

ANNO NONO

GEORGII IV. REGIS.

No. I.

IMPERIAL CRIMINAL
ACTS ADOPTION.

An Act for adopting certain Acts of Parliament passed during the Seventh and Eighth Years of His Present Majesty King George the Fourth for the Amendment of the Law and the Improvement of the Administration of Justice in Criminal Cases. [26th March, 1828.]

4 Geo. IV. c. 96
referred to.Acts of Parliament
to be adopted and
applied in New
South Wales.

7 Geo. IV. c. 64.

7 and 8 Geo. IV.
c. 27.7 and 8 Geo. IV.
c. 28.7 and 8 Geo. IV.
c. 29.7 and 8 Geo. IV.
c. 30.And to take effect
from the 1st April
1828.

WHEREAS since the appointment of a Legislature in New South Wales in pursuance of the Act of Parliament in such case made and provided divers Acts of Parliament have been made for repealing various Statutes in England relative to the Benefit of Clergy and for amending the Laws and improving the Administration of Justice in Criminal Cases and it is expedient that the same should be adopted and applied in New South Wales Be it therefore enacted by His Excellency the Governor with the advice of the Legislative Council that the following Acts of Parliament That is to say an Act made in the seventh year of His Majesty King George the Fourth intituled “*An Act for improving the Administration of Criminal Justice in England*” an Act made in the seventh and eighth years of His said Majesty intituled “*An Act for repealing various Statutes in England relative to the Benefit of Clergy and to Larceny and other Offences connected therewith and to malicious Injuries to Property and to Remedies against the Hundred*” an Act made in the seventh and eighth years of His said Majesty intituled “*An Act for further improving the Administration of Justice in Criminal Cases in England*” an Act made in the seventh and eighth years of His said Majesty intituled “*An Act for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith*” and an Act made and passed in the seventh and eighth years of His said Majesty intituled “*An Act for consolidating and amending the Laws in England relative to malicious Injuries to Property*” shall be and the same are hereby directed to be adopted in New South Wales and its Dependencies and applied in the administration of Justice in like manner as other parts of the Criminal Laws of England are adopted and applied in the said Colony.

2. And be it enacted That this Act shall commence and take effect on the first day of April one thousand eight hundred and twenty-eight except as to offences and other matters committed or done before the said first day of April which shall be dealt with and punished as if this Act had not been passed.

ANNO

ANNO SEPTIMO GEORGII IV. REGIS.

CAP. LXIV.

An Act for improving the Administration of Criminal Justice in
England. [26th May, 1826.]

ENGLISH CRIMINAL
LAW ADOPTED.

WHEREAS it is expedient to define under what circumstances persons may be admitted to bail in cases of felony and to make better provision for taking examinations informations bailments and recognizances and returning the same to the proper tribunals And whereas the technical strictness of Criminal proceedings might in many instances be relaxed so as to ensure the punishment of the guilty without depriving the accused of any just means of defence and the administration of Justice in that part of the United Kingdom called England might in other respects be rendered more effectual Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same That where any person shall be taken on a charge of felony or suspicion of felony before one or more Justice or Justices of the Peace and the charge shall be supported by positive and credible evidence of the fact or by such evidence as if not explained or contradicted shall in the opinion of the Justice or Justices raise a strong presumption of the guilt of the person charged such person shall be committed to prison by such Justice or Justices in the manner hereinafter mentioned but if there shall be only one Justice present and the whole evidence given before him shall be such as neither to raise a strong presumption of guilt nor to warrant the dismissal of the charge such Justice shall order the person charged to be detained in custody until he or she shall be taken before two Justices at the least and where any person so taken or any person in the first instance taken before two Justices of the Peace shall be charged with felony or on suspicion of felony and the evidence given in support of the charge shall in their opinion not be such as to raise a strong presumption of the guilt of the person charged and to require his or her committal or such evidence shall be adduced on behalf of the person charged as shall in their opinion weaken the presumption of his or her guilt but there shall notwithstanding appear to them in either of such cases to be sufficient ground for judicial enquiry into his or her guilt the person charged shall be admitted to bail by such two Justices in the manner hereinafter mentioned Provided always that nothing herein contained shall be construed to require any such Justice or Justices to hear evidence on behalf of any person so charged as aforesaid unless it shall appear to him or them to be meet and conducive to the ends of Justice to hear the same.

