

CHAP. 112.

An Act for the more effectual Prevention of Crime. A.D. 1871.

[21st August 1871.]

WHEREAS it is expedient to make further provision for the effectual prevention of crime:

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:

Preliminary.

1. This Act may be cited as "The Prevention of Crimes Act, "1871." Short title.

2. This Act shall not come into operation until the second day of November one thousand eight hundred and seventy-one. Commencement of Act.

Amendment of Penal Servitude Acts.

3. Any constable in any police district may, if authorised so to do in writing by the chief officer of police of that district, without warrant take into custody any convict who is the holder of a license granted under the Penal Servitude Acts, if it appears to such constable that such convict is getting his livelihood by dishonest means, and may bring him before a court of summary jurisdiction for adjudication. Penalty on holders of licenses getting their livelihood by dishonest means.

If it appears from the facts proved before such court that there are reasonable grounds for believing that the convict so brought before it is getting his livelihood by dishonest means, such convict shall be deemed to be guilty of an offence against this Act, and his license shall be forfeited.

4. Where in any license granted under the Penal Servitude Acts, any conditions different from or in addition to those contained in Schedule A. of The Penal Servitude Act, 1864, are inserted, the holder of such license, if he breaks any such conditions by an act that is not of itself punishable, either upon indictment or upon Penalty on breach of conditions of license.

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summary conviction, shall be deemed guilty of an offence against this Act, and shall be liable to imprisonment for any period not exceeding three months, with or without hard labour.

A copy of any conditions annexed to any license granted under the Penal Servitude Acts, other than the conditions contained in Schedule A. of The Penal Servitude Act, 1864, shall be laid before both Houses of Parliament within twenty-one days after the making thereof, if Parliament be then sitting, or if not, then within fourteen days after the commencement of the next session of Parliament.

Convict holding license to notify residence to police.

5. Every holder of a license granted under the Penal Servitude Acts who is at large in Great Britain or Ireland shall notify the place of his residence to the chief officer of police of the district in which his residence is situated, and shall, whenever he changes such residence within the same police district, notify such change to the chief officer of police of that district, and whenever he changes his residence from one police district to another shall notify such change of residence to the chief officer of police of the police district which he is leaving, and to the chief officer of police of the police district into which he goes to reside; moreover, every male holder of such a license as aforesaid shall, once in each month, report himself at such time as may be prescribed by the chief officer of police of the district in which such holder may be, either to such chief officer himself or to such other person as that officer may direct, and such report may, according as such chief officer directs, be required to be made personally or by letter.

If any holder of a license who is at large in Great Britain or Ireland, remains in any place for forty-eight hours without notifying the place of his residence to the chief officer of police of the district in which such place is situated, or fails to comply with the requisitions of this section on the occasion of any change of residence, or with the requisitions of this section as to reporting himself once in each month, he shall in every such case, unless he proves to the satisfaction of the court before whom he is tried that he did his best to act in conformity with the law, be guilty of an offence against this Act, and upon conviction thereof his license may in the discretion of the court be forfeited; or, if the term of penal servitude in respect of which his license was granted has expired at the date of his conviction, it shall be lawful for the court to sentence him to imprisonment, with or without hard labour, for a term not exceeding one year, or if the said term of penal servitude has not expired, but the remainder unexpired thereof is a lesser period than

one year, then to sentence him to imprisonment, with or without hard labour, to commence at the expiration of the said term of penal servitude, for such a term as, together with the remainder unexpired of his said term of penal servitude, will not exceed one year.

Register of Criminals.

Register and photographing of criminals.

6. The following enactments shall be made with a view to facilitate the identification of criminals:

(1.) Registers of all persons convicted of crime in the United Kingdom shall be kept in such form and containing such particulars as may from time to time be prescribed, in Great Britain by one of Her Majesty's Principal Secretaries of State, and in Ireland by the Lord Lieutenant:

(2.) The register for England shall be kept in London under the management of the commissioner of police of the metropolis, or such other person as the Secretary of State may appoint:

(3.) The register for Scotland shall be kept in Edinburgh under the management of the secretary to the managers of the General Prison at Perth, or such other person as the Secretary of State may appoint:

(4.) The register for Ireland shall be kept in Dublin under the management of the commissioners of police for the police district of Dublin metropolis, or such other person as the Lord Lieutenant may from time to time appoint:

(5.) In every prison, the gaoler or other governor of the prison shall make returns of the persons convicted of crime and coming within his custody; and such returns shall be in such form or forms and contain such particulars in Great Britain as the Secretary of State, and in Ireland as the said Lord Lieutenant, may require; and every gaoler or other governor of a prison who refuses or neglects to transmit such returns, or wilfully transmits a return containing any false or imperfect statement, shall for every such offence forfeit a sum not exceeding twenty pounds, to be recovered summarily:

(6.) In Great Britain the Secretary of State, and in Ireland the said Lord Lieutenant, may make regulations as to the photographing of all prisoners convicted of crime who may for the time being be confined in any prison in Great Britain or Ireland, and may in such regulations prescribe the time or times at which and the manner and dress in which such prisoners are to be taken, and the number of

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photographs of each prisoner to be printed, and the persons to whom such photographs are to be sent:

(7.) Any regulations made by the Secretary of State as to the photographing of prisoners in any prison in England shall be deemed to be regulations for the government of that prison, and binding on all persons, in the same manner as if they were contained in the first schedule annexed to The Prison Act, 1865:

(8.) Any regulations made by the Secretary of State as to the photographing of prisoners in any prison in Scotland shall be deemed to be rules for prisons in Scotland, and as such shall be binding on all whom they may concern, in the same manner as if the same were made under and in virtue of the powers contained in "The "Prisons (Scotland) Administration Act, 1860:"

(9.) Any regulations made by the Lord Lieutenant as to the photographing of prisoners in any prison in Ireland shall be deemed to be byelaws duly made by the Lord Lieutenant, and shall be binding on all persons, in the same manner as if the same were made under the authority of the Act passed in the session holden in the nineteenth and twentieth years of the reign of Her present Majesty, chapter sixty-eight:

(10.) Any prisoner refusing to obey any regulation made in pursuance of this section shall be deemed guilty of an offence against prison discipline, in England within the meaning of the fifty-seventh regulation in the first schedule annexed to the said Prison Act, 1865, in Scotland within the meaning of the rules for prisons in Scotland, certified under the hand of one of Her Majesty's Principal Secretaries of State, under and by virtue of "The Prisons "(Scotland) Administration Act, 1860," and in Ireland within the meaning of the fifteenth regulation contained in section one hundred and nine of the Act passed in the seventh year of the reign of His late Majesty King George the Fourth, chapter seventy-four:

(11.) Any authority having power to make regulations in pursuance of this section may from time to time modify, repeal, or add to any regulations so made:

(12.) Any expenses incurred in pursuance of this section shall be defrayed as follows; (that is to say,)

The expense of keeping the register in London, Edinburgh, and Dublin shall, to such amount as may be

sanctioned by the Treasury, be paid out of moneys provided by Parliament:

The expenses incurred in photographing the prisoners in any prison shall be deemed to be part of the expenses incurred in the maintenance of the prison, and shall be defrayed accordingly.

This section shall not apply to the prisons for convicts under the superintendence of the directors of convict prisons or to any military or naval prison.

Punishment of certain Offenders.

Special offences by persons twice convicted of crime.

7. Where any person is convicted on indictment of a crime, and a previous conviction of a crime is proved against him, he shall, at any time within seven years immediately after the expiration of the sentence passed on him for the last of such crimes be guilty of an offence against this Act, and be liable to imprisonment, with or without hard labour, for a term not exceeding one year, under the following circumstances or any of them:

First. If, on his being charged by a constable with getting his livelihood by dishonest means, and being brought before a court of summary jurisdiction, it appears to such court that there are reasonable grounds for believing that the person so charged is getting his livelihood by dishonest means: or,

Secondly. If, on being charged with any offence punishable on indictment or summary conviction, and on being required by a court of summary jurisdiction to give his name and address, he refuses to do so, or gives a false name or a false address: or,

Thirdly. If he is found in any place, whether public or private, under such circumstances as to satisfy the court before whom he is brought that he was about to commit or to aid in the commission of any offence punishable on indictment or summary conviction, or was waiting for an opportunity to commit or aid in the commission of any offence punishable on indictment or summary conviction: or,

Fourthly. If he is found in or upon any dwelling-house, or any building, yard, or premises, being parcel of or attached to such dwelling-house, or in or upon any shop, warehouse, counting-house, or other place of business, or in any garden, orchard, pleasure ground, or nursery ground, or in any building or erection in any garden, orchard, pleasure ground, or nursery ground, without being able to account to the

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satisfaction of the court before whom he is brought for his being found on such premises.

