take or destroy, any Fish in any such Water as first mentioned, shall, on Conviction before a Justice of the Peace, forfeit and pay any Sum not exceeding Five Pounds, and if in any such Water as last mentioned, he shall, on the like Conviction, forfeit and pay any Sum not exceeding Two Pounds as to the Justice shall seem meet; and if the Boundary of any Parish, Township, or Vill shall happen to be in or by the Side of any such Water as is in this Section before mentioned, it shall be sufficient to prove that the Offence was committed either in the Parish, Township, or Vill named in the Indictment or Information, or in any Parish, Township, or Vill adjoining thereto.

Provision respecting Anglers.

Provision as to Boundaries of Parishes.

The Tackle of Fishers may be seized.

25. If any Person shall at any Time be found fishing against the Provisions of this Act, the Owner of the Ground, Water, or Fishery where such Offender shall be so found, his Servant, or any Person authorized by him, may demand from such Offender any Rod, Line, Hook, Net, or other Implement for taking or destroying Fish which shall then be in his Possession, and in case such Offender shall not immediately deliver up the same, may seize and take the same from him for the Use of such Owner: Provided, that any Person angling against the Provisions of this Act, between the Beginning of

Angler, on Seizure of his Tackle,

exempt from Penalty.

the last Hour before Sunrise and the Expiration of the First Hour after Sunset, from whom any Implement used by Anglers shall be taken, or by whom the same shall be so delivered up, shall by the taking or delivering thereof be exempted from the Payment of any Damages or Penalty for such Angling.

Stealing or dredging for Oysters in Oyster Fisheries.

26. Whosoever shall steal any Oysters or Oyster Brood from any Oyster Bed, Laying, or Fishery, being the Property of any other Person, and sufficiently marked out or known as such, shall be guilty of Felony, and being convicted thereof shall be liable to be punished as in the Case of Simple Larceny; and whosoever shall unlawfully and wilfully use any Dredge, or any Net, Instrument, or Engine whatsoever, within the Limits of any Oyster Bed, Laying, or Fishery, being the Property of any other Person, and sufficiently marked out or known as such, for the Purpose of taking Oysters or Oyster Brood, although none shall be actually taken, or shall unlawfully and wilfully, with any Net, Instrument, or Engine, drag upon the Ground or Soil of any such Fishery, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Three Months, with or without Hard Labour, and with or without Solitary Confinement; and it shall be sufficient in any Indictment to describe either by Name or otherwise the Bed, Laying, or Fishery in which any of the said Offences shall have been committed, without stating the same to be in any particular Parish, Township, or Vill: Provided, that nothing in this Section contained shall prevent any Person from catching or fishing for any floating Fish within the Limits of any Oyster Fishery with any Net, Instrument, or Engine adapted for taking floating Fish only.

Form of Indictment.

Proviso as to floating Fish.

As to Larceny of written Instruments:

Bonds, Bills, Notes, &c.

27. Whosoever shall steal, or shall for any fraudulent Purpose destroy, cancel, or obliterate, the whole or any Part of any valuable Security, other than a Document of Title to Lands, shall be 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 represented, mentioned, or referred to in or by the Security.

Deeds, &c. relating to Real Property.

28. Whosoever shall steal, or shall for any fraudulent Purpose destroy, cancel, obliterate, or conceal, the whole or any Part of any Document of Title to Lands shall be guilty of Felony, and being

being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement; and in any Indictment for any such Offence relating to any Document of Title to Lands, it shall be sufficient to allege such Document to be or to contain Evidence of the Title or of Part of the Title of the Person or of some One of the Persons having an Interest, whether vested or contingent, legal or equitable, in the Real Estate to which the same relates, and to mention such Real Estate or some Part thereof. Form of Indictment.

29. Whosoever shall, either during the Life of the Testator or after his Death, steal, or for any fraudulent Purpose destroy, cancel, obliterate, or conceal, the whole or any Part of any Will, Codicil, or other Testamentary Instrument, whether the same shall relate to Real or Personal Estate, or to both, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement; 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: Provided, that nothing in this or the last preceding Section mentioned, 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 no Conviction of any such Offender shall 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 any of the Felonies in this and the last preceding Section mentioned, by any Evidence whatever, in respect of any Act done by him, if he shall at any Time previously to his being charged with such Offence have first 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, or if he shall have first disclosed the same in any compulsory Examination or Deposition before any Court upon the Hearing of any Matter in Bankruptcy or Insolvency. Wills or Codicils. Other Remedies not to be affected.

30. Whosoever 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 Stealing Records or other legal Documents.

maliciously cancel, obliterate, injure, or destroy the whole or any Part of any Record, Writ, Return, Panel, Process, Interrogatory, Deposition, Affidavit, Rule, Order, or Warrant of Attorney, or of any original Document whatsoever 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 of any Bill, Petition, Answer, Interrogatory, Deposition, Affidavit, Order, or Decree, or of 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, or of any original Document in anywise relating to the Business of any Office or Employment under Her Majesty, and being or remaining in any Office appertaining to any Court of Justice, or in any of Her Majesty's Castles, Palaces, or Houses, or in any Government or Public Office, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement; 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.

Form of Indictment.

As to Larceny of Things attached to or growing on Land:

Metal, Glass, Wood, &c. fixed to House or Land.

31. Whosoever shall steal, or shall rip, cut, sever, 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 or of both, 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 or Street, or in any Place dedicated to public Use or Ornament, or in any Burial Ground, shall be guilty of Felony, and being convicted thereof shall be liable to be punished as in the Case of Simple Larceny; and in the Case of any such Thing fixed in any such Square, Street, or Place as aforesaid, it shall not be necessary to allege the same to be the Property of any Person.

Trees in Pleasure Grounds of the Value of 1*l.*, or elsewhere of the Value of 5*l.*

32. Whosoever shall steal, or shall cut, break, root up, or otherwise destroy or damage with Intent to steal, the whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, respectively growing in any Park, Pleasure Ground, Garden, Orchard, or Avenue, or in any Ground adjoining or belonging to any Dwelling House, shall (in case the Value of the Article or Articles stolen, or the Amount of the Injury done, shall exceed the Sum of One Pound,) be guilty of Felony, and being convicted thereof shall be liable to be punished

punished as in the Case of Simple Larceny; and whosoever shall steal, or shall cut, break, root up, or otherwise destroy or damage with Intent to steal, the whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, respectively growing elsewhere than in any of the Situations in this Section before mentioned, shall (in case the Value of the Article or Articles stolen, or the Amount of the Injury done, shall exceed the Sum of Five Pounds,) be guilty of Felony, and being convicted thereof shall be liable to be punished as in the Case of Simple Larceny.

Stealing Trees, Shrubs, &c., wheresoever growing, and of any Value above 1*s.*, punishable on Summary Conviction for First and Second Offence; Third Offence, Felony.

33. Whosoever shall steal, or shall cut, break, root up, or otherwise destroy or damage with Intent to steal, the whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, wheresoever the same may be respectively growing, the stealing of such Article or Articles, or the Injury done, being to the Amount of a Shilling at the least, shall, on Conviction thereof before a Justice of the Peace, forfeit and pay, over and above the Value of the Article or Articles stolen, or the Amount of the Injury done, such Sum of Money not exceeding Five Pounds as to the Justice shall seem meet; and whosoever having been convicted of any such Offence, either against this or any former Act of Parliament, shall afterwards commit any of the said Offences in this Section before mentioned, and shall be convicted thereof in like Manner, shall for such Second Offence be committed to the Common Gaol or House of Correction, there to be kept to Hard Labour for such Term not exceeding Twelve Months as the convicting Justice shall think fit; and whosoever, having been twice convicted of any such Offence (whether both or either of such Convictions shall have taken place before or after the passing of this Act), shall afterwards commit any of the Offences in this Section before mentioned, 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.