2. And whereas it is expedient to amend and extend the provisions of two Acts the first passed in the first and second years of the reign of King Philip and Queen Mary intituled "An Act appointing 1 & 2 P. & M. c. 13. "an order to Justices of Peace for the bailment of prisoners" and the second passed in the second and third years of the same reign intituled "An Act to take examination of prisoners suspected of 2 & 3 P. & M. c. 10. manslaughter or felony" be it therefore enacted That the two Justices of the Peace before they shall admit to bail and the Justice or Justices before he or they shall commit to prison any person arrested for felony or on suspicion of felony shall take the examination of such person and the information upon oath of those who shall know the facts and circumstances of the case and shall put the same or as much thereof as shall be material into writing and the two Justices

Who may be admitted to bail on a charge of felony and who may not.
(3 Ed. 1, c. 15 23 H. 6 c. 9.)

Before any person charged with felony &c. shall be bailed or committed the Justices shall take down in writing the examination &c. and bind witnesses to appear at the trial.

Justices shall certify such bailment in writing and every such Justice shall have authority to bind by recognizance all such persons as know or declare any thing material touching any such felony or suspicion of felony to appear at the next Court of Oyer and Terminer or Gaol Delivery or Superior Criminal Court of a County Palatine or Great Sessions or Sessions of the Peace at which the trial thereof is intended to be then and there to prosecute or give evidence against the party accused and such Justices and Justice respectively shall subscribe all such examinations informations bailments and recognizances and deliver or cause the same to be delivered to the proper officer of the Court in which the trial is to be before or at the opening of the Court.

Examinations &c. to be delivered to the Court.

Duty of Justice on charges of misdemeanor.

3. And be it further enacted That every Justice of the Peace before whom any person shall be taken on a charge of misdemeanor or suspicion thereof shall take the examination of the person charged and the information upon oath of those who shall know the facts and circumstances of the case and shall put the same or as much thereof as shall be material into writing before he shall commit to prison or require bail from the person so charged and in every case of bailment shall certify the bailment in writing and shall have authority to bind all persons by recognizance to appear to prosecute or give evidence against the party accused in like manner as in cases of Felony and shall subscribe all examinations informations bailments and recognizances deliver or cause the same to be delivered to the proper officer of the Court in which the trial is to be before or at the opening of the Court in like manner as in cases of felony.

Duty of Coroner. (1 & 2 P. & M. c. 13 s. 5.)

4. And be it further enacted That every Coroner upon any inquisition before him taken whereby any person shall be indicted for manslaughter or murder or as an accessory to murder before the fact shall put in writing the evidence given to the Jury before him or as much thereof as shall be material and shall have authority to bind by recognizance all such persons as know or declare any thing material touching the said manslaughter or murder or the said offence of being accessory to murder to appear at the next Court of Oyer and Terminer or Gaol Delivery or Superior Criminal Court of a County Palatine or Great Sessions at which the trial is to be then and there to prosecute or give evidence against the party charged and every such Coroner shall certify and subscribe the same evidence and all such recognizances and also the inquisition before him taken and shall deliver the same to the proper officer of the Court in which the trial is to be before or at the opening of the Court.

Penalty on Justices and Coroners. (1 & 2 P. & M. c. 13 s. 6.)

5. And be it further enacted That if any Justice or Coroner shall offend in any thing contrary to the true intent and meaning of these provisions the Court to whose officer any such examination information evidence bailment recognizance or inquisition ought to have been delivered shall upon examination and proof of the offence in a summary manner set such fine upon every such Justice or Coroner as the Court shall think meet.