Any person charged with being guilty of any offence against this Act mentioned in this section may be taken into custody as follows; (that is to say,)

In the case of any such offence against this Act as is first in this section mentioned, by any constable without warrant, if such constable is authorised so to do by the chief officer of police of his district;

In the case of any such offence against this Act as is thirdly in this section mentioned, by any constable without warrant, although such constable is not specially authorised to take him into custody;

Also, where any person is charged with being guilty of an offence against this Act fourthly in this section mentioned, he may, without warrant, be apprehended by any constable, or by the owner or occupier of the property on which he is found, or by the servants of the owner or occupier, or by any other person authorised by the owner or occupier, and may be detained until he can be delivered into the custody of a constable.

Person twice convicted may be subjected to police supervision.

8. Where any person is convicted on indictment of a crime, and a previous conviction of a crime is proved against him, the court having cognizance of such indictment may, in addition to any other punishment which it may award to him, direct that he is to be subject to the supervision of the police for a period of seven years, or such less period as the court may direct, commencing immediately after the expiration of the sentence passed on him for the last of such crimes.

Every person subject to the supervision of the police, who is at large in Great Britain or Ireland, shall notify the place of his residence to the chief officer of police of the district in which his residence is situated, and shall, whenever he changes such residence within the same police district, notify such change to the chief officer of police of that district, and whenever he changes his residence from one police district to another, shall notify such change of residence to the chief officer of police of the police district which he is leaving, and to the chief officer of police of the police district into which he goes to reside; moreover every person subject to the supervision of the police, if a male, shall once in each month report himself, at such time as may be prescribed by the chief officer of police of the district in which such holder may be, either to such chief officer himself, or to such other person as that officer may direct, and such report may, according as such chief officer directs, be required to be made personally or by letter.

If any person subject to the supervision of the police, who is at large in Great Britain or Ireland, remains in any place for forty-eight hours without notifying the place of his residence to the chief officer of police of the district in which such place is situated, or fails to comply with the requisitions of this section on the occasion of any change of residence, or with the requisitions of this section as to reporting himself once in each month, he shall in every such case, unless he proves to the satisfaction of the court before whom he is tried that he did his best to act in conformity with the law, be guilty of an offence against this Act, and upon conviction thereof he shall be subject to be imprisoned, with or without hard labour, for any period not exceeding one year.

Incorporation of certain rules of procedure on indictments.

9. The rules contained in the one hundred and sixteenth section of the Act of the session holden in the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-six, intituled "An Act to consolidate and amend the Statute Law of "England and Ireland relating to Larceny and other similar "offences," in relation to the form of and the proceedings upon an indictment for any offence punishable under that Act committed after previous conviction, shall, with the necessary variations, apply to any indictment for committing a crime as defined by this Act after previous conviction for a crime, whether the crime charged in such indictment or the crime to which such previous conviction relates be or be not punishable under the said Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-six.

Penalty for harbouring thieves, &c.

10. Every person who occupies or keeps any lodging-house, beer-house, public house, or other house or place where intoxicating liquors are sold, or any place of public entertainment or public resort, and knowingly lodges or knowingly harbours thieves or reputed thieves, or knowingly permits or knowingly suffers them to meet or assemble therein, or knowingly allows the deposit of goods therein having reasonable cause for believing them to be stolen, shall be guilty of an offence against this Act, and be liable to a penalty not exceeding ten pounds, and in default of payment to be imprisoned for a period not exceeding four months, with or without hard labour, and the court before which he is brought may, if it think fit, in addition to or in lieu of any penalty, require him to enter into recognizances, with or without sureties, and if in Scotland to find caution, for keeping the peace or being of good behaviour during twelve months: Provided that

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(1.) No person shall be imprisoned for not finding sureties or cautioners in pursuance of this section for a longer period than three months; and

(2.) The security required from a surety or cautioner shall not exceed twenty pounds:

And any license for the sale of any intoxicating liquors, or for keeping any place of public entertainment or public resort, which has been granted to the occupier or keeper of any such house or place as aforesaid, may, in the discretion of the court, be forfeited on his first conviction of an offence under this section, and on his second conviction for such an offence his license shall be forfeited and he shall be disqualified for a period of two years from receiving any such license; moreover, where two convictions under this section have taken place within a period of three years in respect of the same premises, whether the persons convicted were or were not the same, the court shall direct that for a term not exceeding one year from the date of the last of such convictions no such license as aforesaid shall be granted to any person whatever in respect of such premises; and any license granted in contravention of this section shall be void.