Second Offence.

Third Offence.

Stealing, &c. any live or dead Fence, wooden Fence, Stile, or Gate.

34. Whosoever shall steal, or shall cut, break, or throw down with Intent to steal, any Part of any live or dead Fence, or any wooden Post, Pale, Wire, or Rail set up or used as a Fence, or any Stile or Gate, or any Part thereof respectively, shall, on Conviction thereof before a Justice of the Peace, forfeit and pay, over and above the Value of the Article or Articles so stolen, or the Amount of the Injury done, such Sum of Money not exceeding Five Pounds as to the Justice shall seem meet; and whosoever, having been convicted of any such Offence, either against this or any former Act of Parliament, shall afterwards commit any of the said Offences in this Section before mentioned, and shall be convicted thereof in like Manner, shall be committed to the Common Gaol or House of Correction,

Second Offence.

tion, there to be kept to Hard Labour, for such Term not exceeding Twelve Months as the convicting Justice shall think fit.

Suspected Persons in possession of Wood, &c., not satisfactorily accounting for it.

35. If the whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, or any Part of any live or dead Fence, or any Post, Pale, Wire, Rail, Stile, or Gate, or any Part thereof, being of the Value of One Shilling at the least, shall be found in the Possession of any Person, or on the Premises of any Person, with his Knowledge, and such Person, being taken or summoned before a Justice of the Peace, shall not satisfy the Justice that he came lawfully by the same, he shall on Conviction by the Justice forfeit and pay, over and above the Value of the Article or Articles so found, any Sum not exceeding Two Pounds.

Stealing, &c. any Fruit or Vegetable Production in a Garden, &c., punishable on Summary Conviction for First Offence;

36. Whosoever shall steal, or shall destroy or damage with Intent to steal, any Plant, Root, Fruit, or Vegetable Production growing in any Garden, Orchard, Pleasure Ground, Nursery Ground, Hothouse, Greenhouse, or Conservatory, shall, on Conviction thereof before a Justice of the Peace, at the Discretion of the Justice, either be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to Hard Labour, for any Term not exceeding Six Months, or else shall forfeit and pay, over and above the Value of the Article or Articles so stolen, or the Amount of the Injury done, such Sum of Money not exceeding Twenty Pounds as to the Justice shall seem meet; and whosoever, having been convicted of any such Offence, either against this or any former Act of Parliament, shall afterwards commit any of the Offences in this Section before mentioned, 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.

Second Offence, Felony.

Stealing, &c. Vegetable Productions not growing in Gardens, &c.

37. Whosoever shall steal, or shall destroy or damage with Intent to steal, any cultivated Root or Plant used for the Food of Man or Beast, or for Medicine, or for distilling, or for dyeing, or for or in the Course of any Manufacture, and growing in any Land, open or inclosed, not being a Garden, Orchard, Pleasure Ground, or Nursery Ground, shall, on Conviction thereof before a Justice of the Peace, at the Discretion of the Justice, either be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to Hard Labour, for any Term not exceeding One Month, or else shall forfeit and pay, over and above the Value of the Article or Articles so stolen, or the Amount of the Injury done, such Sum of Money not exceeding Twenty Shillings as to the Justice shall seem meet, and in default of Payment thereof, together with the Costs (if ordered), shall be committed as aforesaid for

for any Term not exceeding One Month, unless Payment be sooner made; and whosoever, having been convicted of any such Offence either against this or any former Act of Parliament, shall afterwards commit any of the said Offences in this Section before mentioned, and shall be convicted thereof in like Manner, shall be committed to the Common Gaol or House of Correction, there to be kept to Hard Labour, for such Term not exceeding Six Months as the convicting Justice shall think fit. Second Offence.

As to Larceny from Mines:

38. Whosoever shall steal, or sever with Intent to steal, the Ore of any Metal, or any Lapis Calaminaris, Manganese or Mundick, or any Wad, Black Cawke, or Black Lead, or any Coal or Cannel Coal, from any Mine, Bed, or Vein thereof respectively, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement. Ore of Metal, Coal, &c.

39. Whosoever, being employed in or about any Mine, shall take, remove, or conceal any Ore of any Metal, or any Lapis Calaminaris, Manganese, Mundick, or other Mineral found or being in such Mine, with Intent to defraud any Proprietor of or any Adventurer in such Mine, or any Workman or Miner employed therein, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement. Miners removing Ore with Intent to defraud.

As to Larceny from the Person, and other like Offences:

40. Whosoever shall rob any Person, or shall steal any Chattel, Money, or valuable Security from the Person of another, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement. Robbery or Stealing from the Person.

41. If upon the Trial of any Person upon any Indictment for Robbery it shall appear to the Jury upon the Evidence that the Defendant did not commit the Crime of Robbery, but that he did commit an Assault with Intent to rob, the Defendant shall not by reason thereof be entitled to be acquitted, but the Jury shall be at liberty to return as their Verdict that the Defendant is guilty of an Assault with Intent to rob; and thereupon such Defendant shall be liable On Trial for Robbery, Jury may convict of an Assault with Intent to rob.

liable to be punished in the same Manner as if he had been convicted upon an Indictment for feloniously assaulting with Intent to rob; and no Person so tried as is herein lastly mentioned shall be liable to be afterwards prosecuted for an Assault with Intent to commit the Robbery for which he was so tried.

Assault with Intent to rob.

42. Whosoever shall assault any Person with Intent to rob shall be guilty of Felony, and being convicted thereof shall (save and except in the Cases where a greater Punishment is provided by this Act) be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Robbery or Assault by a Person armed, or by Two or more, or Robbery and wounding.

43. Whosoever shall, being armed with any offensive Weapon or Instrument, rob, or assault with Intent to rob, any Person, or shall, together with One or more other Person or Persons, rob, or assault with Intent to rob, any Person, or shall rob any Person, and at the Time of or immediately before or immediately after such Robbery shall wound, beat, strike, or use any other personal Violence to any Person, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Letter, demanding Money, &c. with Menaces.

44. Whosoever shall send, deliver, or utter, or directly or indirectly cause to be received, knowing the Contents thereof, any Letter or Writing demanding of any Person with Menaces, and without any reasonable or probable Cause, any Property, Chattel, Money, valuable Security, or other valuable Thing, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping.

Demanding Money, &c. with Menaces, or by Force, with Intent to steal.

45. Whosoever shall with Menaces or by Force demand any Property, Chattel, Money, valuable Security, or other valuable Thing of any Person, with Intent to steal the same, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

46. Who-

Letter threatening to accuse of Crime, with Intent to extort.

46. Whosoever shall send, deliver, or utter, or directly or indirectly cause to be received, knowing the Contents thereof, any Letter or Writing accusing or threatening to accuse any other Person of any Crime punishable by Law with Death or Penal Servitude for not less than Seven Years, 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 in any of such Cases to extort or gain by means of such Letter or Writing any Property, Chattel, Money, valuable Security, or other valuable Thing, from any Person, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping; and the abominable Crime of Buggery, committed either with Mankind or with Beast, 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.

"Infamous Crime" defined.

Accusing or threatening to accuse, with Intent to extort.