Provisions to apply to all Justices and Coroners. (1 and 2 P. & M. c. 13 s. 6.)

6. And be it further enacted That all these provisions relating to Justices and Coroners shall apply to the Justices and Coroners not only of counties at large but also of all other jurisdictions.

3 W. & M. c. 9 s. 2.

7. And whereas divers Statutes taking away the benefit of clergy or creating felonies without benefit of clergy have omitted to take away the benefit of clergy under certain circumstances consequent upon the indictment of the offender And whereas a partial remedy for such defects was supplied by an Act passed in the third year of the reign of King William and Queen Mary intituled "An Act to take away Clergy from some offenders and to bring others to punishment" whereby it was enacted that if any person should be indicted of any offence for which by virtue of any former Statute such person

person was excluded from the benefit of clergy if convicted by verdict or confession such person should not be admitted to the benefit of clergy under any of the circumstances therein enumerated. And whereas it is expedient to extend the like remedy to all offences which now are or hereafter shall be excluded from the benefit of clergy be it therefore enacted That if any person shall be indicted of any offence for which by virtue of this or of any other Statute or Statutes made or to be made the offender is or shall be excluded from the benefit of clergy such person shall be equally excluded from the benefit of clergy whether he or she shall be convicted by verdict or by confession or shall upon arraignment stand mute of malice or will not answer directly to the charge or shall challenge peremptorily above the number of twenty persons returned to be of the Jury or shall be outlawed upon such indictment although the Statute or Statutes taking away the benefit of clergy in any such case may not expressly provide that the offender shall be excluded from the benefit of clergy in case such offender shall confess or stand mute or not answer directly or challenge peremptorily above the number of twenty persons returned to be of the Jury or be outlawed and every thing herein contained shall extend as well to all accessories as to principals.

8. And with regard to clergyable felonies be it enacted That if any person shall be indicted of any felony for which the offender is or shall be entitled to the benefit of clergy and such person shall on arraignment confess the felony or stand mute of malice or will not answer directly to the charge or shall challenge peremptorily above the number of twenty persons returned to be of the Jury or shall be outlawed upon such indictment in every such case such person shall be deemed and taken to be convicted of the felony and the Court shall award such judgment as if such person had been convicted by verdict and every thing herein contained shall extend as well to all accessories as to principals.

9. And for the more effectual prosecution of accessories before the fact to felony be it enacted That if any person shall counsel procure or command any other person to commit any felony whether the same be a felony at Common Law or by virtue of any Statute or Statutes made or to be made the person so counselling procuring or commanding shall be deemed guilty of felony and may be indicted and convicted either as an accessory before the fact to the principal felony together with the principal felon or after the conviction of the principal felon or may be indicted and convicted of a substantive felony whether the principal felon shall or shall not have been previously convicted or shall or shall not be amenable to justice and may be punished in the same manner as any accessory before the fact to the same Felony if convicted as an accessory may be punished and the offence of the person so counselling procuring or commanding howsoever indicted may be inquired of tried determined and punished by any Court which shall have jurisdiction to try the principal felon in the same manner as if such offence had been committed at the same place as the principal felony although such offence may have been committed either on the high seas or at any place on land whether within His Majesty's dominions or without and that in case the principal felony shall have been committed within the body of any county and the offence of counselling procuring or commanding shall have been committed within the body of any other county the last mentioned offence may be inquired of tried determined and punished in either of such counties Provided always that no person who shall be once duly tried for any such offence whether as an accessory before the fact or as for a substantive felony shall be liable to be again indicted or tried for the same offence.

Felonies without
benefit of clergy
provided for under
all circumstances
consequent on the
indictment.
(3 W. & M. c. 9 s. 2.
12 G. 3 c. 20.)

Felonies within bene-
fit of clergy provided
for under all circum-
stances consequent
on the indictment.
(12 G. 3 c. 20.)