Any licensed person brought before a court in pursuance of this section shall produce his license for examination, and if such license is forfeited shall deliver it up altogether, and if such person wilfully neglects or refuses to produce his license he shall, in addition to any other penalty under this section, be liable on summary conviction to a penalty not exceeding five pounds; provided that any person convicted under this section shall have a right to appeal against such conviction in the same manner in all respects as if the said conviction had been for an offence committed against the provisions of the Act of the ninth George the Fourth, chapter sixty-one.

Penalty on brothel keepers harbouring thieves, &c.

11. Every person who occupies or keeps a brothel, and knowingly lodges or knowingly harbours thieves or reputed thieves, or knowingly permits or knowingly suffers them to meet or assemble therein, or knowingly allows the deposit of goods therein having reasonable cause for believing them to be stolen, shall be guilty of an offence against this Act, and be liable to a penalty not exceeding ten pounds, and in default of payment to be imprisoned for a period not exceeding four months, with or without hard labour, and the court before which he is brought may, if it think fit, in addition to or in lieu of any penalty require him to enter into recognizances, with or without sureties, as in this Act described.

Penalty on assaults on police.

12. Where any person is convicted of an assault on any constable when in the execution of his duty, such person shall be guilty of an offence against this Act, and shall, in the discretion of the court, be liable either to pay a penalty not exceeding twenty pounds, and in default of payment to be imprisoned, with or without hard labour, for a term not exceeding six months, or to be imprisoned for any term not exceeding six, or in case such person has been convicted of a similar assault within two years, nine months, with or without hard labour.

Penalty on dealers in old metals purchasing quantities less than stated in schedule.

13. Any dealer in old metals who either personally or by any servant or agent purchases, receives, or bargains for any metal mentioned in the first column of the schedule annexed hereto, whether new or old, in any quantity at one time of less weight than the quantity set opposite each such metal in the second column of the schedule annexed hereto, shall be guilty of an offence against this Act, and be liable to a penalty not exceeding five pounds.

For the purposes of this section the term "dealer in old metals" shall mean any person dealing in, buying, and selling old metal, scrap metal, broken metal, or partly manufactured metal goods, or defaced or old metal goods, and whether such person deals in such articles only, or together with second-hand goods or marine stores.

As to care of children of women convicted of crimes.

14. Where any woman is convicted of a crime, and a previous conviction of a crime is proved against her, any children of such woman under the age of fourteen years who may be under her care and control at the time of her conviction for the last of such crimes, and who have no visible means of subsistence, or are without proper guardianship, shall be deemed to be children to whom in Great Britain the provisions of The Industrial Schools Act, 1866, and in Ireland the provisions of The Industrial Schools (Ireland) Act, 1868, apply, and the court by whom such woman is convicted, or two justices or a magistrate, shall have the same power of ordering such children to be sent to a certified industrial school as is vested in two justices or a magistrate by the fourteenth section of The Industrial Schools Act, 1866, and by the eleventh section of The Industrial Schools (Ireland) Act, 1868, in respect of the children in the said sections described.

Amendment of Criminal Law in certain Cases.

Evidence of vagrancy and amendment of Vagrant Act.