47. Whosoever shall accuse or threaten to accuse, either the Person to whom such Accusation or Threat shall be made or any other Person, of any of the infamous or other Crimes lastly herein-before mentioned, with the View or Intent in any of the Cases last aforesaid to extort or gain from such Person so accused or threatened to be accused, or from any other Person, any Property, Chattel, Money, valuable Security, or other valuable Thing, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and, if a Male under the Age of Sixteen Years, with or without Whipping.

Inducing a Person by Violence or Threats to execute Deeds, &c., with Intent to defraud.

48. Whosoever, with Intent to defraud or injure any other Person, shall, by any unlawful Violence to or Restraint of, or Threat of Violence to or Restraint of, the Person of another, or by accusing or threatening to accuse any Person of any Treason, Felony, or infamous Crime as herein-before defined, compel or induce any Person to execute, make, accept, indorse, alter, or destroy the whole or any Part of any valuable Security, or to write, impress, or affix his Name,

or the Name of any other Person, or of any Company, Firm, or Copartnership, or the Seal of any Body Corporate, Company, or Society, upon or to any Paper or Parchment, in order that the same may be afterwards made or converted into, or used or dealt with as, a valuable Security, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

It shall be immaterial from whom the Menaces proceed.

49. It shall be immaterial whether the Menaces or Threats herein-before mentioned be of Violence, Injury, or Accusation to be caused or made by the Offender or by any other Person.

As to Sacrilege, Burglary, and Housebreaking:

Breaking and entering a Church or Chapel and committing any Felony.

50. Whosoever shall break and enter any Church, Chapel, Meeting House, or other Place of Divine Worship, and commit any Felony therein, or being in any Church, Chapel, Meeting House, or other Place of Divine Worship shall commit any Felony therein and break out of the same, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Burglary by breaking out.

51. Whosoever shall enter the Dwelling House of another with Intent to commit any Felony therein, or being in such Dwelling House shall commit any Felony therein, and shall in either Case break out of the said Dwelling House in the Night, shall be deemed guilty of Burglary.

Burglary.

52. Whosoever shall be convicted of the Crime of Burglary shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

What Building within the Curtilage shall be deemed Part

53. No Building, although within the same Curtilage with any Dwelling House, and occupied therewith, shall be deemed to be Part of such Dwelling House for any of the Purposes of this Act, unless there shall be a Communication between such Building and Dwelling

Dwelling House, either immediate, or by means of a covered and inclosed Passage leading from the one to the other. of the Dwelling House.

54. Whosoever shall enter any Dwelling House in the Night, with Intent to commit any Felony therein, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement. Entering a Dwelling House in the Night with Intent to commit any Felony.

55. Whosoever shall break and enter any Building, and commit any Felony therein, 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, or being in any such Building shall commit any Felony therein, and break out of the same, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement. Breaking into any Building within the Curtilage which is no Part of the Dwelling House and committing any Felony.

56. Whosoever shall break and enter any Dwelling House, Schoolhouse, Shop, Warehouse, or Counting-house, and commit any Felony therein, or, being in any Dwelling House, Schoolhouse, Shop, Warehouse, or Counting-house, shall commit any Felony therein, and break out of the same, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement. Breaking into any House, Shop, Warehouse, &c., and committing any Felony.

57. Whosoever shall break and enter any Dwelling House, Church, Chapel, Meeting House, or other Place of Divine Worship, or any Building within the Curtilage, Schoolhouse, Shop, Warehouse, or Counting-house, with Intent to commit any Felony therein, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement. House breaking, &c. with Intent to commit any Felony.

58. Whosoever shall be found by Night armed with any dangerous or offensive Weapon or Instrument whatsoever, with Intent to Being armed with Intent to break and

enter any House in the Night.

to break or enter into any Dwelling House or other Building whatsoever, and to commit any Felony therein, or shall be found by Night having in his Possession without lawful Excuse (the Proof of which Excuse shall lie on such Person) any Picklock Key, Crow, Jack, Bit, or other Implement of Housebreaking, or shall be found by Night having his Face blackened or otherwise disguised with Intent to commit any Felony, or shall be found by Night in any Dwelling House or other Building whatsoever with Intent to commit any Felony therein, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

The like, after a previous Conviction for Felony, &c.

59. Whosoever shall be convicted of any such Misdemeanor as in the last preceding Section mentioned, committed after a previous Conviction, either for Felony or such Misdemeanor, shall on such subsequent Conviction be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Ten Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

As to Larceny in the House:

Stealing in a Dwelling House to the Value of 5*l.*

60. Whosoever shall steal in any Dwelling House any Chattel, Money, or valuable Security, to the Value in the whole of Five Pounds or more, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Stealing in a Dwelling House with Menaces.

61. Whosoever shall steal any Chattel, Money, or valuable Security in any Dwelling House, and shall by any Menace or Threat put any one being therein in bodily Fear, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

As to Larceny in Manufactories:

Stealing Goods in Process of Manufacture.

62. Whosoever shall steal, to the Value of Ten Shillings, any Woollen, Linen, Hempen, or Cotton Yarn, or any Goods or Article of Silk, Woollen, Linen, Cotton, Alpaca, or Mohair, or of any

any One or more of those Materials mixed with each other, or mixed with any other Material, whilst laid, placed, or exposed, during any Stage, Process, or Progress of Manufacture, in any Building, Field, or other Place, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

As to Larceny in Ships, Wharfs, &c.:

Stealing from Ships, Docks, Wharfs, &c.

63. Whosoever shall steal any Goods or Merchandise in any Vessel, Barge, or Boat of any Description whatsoever in any Haven, or in any Port of Entry or Discharge, or upon any navigable River or Canal, or in any Creek or Basin belonging to or communicating with any such Haven, Port, River, or Canal, or shall steal any Goods or Merchandise from any Dock, Wharf, or Quay adjacent to any such Haven, Port, River, Canal, Creek, or Basin, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Stealing from Ship in Distress or wrecked.

64. Whosoever 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, Merchandise, or Articles of any kind belonging to such Ship or Vessel, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement; and the Offender may be indicted and tried either in the County or Place in which the Offence shall have been committed or in any County or Place next adjoining.

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

65. If any Goods, Merchandise, or Articles of any kind, belonging to any Ship or Vessel in Distress, or wrecked, stranded, or cast on shore, shall be found in the Possession of any Person, or on the Premises of any Person with his Knowledge, and such Person, being taken or summoned 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 shall, on Conviction of such Offence before the Justice, at the

Discretion of the Justice, either be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to Hard Labour, for any Term not exceeding Six Months, or else shall forfeit and pay, over and above the Value of the Goods, Merchandise, or Articles, such Sum of Money not exceeding Twenty Pounds as to the Justice shall seem meet.

If any Person offers shipwrecked Goods for Sale, the Goods may be seized, &c.

66. If any Person shall offer or expose for Sale any Goods, Merchandise, or Articles whatsoever, which shall have been unlawfully taken, or shall be reasonably suspected so to have been taken, from any Ship or Vessel in Distress, or wrecked, stranded, or cast on shore, 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 summoned by such Justice, shall not appear and satisfy the Justice that he came lawfully by such Goods, Merchandise, 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 shall, on Conviction of such Offence by the Justice, at the Discretion of the Justice, either be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to Hard Labour, for any Term not exceeding Six Months, or else shall forfeit and pay, over and above the Value of the Goods, Merchandise, or Articles, such Sum of Money not exceeding Twenty Pounds as to the Justice shall seem meet.

As to Larceny or Embezzlement by Clerks, Servants, or Persons in the Public Service:

Larceny by Clerks or Servants.

