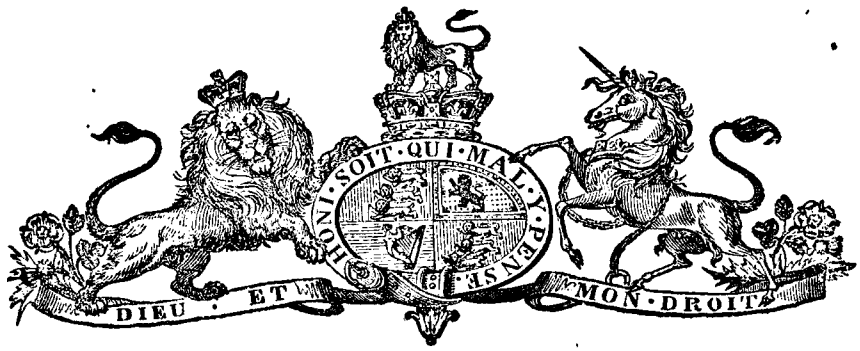


ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

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CAP. XIX.

An Act for the better Prevention of Offences.

[3d *July* 1851.]

WHEREAS it is expedient to make further Provision for the Prevention of Burglary and other Offences in the Night: 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: That—

Any Person found by Night armed, &c. with Intent to break into any House and commit any Felony therein, or having in his Possession, without lawful Excuse, any Implements of Housebreaking, or having his Face disguised, or being found by Night in any House with Intent to commit any Felony therein, shall be guilty of a Misdemeanor.

I. If any Person shall be found by Night armed with any dangerous or offensive Weapon or Instrument whatsoever with Intent to break or enter into any Dwelling House or other Building whatsoever and to commit any Felony therein, or if any Person 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 if any Person shall be found by Night having his Face blackened or otherwise disguised, with Intent to commit any Felony, or if any Person shall be found by Night in any Dwelling House or other Building whatsoever with Intent to commit any Felony therein, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof shall be

be liable at the Discretion of the Court to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years.

Any Person convicted of such Misdemeanor after a previous Conviction of Felony or such Misdemeanor, guilty of Misdemeanor, &c.

Form of Indictment.

Certificate of previous Conviction.

II. If any Person shall be convicted of any such Misdemeanor as aforesaid committed after a previous Conviction, either for Felony or such Misdemeanor as aforesaid, such Person shall on such subsequent Conviction be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not less than Seven Years and not exceeding Ten Years, or imprisoned, with or without Hard Labour, for any Term not exceeding Three Years; and in any Indictment for such Misdemeanor committed after a previous Conviction as aforesaid it shall be sufficient to state that the Offender was at a certain Time and Place convicted of Felony or Misdemeanor against "The Act for the better Prevention of Offences, 1851," (as the Case may be,) without otherwise describing the previous Felony or Misdemeanor; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the previous Felony or Misdemeanor, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk or Officer, (for which Certificate a Fee of 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 the First Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same.

Persons using Chloroform, &c. in order to commit a Felony, guilty of Felony.

III. And whereas it is expedient to make further Provision for the Punishment of Persons using Chloroform or other stupifying Things in order the better to enable them to commit Felonies: Be it enacted, That if any Person shall unlawfully apply or administer, or attempt to apply or administer, to any other Person any Chloroform, Laudanum, or other stupifying or overpowering Drug, Matter, or Thing, with Intent thereby to enable such Offender or any other Person to commit, or with Intent to assist such Offender or other Person in committing, any Felony, every such Offender shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported for Life or for any Term not less than Seven Years, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years.

Persons inflicting grievous bodily Harm guilty of a Misdemea-

IV. And whereas it is expedient to make further Provision for the Punishment of aggravated Assaults: Be it enacted, That if any Person shall unlawfully and maliciously inflict upon any other Person, either with or without any Weapon or Instrument, any grievous bodily

bodily Harm, or unlawfully and maliciously cut, stab, or wound any other Person, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years: Provided however, that nothing herein contained shall be deemed or taken to repeal the Provisions of the Twenty-ninth Section of the Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, Chapter Thirty-four.

nor, and liable to Three Years Imprisonment.

Not to repeal Sect. 29. of 10 Geo 4. c. 34.

V. If upon the Trial of any Indictment for any Felony, except Murder or Manslaughter, where the Indictment shall allege that the Defendant did cut, stab, or wound any Person, the Jury shall be satisfied that the Defendant is guilty of the cutting, stabbing, or wounding charged in such Indictment, but are not satisfied that the Defendant is guilty of the Felony charged in such Indictment, then and in every such Case the Jury may acquit the Defendant of such Felony, and find him guilty of unlawfully cutting, stabbing, or wounding, and thereupon such Defendant shall be liable to be punished in the same Manner as if he had been convicted upon an Indictment for the Misdemeanor of cutting, stabbing, or wounding.

On the Trial of any Indictment for feloniously cutting, &c. the Jury may acquit of the Felony, and convict of unlawfully cutting, &c.