15. Whereas by the fourth section of the Act passed in the fifth year of the reign of King George the Fourth, chapter eighty-three, intituled "An Act for the punishment of idle and disorderly

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" persons, and rogues and vagabonds, in that part of Great " Britain called England," it is, amongst other things, provided that every suspected person or reputed thief frequenting any river, canal, or navigable stream, dock, or basin, or any quay, wharf, or warehouse near or adjoining thereto, or any street, highway, or avenue leading thereto, or any place of public resort, or any avenue leading thereto, or any street, highway, or place adjacent, with intent to commit felony, shall be deemed a rogue and vagabond, and may be apprehended and committed to prison with hard labour for any time not exceeding three calendar months: And whereas doubts are entertained as to the construction of the said provision, and as to the nature of the evidence required to prove the intent to commit a felony: Be it enacted, firstly, the said section shall be construed as if instead of the words " highway or place adjacent " there were inserted the words " or any highway or any place adjacent " to a street or highway;" and, secondly, that in proving the intent to commit a felony it shall not be necessary to show that the person suspected was guilty of any particular act or acts tending to show his purpose or intent, and he may be convicted if from the circumstances of the case, and from his known character as proved to the justice of the peace or court before whom or which he is brought, it appears to such justice or court that his intent was to commit a felony; and the provisions of the said section, as amended by this section, shall be in force in Scotland and Ireland. For the purposes of this section, in Scotland the word felony shall mean any of the pleas of the Crown, any theft, which in respect of aggravation, or of the amount in value of the money, goods, or thing stolen, may be punished with penal servitude, any forgery, and any uttering of any forged writing.

Power to search for stolen property.

16. Any constable may under the circumstances hereafter in this section mentioned be authorised in writing by a chief officer of police to enter, and if so authorised may enter, any house, shop, warehouse, yard, or other premises in search of stolen property, and search and seize and secure any property he may believe to have been stolen, in the same manner as he would be authorised to do if he had a search warrant, and the property seized, if any, corresponded to the property described in such search warrant.

In every case in which any property is seized in pursuance of this section the person on whose premises it was at the time of seizure, or the person from whom it was taken if other than the person on whose premises it was, shall, unless previously charged with receiving the same knowing it to have been stolen, be summoned before a court

of summary jurisdiction to account for his possession of such property, and such court shall make such order respecting the disposal of such property, and may award such costs as the justice of the case may require.

It shall be lawful for any chief officer of police to give such authority as aforesaid in the following cases, or either of them:—

First. When the premises to be searched are, or within the preceding twelve months have been, in the occupation of any person who has been convicted of receiving stolen property or of harbouring thieves: or

Second. When the premises to be searched are in the occupation of any person who has been convicted of any offence involving fraud or dishonesty, and punishable by penal servitude or imprisonment:

And it shall not be necessary for such chief officer of police on giving such authority to specify any particular property, but he may give such authority if he has reason to believe generally that such premises are being made a receptacle for stolen goods.

Legal Proceedings.

As to legal proceedings to be taken before courts of summary jurisdiction.

17. Any offence against this Act may be prosecuted before a court of summary jurisdiction, as follows:

In England, in manner directed by the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate "the performance of the duties of justices of the peace out of "sessions within England and Wales with respect to summary "convictions and orders," and any Act amending the same:

In Scotland, under the provisions of "The Summary Procedure "Act, 1864," and any Act amending the same:

In Ireland, within the police district of Dublin metropolis, according to the provisions of the Act regulating the powers and duties of justices of the peace for such district, or of the police of such district, and elsewhere in Ireland in manner directed by "The Petty Sessions (Ireland) Act, 1851," and any Act amending the same:

"Court of summary jurisdiction" shall in this Act mean and include any justice or justices of the peace, sheriff or sheriff substitute, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Acts in this section mentioned, or any Acts therein referred to, or to proceedings before whom the provisions of such Acts are or may be made applicable.

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Provided as follows:—

1. The "Court of Summary Jurisdiction," when hearing and determining an information, complaint, or other proceeding in respect of an offence against this Act, shall be constituted in some one of the following manners; that is to say, in England, either of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions, or of one of the magistrates herein-after mentioned, sitting alone or with others at some court or other place appointed for the administration of justice; that is to say, the Lord Mayor, a metropolitan police magistrate, a stipendiary magistrate, or some other officer or officers for the time being empowered by law to do alone or with others any act authorised to be done by more than one justice of the peace; and in Scotland, of two or more justices of the peace sitting as judges in a justice of the peace court, or of one of the magistrates herein-after mentioned, sitting alone or with others at some court or other place appointed for the administration of justice; that is to say, the sheriff or sheriff substitute of the county, or the provost or other magistrate of a royal burgh, or some other officer or officers for the time being empowered by law to do alone or with others any act authorised to be done by more than one justice of the peace; and all necessary powers and authorities are hereby conferred upon such court in Scotland; in Ireland, within the police district of Dublin metropolis, of one of the divisional justices of the said district sitting at a police court within the said district; and elsewhere, of a stipendiary magistrate sitting alone or with others, or of any two or more justices of the peace sitting in petty sessions at a place appointed for holding petty sessions.