67. Whosoever, being a Clerk or Servant, or being employed for the Purpose or in the Capacity of a Clerk or Servant, shall steal any Chattel, Money, or valuable Security belonging to or in the Possession or Power of his Master or Employer, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping.

Embezzlement by Clerks or Servants.

68. Whosoever, being a Clerk or Servant, or being employed for the Purpose or in the Capacity of a Clerk or Servant, shall fraudulently

fraudulently embezzle any Chattel, Money, or valuable Security, which shall be delivered to or received or taken into possession by him for or in the Name or on the Account of his Master or Employer, or any Part thereof, shall be deemed to have feloniously stolen the same from his Master or Employer, although such Chattel, Money, or Security was not received into the Possession of such Master or Employer otherwise than by the actual Possession of his Clerk, Servant, or other Person so employed, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping.

Larceny by Persons in the Queen's Service or by the Police.

69. Whosoever being employed in the Public Service of Her Majesty, or being a Constable or other Person employed in the Police of any County, City, Borough, District, or Place whatsoever, shall steal any Chattel, Money, or valuable Security belonging to or in the Possession or Power of Her Majesty, or intrusted to or received or taken into possession by him by virtue of his Employment, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Embezzlement by Persons in the Queen's Service, or by the Police.

70. Whosoever, being employed in the Public Service of Her Majesty, or being a Constable or other Person employed in the Police of any County, City, Borough, District, or Place whatsoever, and intrusted by virtue of such Employment with the Receipt, Custody, Management, or Control of any Chattel, Money, or valuable Security, shall embezzle any Chattel, Money, or valuable Security which shall be intrusted to or received or taken into possession by him by virtue of his Employment, or any Part thereof, or in any Manner fraudulently apply or dispose of the same or any Part thereof to his own Use or Benefit, or for any Purpose whatsoever except for the Public Service, shall be deemed to have feloniously stolen the same from Her Majesty, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour; and every Offender against this or the last preceding Section may be dealt with, indicted, tried, and punished either in the County or Place in which he shall be apprehended or be in Custody, or in

Venue.

Form of Warrant of Commitment and Indictment.

in which he shall have committed the Offence; and in every Case of Larceny, Embezzlement, or fraudulent Application or Disposition of any Chattel, Money, or valuable Security in this and the last preceding Section mentioned, it shall be lawful in the Warrant of Commitment by the Justice of the Peace before whom the Offender shall be charged, and in the Indictment to be preferred against such Offender, to lay the Property of any such Chattel, Money, or valuable Security in Her Majesty.

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

71. For preventing Difficulties in the Prosecution of Offenders in any Case of Embezzlement, fraudulent Application or Disposition, herein-before mentioned, it shall be lawful to charge in the Indictment and proceed against the Offender for any Number of distinct Acts of Embezzlement, or of fraudulent Application or Disposition, not exceeding Three, which may have been committed by him against Her Majesty or against the same Master or Employer, within the Space of Six Months from the first to the last of such Acts; and in every such Indictment where the Offence shall relate to any Money or any valuable Security it shall be sufficient to allege the Embezzlement, or fraudulent Application or Disposition, 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 or fraudulently applied or disposed of 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 or fraudulently applied or disposed of any Piece of Coin or any 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, or to some other Person, and such Part shall have been returned accordingly.

Person indicted for Embezzlement as a Clerk, &c. to be acquitted if the Offence turn turn out to be Larceny; and vice versâ.

72. If upon the Trial of any Person indicted for Embezzlement, or fraudulent Application or Disposition as aforesaid, it shall be proved that he took the Property in question in any such Manner as to amount in Law to Larceny, he shall not by reason thereof be entitled to be acquitted, but the Jury shall be at liberty to return as their Verdict that such Person is not guilty of Embezzlement, or fraudulent Application or Disposition, but is guilty of Simple Larceny, or of Larceny as a Clerk, Servant, or Person employed for the Purpose or in the Capacity of a Clerk or Servant, or as a Person employed in the Public Service, or in the Police, as the Case may be; and thereupon such Person shall be liable to be punished in the same Manner as if he had been convicted upon an Indictment for such Larceny;

Larceny; and if upon the Trial of any Person indicted for Larceny it shall be proved that he took the Property in question in any such Manner as to amount in Law to Embezzlement, or fraudulent Application or Disposition as aforesaid, he shall not by reason thereof be entitled to be acquitted, but the Jury shall be at liberty to return as their Verdict that such Person is not guilty of Larceny, but is guilty of Embezzlement, or fraudulent Application or Disposition, as the Case may be, and thereupon such Person shall be liable to be punished in the same Manner as if he had been convicted upon an Indictment for such Embezzlement, fraudulent Application or Disposition; and no Person so tried for Embezzlement, fraudulent Application or Disposition, or Larceny as aforesaid, shall be liable to be afterwards prosecuted for Larceny, fraudulent Application or Disposition, or Embezzlement, upon the same Facts.

Embezzlement by Officers of the Bank of England or Ireland.

73. Whosoever, being an Officer or Servant of the Governor and Company of the Bank of *England* or of the Bank of *Ireland*, and being intrusted with any Bond, Deed, Note, Bill, Dividend Warrant, or Warrant for Payment of any Annuity or Interest, or Money, or with any Security, Money, or other Effects of or belonging to the said Governor and Company, or having any Bond, Deed, Note, Bill, Dividend Warrant, or Warrant for Payment of any Annuity or Interest, or Money, or any Security, Money, or other Effects of any other Person, Body Politic or Corporate, lodged or deposited with the said Governor and Company, or with him as an Officer or Servant of the said Governor and Company, shall secrete, embezzle, or run away with any such Bond, Deed, Note, Bill, Dividend or other Warrant, Security, Money, or other Effects as aforesaid, or any Part thereof, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

As to Larceny by Tenants or Lodgers:

Tenant or Lodger stealing Chattel or Fixture let to Hire with House or Lodgings.

74. Whosoever shall steal any Chattel or Fixture let to be used by him or her in or with any House or Lodging, whether the Contract shall have been entered into by him or her or by her Husband, or by any Person on behalf of him or her or her Husband, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping, and in case the Value of such Chattel or Fixture shall exceed the Sum of Five Pounds, shall

be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping; and in every Case of stealing any Chattel in this Section mentioned it shall be lawful to prefer an Indictment in the common Form as for Larceny, and in every Case of stealing any Fixture in this Section mentioned to prefer an Indictment in the same Form as if the Offender were not a Tenant or Lodger, and in either Case to lay the Property in the Owner or Person letting to Hire.

As to Frauds by Agents, Bankers, or Factors:

Agent, Banker, &c. embezzling Money or selling Securities, &c. intrusted to him;

75. Whosoever, having been intrusted, either solely, or jointly with any other Person, as a Banker, Merchant, Broker, Attorney, or other Agent, with any Money or Security for the Payment of Money, with any Direction in Writing to apply, pay, or deliver such Money or Security or any Part thereof respectively, or the Proceeds or any Part of the Proceeds of such Security, for any Purpose, or to any Person specified in such Direction, shall, in violation of good Faith, and contrary to the Terms of such Direction, in anywise convert to his own Use or Benefit, or the Use or Benefit of any Person other than the Person by whom he shall have been so intrusted, such Money, Security, or Proceeds, or any Part thereof respectively; and whosoever, having been intrusted, either solely, or jointly with any other Person, as a Banker, Merchant, Broker, Attorney, or other Agent, with 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, whether of the United Kingdom, or any Part thereof, or of any Foreign State, or in any Stock or Fund of any Body Corporate, Company, or Society, for safe Custody or for any special Purpose, without any Authority to sell, negotiate, transfer, or pledge, 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 intrusted to him, sell, negotiate, transfer, pledge, or in any Manner convert to his own Use or Benefit, or the Use or Benefit of any Person other than the Person by whom he shall have been so intrusted, 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, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term

or Goods, &c. intrusted to him for safe Custody.