Accessory before the
fact may be tried as
such or as a substan-
tive felon by any
Court which has
jurisdiction to try the
principal felon al-
though the offence
be committed on the
seas or abroad.
(43 G. 3 c. 113 s. 5.)

If the offences be
committed in di-
frent counties acces-
sory may be tried in
either.
(2 & 3 Ed. 6 c. 24
s. 4. 43 G. 3 c. 113
s. 5.)

Accessory after the fact may be tried by any Court which has jurisdiction to try the principal felon.

If the offences be committed in different counties accessory may be tried in either. (2 & 3 Ed. 6 c. 34 s. 4.)

Accessory may be prosecuted after conviction of the principal though the principal be not attainted &c. (1 Anne st. 2 c. 9 s. 1.)

Offences committed on the boundaries of counties may be tried in either county. (59 G. 3 c. 96 s. 2.)

Offences committed during a journey or voyage may be tried in any county through which the coach &c. passed. (59 G. 3 c. 27 and c. 96.)

10. And for the more effectual prosecution of accessories after the fact to felony be it enacted That if any person shall become an accessory after the fact to any felony whether the same be a felony at Common Law or by virtue of any Statute or Statutes made or to be made the offence of such person may be inquired of tried determined and punished by any Court which shall have jurisdiction to try the principal felon in the same manner as if the act by reason whereof such person shall have become an accessory had been committed at the same place as the principal felony although such act may have been committed either on the high seas or at any place on land whether within His Majesty's dominions or without and that in case the principal felony shall have been committed within the body of any county and the act by reason whereof any person shall have become accessory shall have been committed within the body of any other county the offence of such accessory may be inquired of tried determined and punished in either of such counties Provided always that no person who shall be once duly tried for any offence of being an accessory shall be liable to be again indicted or tried for the same offence.

11. And in order that all accessories may be convicted and punished in cases where the principal felon is not attainted be it enacted That if any principal offender shall be in anywise convicted of any felony it shall be lawful to proceed against any accessory either before or after the fact in the same manner as if such principal felon had been attainted thereof notwithstanding such principal felon shall die or be admitted to the benefit of clergy or pardoned or otherwise delivered before attainder and every such accessory shall suffer the same punishment if he or she be in anywise convicted as he or she should have suffered if the principal had been attainted.

12. And for the more effectual prosecution of offences committed near the boundaries of counties or partly in one county and partly in another be it enacted That where any felony or misdemeanor shall be committed on the boundary or boundaries of two or more counties or within the distance of five hundred yards of any such boundary or boundaries or shall be begun in one county and completed in another every such felony or misdemeanor may be dealt with inquired of tried determined and punished in any of the said counties in the same manner as if it had been actually and wholly committed therein.

13. And for the more effectual prosecution of offences committed during journeys from place to place be it enacted That where any felony or misdemeanor shall be committed on any person or on or in respect of any property in or upon any coach waggon cart or other carriage whatever employed in any journey or shall be committed on any person or on or in respect of any property on board any vessel whatever employed on any voyage or journey upon any navigable river canal or inland navigation such felony or misdemeanor may be dealt with inquired of tried determined and punished in any county through any part whereof such coach waggon cart carriage or vessel shall have passed in the course of the journey or voyage during which such felony or misdemeanor shall have been committed in the same manner as if it had been actually committed in such county and in all cases where the side centre or other part of any highway or the side bank centre or other part of any such river canal or navigation shall constitute the boundary of any two counties such felony or misdemeanor may be dealt with inquired of tried determined and punished in either of the said counties through or adjoining to or by the boundary of any part whereof such coach waggon cart carriage or vessel shall have passed in the course of the journey or voyage during which such felony or misdemeanor shall have been committed in the same manner as if it had been actually committed in such county.