2. The description of any offence against this Act in the words of this Act shall be sufficient in law.

3. Any exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information or complaint, and if so specified or negatived no proof in relation to the matters so specified or negatived shall be required on the part of the informant or prosecutor or complainant.

4. Where any offence against this Act involves the forfeiture of a license granted under the Penal Servitude Acts, the court by whom the offender is convicted may commit him to any prison within its jurisdiction, there to remain until he can conveniently be removed to some prison in which convicts under sentence of penal servitude may lawfully be confined, in order that he may there undergo the

term of penal servitude to which he is liable under the said Penal Servitude Acts or some of them; and any person so committed may be kept to hard labour.

5. Any person accused of an offence against this Act may be remanded from time to time by the court before whom he is brought for the purpose of enabling evidence to be obtained against him, or for any other just cause.

6. No warrant or conviction in respect of any offence against this Act shall be quashed for want of form, and the court before whom any question relating to the validity of any such warrant or conviction is brought may amend such warrant or conviction if it is of opinion that there was sufficient evidence before the court by whom the warrant was issued or conviction made to justify the issue of such warrant or making of such conviction.

7. All penalties imposed under this Act in Scotland may, unless it is otherwise provided, in default of payment, be enforced by imprisonment for a term to be specified in the judgment or sentence of the court, but not exceeding three calendar months; and all penalties imposed and recovered under this Act in Scotland shall be paid to the clerk of the court, and by him accounted for and paid to the Queen's and Lord Treasurer's Remembrancer in behalf of Her Majesty.

All penalties imposed under this Act in Ireland shall be applied according to The Fines (Ireland) Act, 1851, or any Act amending the same.

Evidence of previous conviction.

18. A previous conviction may be proved in any legal proceeding whatever against any person by producing a record or extract of such conviction, and by giving proof of the identity of the person against whom the conviction is sought to be proved with the person appearing in the record or extract of conviction to have been convicted.

A record or extract of a conviction shall in the case of an indictable offence consist of a certificate containing the substance and effect only (omitting the formal part of the indictment and conviction), and purporting to be signed by the clerk of the court or other officer having the custody of the records of the court by which such conviction was made, or purporting to be signed by the deputy of such clerk or officer; and in the case of a summary conviction shall consist of a copy of such conviction purporting to be signed by any justice of the peace having jurisdiction over the offence in respect of which such conviction was made, or to be signed by the proper officer of the court by which such conviction was made, or by the clerk

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or other officer of any court to which such conviction has been returned.

A record or extract of any conviction made in pursuance of this section shall be admissible in evidence without proof of the signature or official character of the person appearing to have signed the same.

A previous conviction in any one part of the United Kingdom may be proved against a prisoner in any other part of the United Kingdom; and a conviction before the passing of this Act shall be admissible in the same manner as if it had taken place after the passing thereof.

A fee not exceeding five shillings may be charged for a record of a conviction given in pursuance of this section.

The mode of proving a previous conviction authorised by this section shall be in addition to and not in exclusion of any other authorised mode of proving such conviction.

Evidence in cases of receiving stolen property.

19. Where proceedings are taken against any person for having received goods knowing them to be stolen, or for having in his possession stolen property, evidence may be given at any stage of the proceedings that there was found in the possession of such person other property stolen within the preceding period of twelve months, and such evidence may be taken into consideration for the purpose of proving that such person knew the property to be stolen which forms the subject of the proceedings taken against him.

Where proceedings are taken against any person for having received goods knowing them to be stolen, or for having in his possession stolen property, and evidence has been given that the stolen property has been found in his possession, then if such person has within five years immediately preceding been convicted of any offence involving fraud or dishonesty, evidence of such previous conviction may be given at any stage of the proceedings, and may be taken into consideration for the purpose of proving that the person accused knew the property which was proved to be in his possession to have been stolen; provided that not less than seven days notice in writing shall have been given to the person accused that proof is intended to be given of such previous conviction; and it shall not be necessary for the purposes of this section to charge in the indictment the previous conviction of the person so accused.