Punishment.

Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement; but nothing in this Section contained relating to Agents shall affect any Trustee in or under any Instrument whatsoever, 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 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.

Not to affect Trustees or Mortgagees;

nor Bankers, &c. receiving Money due on Securities;

or disposing of Securities on which they have a Lien.

76. Whosoever, being a Banker, Merchant, Broker, Attorney, or Agent, and being intrusted, either solely, or jointly with any other Person, with the Property of any other Person for safe Custody, shall, with Intent to defraud, sell, negotiate, transfer, pledge, or in any Manner convert or appropriate the same or any Part thereof to or for his own Use or Benefit, or the Use or Benefit of any Person other than the Person by whom he was so intrusted, 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.

Bankers, &c. fraudulently selling, &c. Property intrusted to their Care.

77. Whosoever, being intrusted, either solely, or jointly with any other Person, with any Power of Attorney for the Sale or Transfer of any Property, shall fraudulently sell or transfer or otherwise convert the same or any Part thereof to his own Use or Benefit, or the Use or Benefit of any Person other than the Person by whom he was so intrusted, 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.

Persons under Powers of Attorney fraudulent selling Property.

78. Whosoever, being a Factor or Agent intrusted, either solely, or jointly with any other Person, for the Purpose of Sale or otherwise, with the Possession of any Goods, or of any Document of Title to Goods, shall, contrary to or without the Authority of his Principal in that Behalf, for his own Use or Benefit, or the Use or Benefit of any Person other than the Person by whom he was so intrusted,

Factors obtaining Advances on the Property of their Principals.

intrusted, and in violation of good Faith, make any Consignment, Deposit, Transfer, or Delivery of any Goods or Document of Title so intrusted to him as in this Section before mentioned, as and by way of a Pledge, Lien, or Security for any Money or valuable Security borrowed or received by such Factor or Agent at or before the Time of making such Consignment, Deposit, Transfer, or Delivery, or intended to be thereafter borrowed or received, or shall, contrary to or without such Authority, for his own Use or Benefit, or the Use or Benefit of any Person other than the Person by whom he was so intrusted, and in violation of good Faith, accept any Advance of any Money or valuable Security on the Faith of any Contract or Agreement to consign, deposit, transfer, or deliver any such Goods or Document of Title, 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 hereinbefore last mentioned;

Clerks wilfully assisting.

and every Clerk or other Person who shall knowingly and wilfully act and assist in making any such Consignment, Deposit, Transfer, or Delivery, or in accepting or procuring such Advance as aforesaid, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to any of the same Punishments:

Cases excepted where the Pledge does not exceed the Amount of their Lien.

Provided, that no such Factor or Agent shall be liable to any Prosecution for consigning, depositing, transferring, or delivering any such Goods or Documents of Title, 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 Consignment, Deposit, Transfer, or Delivery was justly due and owing to such Agent from his Principal, together with the Amount of any Bill of Exchange drawn by or on account of such Principal, and accepted by such Factor or Agent.

Definitions of Terms: "intrusted:"

79. Any Factor or Agent intrusted as aforesaid, and possessed of any such Document of Title, whether derived immediately from the Owner of such Goods or obtained by reason of such Factor or Agent having been intrusted with the Possession of the Goods, or of any other Document of Title thereto, shall be deemed to have been intrusted with the Possession of the

"pledge:"

Goods represented by such Document of Title; and every Contract pledging or giving a Lien upon such Document of Title as aforesaid shall be deemed to be a Pledge of and Lien upon the Goods to which

"possessed:"

the same relates; and such Factor or Agent shall be deemed to be possessed of such Goods or Document, whether the same shall be in his actual Custody, or shall be held by any other Person subject

"Advance:"

to his Control, or for him or on his Behalf; and where any Loan or Advance shall be *bonâ fide* made to any Factor or Agent intrusted

trusted with and in possession of any such Goods or Document of Title, on the Faith of any Contract or Agreement in Writing to consign, deposit, transfer, or deliver such Goods or Documents of Title, and such Goods or Document of Title shall actually be received by the Person making such Loan or Advance, without Notice that such Factor or Agent was not authorized to make such Pledge or Security, every such Loan or Advance shall be deemed to be a Loan or Advance on the Security of such Goods or Document of Title within the Meaning of the last preceding Section, though such Goods or Document of Title shall not actually be received by the Person making such Loan or Advance till the Period subsequent thereto; and any Contract or Agreement, whether made direct with such Factor or Agent, or with any Clerk or other Person on his Behalf, shall be deemed a Contract or Agreement with such Factor or Agent; and any Payment made, whether by Money or Bill of Exchange or other negotiable Security, shall be deemed to be an Advance within the Meaning of the last preceding Section; and a Factor or Agent in possession as aforesaid of such Goods or Document shall be taken, for the Purposes of the last preceding Section, to have been intrusted therewith by the Owner thereof, unless the contrary be shown in Evidence.

"Contract or Agreement:"

"Advance:"

Possession to be Evidence of intrusting.

80. Whosoever, being a Trustee of any Property for the Use or Benefit, either wholly or partially, of some other Person, or for any public or charitable Purpose, shall, with Intent to defraud, convert or appropriate the same or any Part thereof to or for his own Use or Benefit, or the Use or Benefit of any Person other than such Person as aforesaid, or for any Purpose other than such public or charitable Purpose as aforesaid, or otherwise dispose of or destroy such Property or any Part thereof, 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 hereinbefore last mentioned: Provided, that no Proceeding or Prosecution for any Offence included in this Section shall be commenced without the Sanction of Her Majesty's Attorney General, or, in case that Office be vacant, of Her Majesty's Solicitor General: Provided also, that where any Civil Proceeding shall have been taken against any Person to whom the Provisions of this Section may apply, no Person who shall have taken such Civil Proceeding shall commence any Prosecution under this Section without the Sanction of the Court or Judge before whom such Civil Proceeding shall have been had or shall be pending.

Trustees, fraudulently disposing of Property, guilty of a Misdemeanor.

No Prosecution shall be commenced without the Sanction of some Judge or the Attorney General.

81. Whosoever, being a Director, Member, or Public Officer of any Body Corporate or Public Company, shall fraudulently take

Directors, &c. of any Body Corpo-

rate or Public Company fraudulently appropriating Property;

or apply for his own Use or Benefit, or for any Use or Purposes other than the Use or Purposes of such Body Corporate or Public Company, any of the Property of such Body Corporate or Public Company, 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 keeping fraudulent Accounts;

82. Whosoever, being a Director, Public Officer, or Manager of any Body Corporate or Public Company, shall as such receive or possess himself of any of the Property of such Body Corporate or Public Company otherwise than in Payment of a just Debt or Demand, and shall, with Intent to defraud, omit to make or to cause or direct to be made a full and true Entry thereof in the Books and Accounts of such Body Corporate or Public Company, 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 wilfully destroying Books, &c.;

83. Whosoever, being a Director, Manager, Public Officer, or Member of any Body Corporate or Public Company, shall, with Intent to defraud, destroy, alter, mutilate, or falsify any Book, Paper, Writing, or valuable Security belonging to the Body Corporate or Public Company, or make or concur in the making of any false Entry, or omit or concur in omitting any material Particular, in any Book of Account or other Document, 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 publishing fraudulent Statements.