VI. If any Person shall wilfully and maliciously put, place, cast, or throw upon or across any Railway any Wood, Stone, or other Matter or Thing, or shall wilfully and maliciously take up, remove, or displace any Rail, Sleeper, or other Matter or Thing belonging to any Railway, or shall wilfully and maliciously turn, move, or divert any Points or other Machinery belonging to any Railway, or shall wilfully and maliciously make or show, hide or remove, any Signal or Light upon or near to any Railway, or shall wilfully and maliciously do or cause to be done any other Matter or Thing, with Intent, in any of the Cases aforesaid, to obstruct, upset, overthrow, injure, or destroy any Engine, Tender, Carriage, or Truck using such Railway, or to endanger the Safety of any Person travelling or being upon such Railway, every such Offender shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of his natural Life or for any Term not less than Seven Years, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years.

Persons wilfully placing Wood, &c. on Railways, taking up Rails, &c. turning Machinery, or showing Signals, &c., with Intent to commit Injuries to Railway or endanger the Safety of Persons, guilty of Felony.

VII. If any Person shall wilfully and maliciously cast, throw, or cause to fall or strike against, into, or upon any Engine, Tender, Carriage, or Truck used upon any Railway, any Wood, Stone, or other Matter

If any Person shall cast any Wood, &c. upon any

Railway Carriage with Intent to endanger the Safety of any Person therein, such Person to be guilty of Felony, &c.

Matter or Thing, with Intent to endanger the Safety of any Person being in or upon such Engine, Tender, Carriage, or Truck, every such Offender shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of his natural Life or for any Term not less than Seven Years, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years.

Any Person wilfully setting fire to any Railway Station, &c. guilty of Felony.

VIII. If any Person shall wilfully and maliciously set fire to any Station, Engine House, Warehouse, or other Building belonging or appertaining to any Railway, Dock, Canal, or other Navigation, every such Person shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of his natural Life, or for any Term not less than Seven Years, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years; and if any Person shall wilfully and maliciously set fire to any Goods or Chattels being in any Building, the setting fire to which is made Felony by this or any other Act of Parliament, every such Offender shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not exceeding Ten Years nor less than Seven Years, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years.

Upon the Trial of Persons for subsequent Offences under the 12 & 13 Vict. c. 11. and this Act the previous Conviction not to be stated to the Jury or given in Evidence until after a Verdict of Guilty of the subsequent Offence, unless the Defendant gives Evidence of good Character.

IX. And whereas Provision is made in a certain Act of Parliament passed in the Twelfth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to amend the Laws in* England *and* Ireland *relative to Larceny and other Offences connected therewith*, and also in this Act, for the more exemplary Punishment of Persons who shall commit certain Offences after One or more previous Conviction or Convictions for the like or other Offences, and it is expedient to define the Time of charging the Jury to inquire as to such previous Conviction or Convictions: Be it enacted, That it shall not be lawful on the Trial of any Person for any subsequent Offence, where a Plea of Not Guilty shall have been entered on his Behalf, to charge the Jury to inquire concerning any previous Conviction until they shall have inquired concerning such subsequent Offence, and shall have found such Person guilty of the same; and whenever in any Indictment any previous Conviction shall be stated the reading of such Statement shall be deferred until after such Finding as aforesaid: Provided, that if upon the Trial of any Person for any such subsequent Offence as aforesaid 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

for the previous Offence or Offences, before such Verdict of Guilty shall have been returned, and the Jury shall inquire concerning such previous Conviction or Convictions at the same Time that they inquire concerning such subsequent Offence.

Any Person may apprehend Persons committing Offences against this Act, and convey them before a Justice.

X. It shall be lawful for any Person whatsoever to apprehend any Person who shall be found committing any Offence against the Provisions of this Act, and to convey him or deliver him to some Constable or other Peace Officer, in order to his being conveyed, as soon as conveniently may be, before a Justice of the Peace, to be dealt with according to Law.

Any Person may apprehend Persons committing indictable Offences in the Night, and convey them before a Justice.

XI. And whereas Doubts have been entertained as to the Authority to apprehend Persons found committing indictable Offences in the Night: For Remedy thereof be it enacted, That it shall be lawful for any Person whatsoever to apprehend any Person who shall be found committing any indictable Offence in the Night, and to convey him or deliver him to some Constable or other Peace Officer, in order to his being conveyed, as soon as conveniently may be, before a Justice of the Peace, to be dealt with according to Law.

Any Person assaulting a Person entitled to apprehend him to be guilty of a Misdemeanor.

XII. If any Person liable to be apprehended under the Provisions of this Act shall assault or offer any Violence to any Person by Law authorized to apprehend or detain him, or to any Person acting in his Aid and Assistance, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof shall be liable to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years.

The Night, in Offences against this Act, to be as in Burglary.

XIII. The Time at which the Night shall commence and conclude in any Offence against the Provisions of this Act shall be the same as in Cases of Burglary.

Costs of Prosecutions.

XIV. In all Prosecutions for any Offence against the Provisions of this Act, it shall be lawful for the Court before which any such Offence shall be prosecuted or tried to allow the Expenses of the Prosecution in all respects as in Cases of Felony.

Nothing in this Act to repeal 5 G. 4. c. 83.

XV. Nothing in this Act contained shall be deemed to repeal wholly or in part the Fifth of *George* the Fourth, Chapter Eighty-three, intituled *An Act for the Punishment of idle and disorderly Persons and Rogues and Vagabonds, in that Part of* Great Britain *called* England, but no Person shall be liable to be punished for the

same Offence both under the said last-mentioned Act and under this Act.

Not to extend to Scotland.

XVI. Nothing in this Act shall extend to *Scotland.*

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1851.