Definitions.

Interpretation: "Penal Servitude Acts:"

20. The expression "the Penal Servitude Acts" means, as the case requires, the Penal Servitude Acts, 1853, 1857, and 1864, or any of them.

"Crime:"

The expression "crime" means, in England and Ireland, any felony, or the offence of uttering false or counterfeit coin, or of possessing counterfeit gold or silver coin, or the offence of obtaining goods or money by false pretences, or the offence of conspiracy to defraud, or any misdemeanor under the fifty-eighth section of the Act passed in the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-six; and in Scotland, any of the pleas of the Crown, any theft which, in respect of any aggravation, or of the amount in value of the money, goods, or thing stolen, may be punished with penal servitude, any forgery, and any uttering of any forged writing, falsehood, fraud, and wilful imposition, uttering base coin, or the possession of such coin with intent to utter the same.

"Offence:"

The expression "offence" means any act or omission which is not a crime as defined by this Act, and is punishable on indictment or summary conviction.

"Indictment:"

The expression "indictment" shall in Scotland include criminal letters and criminal libel.

"Police district:"

The expression "police district" means—

In England,—

(1.) The city of London and the liberties thereof:

(2.) The metropolitan police district:

(3.) Elsewhere in England, any county, riding, part, division, or liberty of a county, borough, burgh, city, town, place, or union, or combination of places maintaining a separate police force; and all the police under one chief constable shall be deemed to constitute one force for the purposes of this definition:

In Scotland,—

Any county, city, burgh, town, place, or combination of places maintaining a separate police force; and all the police under one chief constable shall be deemed to constitute one force for the purposes of this definition:

In Ireland,—

(1.) The police district of Dublin metropolis:

(2.) Elsewhere in Ireland, any district, whether city, town, or country, over which is appointed a sub-inspector of the Royal Irish Constabulary.

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"Chief officer of police:"

The expression "chief officer of police" means—

In England,—

(1.) In the city of London and the liberties thereof, the commissioner of city police:

(2.) In the metropolitan police district, the commissioner of police of the metropolis:

(3.) Elsewhere in England, the chief constable, or head constable, or other officer, by whatever name called, having the chief command of the police in the police district in reference to which such expression occurs:

In Scotland,—

The chief constable, or head constable, or other officer, by whatever name called, having the chief command of the police in the police district in reference to which such expression occurs:

In Ireland,—

(1.) In the police district of Dublin metropolis, either of the commissioners of police for the said district:

(2.) Elsewhere in Ireland, in any other police district, the sub-inspector of the Royal Irish Constabulary:

Any act or thing by this Act authorised to be done by the chief officer of police may be done by any person authorised by him in that behalf.

"Lord Lieutenant."

The expression "Lord Lieutenant" includes the Lords Justices or other chief governors or governor of Ireland for the time being.

Repeal of Acts, and Saving Clause.

Repeal of Acts.

21. From and after the time at which this Act comes into operation, there shall be repealed,

(1.) "The Habitual Criminals Act, 1869:"

(2.) So much of the fourth section of "The Penal Servitude Act, "1864," as requires the holder of a license to report himself.

Provided that the repeal enacted in this Act shall not affect any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before this Act comes into operation, or any prosecution or other remedy or legal proceeding for enforcing or recovering any such penalty, forfeiture, or other punishment as aforesaid.

A.D. 1871.

22. This Act shall not affect the infliction of capital punishment in any case where capital punishment would have been inflicted if this Act had not passed.

Saving as to capital punishment.

SCHEDULE above referred to.

COLUMN 1. List of Metals.	COLUMN 2. Quantities of not less than
Lead, or any composite the principal ingredient of which is lead	112 lbs.
Copper, or any composite the principal ingredient of which is copper	56 lbs.
Brass, or any composite the principal ingredient of which is brass	56 lbs.
Tin, or any composite the principal ingredient of which is tin	56 lbs.
Pewter, or any composite the principal ingredient of which is pewter	56 lbs.
German silver or spelter, or any composite the principal ingredient of which is german silver or spelter	56 lbs.

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