84. Whosoever, being a Director, Manager, or Public Officer of any Body Corporate or Public Company, shall make, circulate, or publish, or concur in making, circulating, or publishing, any written Statement or Account which he shall know to be false in any material Particular, with Intent to deceive or defraud any Member, Shareholder, or Creditor of such Body Corporate or Public Company, or with Intent to induce any Person to become a Shareholder or Partner therein, or to intrust or advance any Property to such Body Corporate or Public Company, or to enter into any Security for the Benefit thereof, 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.

No Person to be exempt from

85. Nothing in any of the last Ten preceding Sections of this Act contained shall enable or entitle any Person to refuse to make

make a full and complete Discovery by Answer to any Bill in Equity, or to answer any Question or Interrogatory in any Civil Proceeding in any Court, or upon the Hearing of any Matter in Bankruptcy or Insolvency; and no Person shall be liable to be convicted of any of the Misdemeanors in any of the said Sections mentioned by any Evidence whatever in respect of any Act done by him, if he shall at any Time previously to his being charged with such Offence have first 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, or if he shall have first disclosed the same in any compulsory Examination or Deposition before any Court upon the Hearing of any Matter in Bankruptcy or Insolvency.

answering Questions in any Court, but no Person making a Disclosure in any compulsory Proceeding to be liable to Prosecution.

86. Nothing in any of the last Eleven preceding Sections of this Act contained, nor any Proceeding, Conviction, or Judgment to be had or taken thereon against any Person under any of the said Sections, shall prevent, lessen, or impeach any Remedy at Law or in Equity which any Party aggrieved by any Offence against any of the said Sections might have had if this Act had not been passed; but no Conviction of any such Offender shall be received in Evidence in any Action at Law or Suit in Equity against him; and nothing in the said Sections contained shall affect or prejudice any Agreement entered into or Security given by any Trustee, having for its Object the Restoration or Repayment of any Trust Property misappropriated.

No Remedy at Law or in Equity shall be affected.

Convictions shall not be received in Evidence in Civil Suits.

87. No Misdemeanor against any of the last Twelve preceding Sections of this Act shall be prosecuted or tried at any Court of General or Quarter Sessions of the Peace.

Certain Misdemeanors not triable at Sessions.

As to obtaining Money, &c. by false Pretences:

88. Whosoever shall by any false Pretence obtain from any other Person any Chattel, Money, or valuable Security, with Intent to defraud, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement: Provided, that if upon the Trial of any Person indicted for such Misdemeanor it shall be proved that he obtained the Property in question in any such Manner as to amount in Law to Larceny, he shall not by reason thereof be entitled to be acquitted of such Misdemeanor; and no Person tried for such Misdemeanor shall be liable to be afterwards prosecuted for Larceny upon the same Facts: Provided also, that it shall be sufficient in any Indictment for obtaining or attempting to

False Pretences.

No Acquittal because the Offence amounts to Larceny.

Form of Indictment and Evidence.

to obtain any such Property by false Pretences to allege that the Party accused did the Act with Intent to defraud, without alleging an Intent to defraud any particular Person, and without alleging any Ownership of the Chattel, Money, or valuable Security; and on the Trial of any such Indictment it shall not be necessary to prove an Intent to defraud any particular Person, but it shall be sufficient to prove that the Party accused did the Act charged with an Intent to defraud.

Where any Money or Thing is caused to be paid or delivered to any Person other than the Person making a false Pretence.

89. Whosoever shall by any false Pretence cause or procure any Money to be paid, or any Chattel, or valuable Security, to be delivered to any other Person, for the Use or Benefit or on account of the Person making such false Pretence, or of any other Person, with Intent to defraud, shall be deemed to have obtained such Money, Chattel, or valuable Security within the Meaning of the last preceding Section.

Inducing Persons by Fraud to execute Deeds and other Instruments.

90. Whosoever, with Intent to defraud or injure any other Person, shall by any false Pretence fraudulently cause or induce any other Person to execute, make, accept, endorse, or destroy the whole or any Part of any valuable Security, or to write, impress, or affix his Name, or the Name of any other Person, or of any Company, Firm, or Copartnership, or the Seal of any Body Corporate, Company, or Society, upon any Paper or Parchment, in order that the same may be afterwards made or converted into or used or dealt with as a valuable Security, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

As to receiving Stolen Goods:

Receiving, where the Principal is guilty of Felony.

91. Whosoever shall receive any Chattel, Money, valuable Security, or other Property whatsoever, the stealing, taking, extorting, obtaining, embezzling, or otherwise disposing whereof shall amount to a Felony, either at Common Law or by virtue of this Act, knowing the same to have been feloniously stolen, taken, extorted, obtained, embezzled, or disposed of, shall be guilty of Felony, and may be indicted and convicted either as an Accessory after the Fact or for a substantive Felony, and in the latter Case, whether 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 kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term

Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping: Provided, that no Person, howsoever tried for receiving as aforesaid, shall be liable to be prosecuted a Second Time for the same Offence.

Indictment for Stealing and receiving.

92. In any Indictment containing a Charge of feloniously stealing any Property it shall be lawful to add a Count or several Counts for feloniously receiving the same or any Part or Parts thereof, knowing the same to have been stolen, and in any Indictment for feloniously receiving any Property knowing it to have been stolen it shall be lawful to add a Count for feloniously stealing the same; and where any such Indictment shall have been preferred and found against any Person, the Prosecutor shall not be put to his Election, but it shall be lawful for the Jury who shall try the same to find a Verdict of Guilty, either of stealing the Property, or of receiving the same, or any Part or Parts thereof, knowing the same to have been stolen; and if such Indictment shall have been preferred and found against Two or more Persons it shall be lawful for the Jury who shall try the same to find all or any of the said Persons guilty either of stealing the Property or of receiving the same, or any Part or Parts thereof, knowing the same to have been stolen, or to find One or more of the said Persons guilty of stealing the Property, and the other or others of them guilty of receiving the same or any Part or Parts thereof knowing the same to have been stolen.

Separate Receivers may be included in the same Indictment in the Absence of the Principal.

93. Whenever any Property whatsoever shall have been stolen, taken, extorted, obtained, embezzled, or otherwise disposed of in such a Manner as to amount to a Felony, either at Common Law or by virtue of this Act, any Number of Receivers at different Times of such Property, or of any Part or Parts thereof, may be charged with substantive Felonies in the same Indictment, and may be tried together, notwithstanding that the principal Felon shall not be included in the same Indictment, or shall not be in Custody or amenable to Justice.

On an Indictment for jointly receiving, Persons may be convicted of separately receiving.

94. If upon the Trial of any Two or more Persons indicted for jointly receiving any Property it shall be proved that One or more of such Persons separately received any Part or Parts of such Property, it shall be lawful for the Jury to convict, upon such Indictment, such of the said Persons as shall be proved to have received any Part or Parts of such Property.

Receiving, where the Principal

95. Whosoever shall receive any Chattel, Money, valuable Security, or other Property whatsoever, the stealing, taking, obtaining,

has been guilty of a Misdemeanor.

ing, converting, or disposing whereof is made a Misdemeanor by this Act, knowing the same to have been unlawfully stolen, taken, obtained, converted, or disposed of, 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, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping.

Receiver where triable.

96. Whosoever shall receive any Chattel, Money, valuable Security, or other Property whatsoever, knowing the same to have been feloniously or unlawfully stolen, taken, obtained, converted, or disposed of, may, whether charged as an Accessory after the Fact to the Felony, or with a substantive Felony, or with a Misdemeanor only, be dealt with, indicted, tried, and punished in any County or Place in which he shall have or shall have had any such Property in his Possession, or in any County or 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 in the County or Place where he actually received such Property.

Receivers of Property, where the original Offence is punishable on Summary Conviction.

97. 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.

Principals in the Second Degree and Accessories.

98. In case of every Felony punishable under this Act every Principal in the Second Degree, and every Accessory before the Fact, shall be punishable 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) shall, on Conviction, be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary

Solitary Confinement; 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. Abettors in Misdemeanors.

99. Whosoever 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, 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. Abettors in Offences punishable on Summary Conviction.

As to Restitution and Recovery of stolen Property:

100. If any Person guilty of any such Felony or Misdemeanor as is mentioned in this Act, in stealing, taking, obtaining, extorting, embezzling, converting, or disposing of, or in knowingly receiving, any Chattel, Money, valuable Security, or other Property whatsoever, shall be indicted for such Offence, by or on the Behalf of the Owner of the Property, or his Executor or Administrator, and convicted thereof, in such Case the Property shall be restored to the Owner or his Representative; and in every Case in this Section aforesaid the Court before whom any Person shall be tried for any such Felony or Misdemeanor 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, 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, extorted, embezzled, converted, or disposed of, in such Case the Court shall not award or order the Restitution of such Security: Provided also, that nothing in this Section contained shall apply to the Case of any Prosecution of any Trustee, Banker, Merchant, Attorney, Factor, Broker, or other Agent intrusted with the Possession of Goods or Documents of Title to Goods for any Misdemeanor against this Act. The Owner of stolen Property prosecuting Thief or Receiver to Conviction shall have Restitution of his Property. Provision as to valuable and negotiable Securities. Not to apply to Prosecutions of Trustees, Bankers, &c.

101. Who-

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

101. Whosoever shall corruptly take any Money or Reward, directly or indirectly, under pretence or upon 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, extorted, embezzled, converted, or disposed of, as in this Act before mentioned, shall (unless he shall have used all due Diligence to cause the Offender to be brought to Trial for the same) be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Eighteen Years, with or without Whipping.

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

102. Whosoever 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 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 shall print or publish any such Advertisement, shall forfeit the Sum of Fifty Pounds 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.

As to Apprehension of Offenders, and other Proceedings:

A Person in the Act of committing any Offence may be apprehended without a Warrant.

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

103. Any Person found committing any Offence punishable, either upon Indictment or upon Summary Conviction, by virtue of this Act, except only the Offence of Angling in the Daytime, may be immediately apprehended without a Warrant by any Person, and forthwith taken, together with such Property, if any, 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 Offence, punishable either upon Indictment or upon Summary Conviction by virtue of this Act, shall have been committed, the Justice may grant a Warrant to search for such Property as in the Case

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 take before a Justice of the Peace the Party offering the same, together with such Property, to be dealt with according to Law.

Any Person to whom stolen Property is offered may seize the Party offering it.

104. Any Constable or Peace Officer may take into Custody, without Warrant, any Person whom he shall find lying or loitering in any Highway, Yard, or other Place, during the Night, and whom he shall have good Cause to suspect of having committed, or being about to commit, any Felony against this Act, and shall take such Person, as soon as reasonably may be, before a Justice of the Peace, to be dealt with according to Law.

A Person loitering at Night and suspected of any Felony against this Act may be apprehended.

105. Where any Person shall be charged on the Oath of a credible Witness before any Justice of the Peace with any Offence punishable on Summary Conviction under this Act, 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.

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

106. Every Sum of Money which shall be forfeited on any Summary Conviction 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 each Case by the convicting Justice), shall be paid to the Party aggrieved, except where he is unknown, and in that Case such Sum shall be applied in the same Manner as a Penalty; and every Sum which shall be imposed as a Penalty by any Justice of the Peace, whether in addition to such Value or Amount or otherwise, shall be paid and applied in the same Manner as other Penalties recoverable before Justices of the Peace are to be paid and applied in Cases where the Statute imposing the same contains no Direction for the Payment thereof to any Person: Provided, that where several Persons shall join in the Commission of the same Offence, and shall, upon

Application of Forfeitures and Penalties on Summary Convictions.

Proviso where several Per-

sons join in Commission of same Offence.

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 such Value or Amount; and the remaining Sum or Sums forfeited shall be applied in the same Manner as any Penalty imposed by a Justice of the Peace is herein-before directed to be applied.

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

107. 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, the convicting Justice (unless where otherwise specially directed) may 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 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 Five Pounds, and for any Term not exceeding Four Months where the Amount, with Costs, shall not exceed Ten Pounds, and for any Term not exceeding Six Months in any other Case, the Commitment to be determinable in each of the Cases aforesaid upon Payment of the Amount and Costs.

Justice may discharge the Offender in certain Cases.

108. 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, the Justice may, if he shall so think fit, 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.

109. 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 received a Remission thereof from the Crown, or from the Lord Lieutenant or other Chief Governor in *Ireland*, or shall have suffered the Imprisonment awarded for Non-payment thereof, or the Imprisonment adjudged in the first instance, or shall have been so discharged from his Conviction by any Justice as aforesaid, in every such Case he shall be released from all further or other Proceedings for the same Cause.

Appeal.

110. In all Cases where the Sum adjudged to be paid on any Summary Conviction shall exceed Five Pounds, or the Imprisonment adjudged shall exceed One Month, or the Conviction shall take place before

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 for the County or Place wherein the Cause of Complaint shall have arisen; 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 shall 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; or if such Appeal shall be against any Conviction, whereby only a Penalty or other Sum of Money shall be adjudged to be paid, shall deposit with the Clerk of the convicting Justice such a Sum of Money as such Justice shall deem to be sufficient to cover the Sum so adjudged to be paid, together with the Costs of the Conviction and the Costs of the Appeal; and upon such Notice being given, and such Recognizance being entered into, or such Deposit being made, the Justice before whom such Recognizance shall be entered into, or such Deposit shall be made, 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; and in any Case where after any such Deposit shall have been made as aforesaid the Conviction shall be affirmed, the Court may order the Sum thereby adjudged to be paid, together with the Costs of the Conviction and the Costs of the Appeal, to be paid out of the Money deposited, and the Residue thereof, if any, to be repaid to the Party convicted; and in any Case where after any such Deposit the Conviction shall be quashed, the Court shall order the Money deposited to be repaid to the Party convicted; and in every Case where any Conviction shall be quashed on Appeal as aforesaid the Clerk of the Peace, or other proper Officer, shall forthwith endorse on the Conviction a Memorandum that the same has been so quashed; and whenever any Copy or Certificate of such Conviction shall be made, a Copy of such Memorandum shall be added thereto, and shall be sufficient Evidence that the Conviction has been quashed in every Case where such Copy or Certificate would be sufficient Evidence of such Conviction.

No Certiorari, &c.

111. No such Conviction, or Adjudication made on Appeal therefrom, shall be quashed for Want of Form, or be removed by Certiorari into any of Her 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 Quarter Sessions.

112. 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 which shall be holden for the County or Place wherein the Offence shall have been committed, there to be kept by the proper Officer among the Records of the Court; and upon any 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 a Conviction for the former Offence, and the Conviction shall be presumed to have been unappealed against until the contrary be shown.

Venue, in Proceedings against Persons acting under this Act.

Notice of Action.

General Issue, &c.

113. All Actions and Prosecutions to be commenced against any Person for anything done in pursuance of this Act shall be laid and tried in the County where the Fact was committed, and shall be commenced within Six Months after the Fact committed, and not otherwise; and Notice in Writing of such Action and of the Cause thereof shall be given to the Defendant One 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 has 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.

As to other Matters:

Stealers of Property in one Part of the United Kingdom who have the same in any other Part of the United Kingdom may be tried and punished in that Part of the United Kingdom where they have the Property.

114. If any Person shall have in his Possession in any one Part of the United Kingdom any Chattel, Money, valuable Security, or other Property whatsoever, which he shall have stolen or otherwise feloniously taken in any other Part of the United Kingdom, he may be dealt with, indicted, tried, and punished for Larceny or Theft in that Part of the United Kingdom where he shall so have such Property, in the same Manner as if he had actually stolen or taken it in that Part; and if any Person in any one Part of the United Kingdom shall receive or have any Chattel, Money, valuable Security, or other Property whatsoever which shall have been stolen or otherwise feloniously taken in any other Part of the United Kingdom, such Person knowing such Property to have been stolen or otherwise feloniously taken, he may be dealt with, indicted, tried, and punished for such Offence in that Part of the United Kingdom where he shall so receive or have such Property, in the same Manner as if it had been originally stolen or taken in that Part.

Offences committed within the Jurisdiction of the Admiralty.

115. All indictable Offences mentioned in this Act which shall be committed within the Jurisdiction of the Admiralty of *England* or *Ireland* shall be deemed to be Offences of the same Nature, and liable to the same Punishments, as if they had been committed upon the Land in *England* or *Ireland*, and may be dealt with, inquired of, tried, and determined in any County or Place in which the Offender shall be apprehended or be in Custody; and in any Indictment for any such Offence or for being an Accessory to any such Offence the Venue in the Margin shall be the same as if the Offence had been committed in such County or Place, and the Offence itself shall be averred to have been committed "on the High Seas;" provided, that nothing herein contained shall alter or affect any of the Laws relating to the Government of Her Majesty's Land or Naval Forces.

Form of Indictment for a subsequent Offence.

116. In any Indictment for any Offence punishable under this Act, and committed after a previous Conviction or Convictions for any Felony, Misdemeanor, or Offence or Offences punishable upon Summary Conviction, it shall be sufficient, after charging the subsequent Offence, to state that the Offender was at a certain Time and Place or at certain Times and Places convicted of Felony, or of an indictable Misdemeanor, or of an Offence or Offences punishable upon Summary Conviction, (as the Case may be,) without otherwise describing the previous Felony, Misdemeanor, Offence or Offences; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the previous Felony or Misdemeanor, or a Copy of

any such Summary Conviction, 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 to which such Summary Conviction shall have been returned, or by the Deputy of such Clerk or Officer, (for which Certificate or Copy a Fee of Five Shillings and no more shall be demanded or taken,) shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of such Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and the Proceedings upon any Indictment for committing any Offence after a previous Conviction or Convictions shall be as follows; (that is to say,) the Offender shall, in the first instance, be arraigned upon so much only of the Indictment as charges the subsequent Offence, and if he plead Not Guilty, or if the Court order a Plea of Not Guilty to be entered on his Behalf, the Jury shall be charged, in the first instance, to inquire concerning such subsequent Offence only; and if they find him Guilty, or if on Arraignment he plead Guilty, he shall then, and not before, be asked whether he had been previously convicted as alleged in the Indictment, and if he answer that he had been so previously convicted the Court may proceed to sentence him accordingly, but if he deny that he had been so previously convicted, or stand mute of Malice, or will not answer directly to such Question, the Jury shall then be charged to inquire concerning such previous Conviction or Convictions, and in such Case it shall not be necessary to swear the Jury again, but the Oath already taken by them shall for all Purposes be deemed to extend to such last-mentioned Inquiry: Provided, that if upon the Trial of any Person for any such subsequent Offence such Person shall give Evidence of his good Character, it shall be lawful for the Prosecutor, in answer thereto, to give Evidence of the Conviction of such Person for the previous Offence or Offences before such Verdict of Guilty shall be returned, and the Jury shall inquire concerning such previous Conviction or Convictions at the same Time that they inquire concerning such subsequent Offence.

When the previous Conviction is to be proved on the Trial.

Fine, and Sureties for keeping the Peace; in what Cases.

117. Whenever any Person shall be convicted of any indictable Misdemeanor punishable under this Act, the Court may, if it shall think fit, in addition to or in lieu of any of the Punishments by this Act authorized, fine the Offender, and require him to enter into his own Recognizances and to find Sureties, both or either, for keeping the Peace and being of good Behaviour; and in case of any Felony punishable under this Act the Court may, if it shall think fit, require the Offender to enter into his own Recognizances, and to find Sureties, both or either, for keeping the Peace, in addition

to

to any Punishment by this Act authorized: Provided that no Person shall be imprisoned under this Clause for not finding Sureties for any Period exceeding One Year.

Hard Labour.

118. Whenever Imprisonment, with or without Hard Labour, may be awarded for any indictable Offence under this Act, the Court may sentence the Offender to be imprisoned, or to be imprisoned and kept to Hard Labour, in the Common Gaol or House of Correction.

Solitary Confinement and Whipping.

119. Whenever Solitary Confinement may be awarded for any indictable Offence under this Act, the Court may direct the Offender to be kept in Solitary Confinement for any Portion or Portions of his Imprisonment, or of his Imprisonment with Hard Labour, not exceeding One Month at any One Time, and not exceeding Three Months in any One Year; and whenever Whipping may be awarded for any indictable Offence under this Act, the Court may sentence the Offender to be once privately whipped, and the Number of Strokes and the Instrument with which they shall be inflicted shall be specified by the Court in the Sentence.

Summary Proceedings in England may be under the 11 & 12 Vict. c. 43., and in Ireland under the 14 & 15 Vict. c. 93;

120. Every Offence hereby made punishable on Summary Conviction may be prosecuted in *England* in the Manner directed by the Act of the Session holden in the Eleventh and Twelfth Years of Queen *Victoria*, Chapter Forty-three, so far as no Provision is hereby made for any Matter or Thing which may be required to be done in the course of such Prosecution, and may be prosecuted in *Ireland* before Two or more Justices of the Peace, or One Metropolitan or Stipendiary Magistrate, in the Manner directed by the Act of the Session holden in the Fourteenth and Fifteenth Years of Queen *Victoria*, Chapter Ninety-three, or in such other Manner as may be directed by any Act that may be passed for like Purposes; and all Provisions contained in the said Acts shall be applicable to such Prosecutions in the same Manner as if they were incorporated in this Act: Provided, that nothing in this Act contained shall in any Manner alter or affect any Enactment relating to Procedure in the Case of any Offence punishable on summary Conviction within the City of *London* or the Metropolitan Police District, or the Recovery or Application of any Penalty or Forfeiture for any such Offence.

except in London and the Metropolitan Police District.

The Costs of the Prosecution of Misdemeanors against this Act may be allowed.

121. The Court before which any indictable Misdemeanor against this Act shall be prosecuted or tried may allow the Costs of the Prosecution in the same Manner as in Cases of Felony; and every Order for the Payment of such Costs shall be made out, and

and the Sum of Money mentioned therein paid and repaid, upon the same Terms and in the same Manner in all respects as in Cases of Felony.

Act not to extend to Scotland.

122. Nothing in this Act contained shall extend to *Scotland*, except as herein-before otherwise expressly provided.

Commencement of Act.

123. This Act shall commence and take effect on the First Day of *November* One thousand eight hundred and sixty-one.

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