14. And in order to remove the difficulty of stating the names of all the owners of property in the case of partners and other joint owners be it enacted That in any indictment or information for any felony or misdemeanor wherein it shall be requisite to state the ownership of any property whatsoever whether real or personal which shall belong to or be in the possession of more than one person whether such persons be partners in trade joint tenants parcers or tenants in common it shall be sufficient to name one of such persons and to state such property to belong to the person so named and another or others as the case may be and whenever in any indictment or information for any felony or misdemeanor it shall be necessary to mention for any purpose whatsoever any partners joint tenants parcers or tenants in common it shall be sufficient to describe them in the manner aforesaid and this provision shall be construed to extend to all joint stock companies and trustees.

15. And with respect to the property of counties ridings and divisions be it enacted That in any indictment or information for any felony or misdemeanor committed in upon or with respect to any bridge court gaol house of correction infirmary asylum or other building erected or maintained in whole or part at the expense of any county riding or division or on or with respect to any goods or chattels whatsoever provided for or at the expense of any county riding or division to be used for making altering or repairing any bridge or any highway at the ends thereof or any court or other such building as aforesaid or to be used in or with any such court or other building it shall be sufficient to state any such property real or personal to belong to the inhabitants of such county riding or division and it shall not be necessary to specify the names of any of such inhabitants.

16. And with respect to the property of parishes townships and hamlets be it enacted That in any indictment or information for any felony or misdemeanor committed in upon or with respect to any workhouse or poorhouse or on or with respect to any goods or chattels whatsoever provided for the use of the poor of any parish or parishes township or townships hamlet or hamlets place or places or to be used in any workhouse or poorhouse in or belonging to the same or by the master or mistress of such workhouse or poorhouse or by any workmen or servants employed therein it shall be sufficient to state any such property to belong to the overseers of the poor for the time-being of such parish or parishes township or townships hamlet or hamlets place or places and it shall not be necessary to specify the names of all or any of such overseers and in any indictment or information for any felony or misdemeanor committed on or with respect to any materials tools or implements provided for making altering or repairing any highway within any parish township hamlet or place otherwise than by the trustees or commissioners of any turnpike road it shall be sufficient to aver that any such things are the property of the surveyor or surveyors of the highways for the time-being of such parish township hamlet or place and it shall not be necessary to specify the name or names of any such surveyor or surveyors.

17. And with respect to property under turnpike trusts be it enacted That in any indictment or information for any felony or misdemeanor committed on or with respect to any house building gate machine lamp board stone post fence or other thing erected or provided in pursuance of any Act of Parliament for making any turnpike road or any of the conveniences or appurtenances thereto respectively belonging or any materials tools or implements provided for making altering or repairing any such road it shall be sufficient to

In indictments for offences committed on the property of partners it may be laid in any one partner by name and others. (56 G. 3 c. 73. 1 G. 4 c. 102. 6 G. 4 c. 56.)

Property belonging to counties &c. may be laid in the inhabitants of the county. (43 G. 3 c. 39 s. 3.)

Property ordered for the use of the poor of parishes &c. may be laid in the overseers. (55 G. 3 c. 137 s. 1.)

Materials &c. for repairing highways may be laid to be the property of the surveyor of highways.

Property of turnpike trustees may be laid in the trustees. (3 G. 4 c. 126 s. 60.)

English Criminal Law Adopted, 7 G. 4, c. 64.

to state any such property to belong to the trustees or commissioners of such road and it shall not be necessary to specify the names of any of such trustees or commissioners.

In indictments for
offences committed
on sewers the pro-
perty may be laid in
the commissioners.

18. And with respect to property under commissioners of sewers be it enacted That in any indictment or information for any felony or misdemeanor committed on or with respect to any sewer or other matter within or under the view cognizance or management of any commissioners of sewers it shall be sufficient to state any such property to belong to the commissioners of sewers within or under whose view cognizance or management any such things shall be and it shall not be necessary to specify the names of any of such commissioners.

Indictment not to
abate by dilatory
plea of misnomer &c.

19. And for preventing abuses from dilatory pleas be it enacted That no indictment or information shall be abated by reason of any dilatory plea of misnomer or of want of addition or of wrong addition of the party offering such plea if the Court shall be satisfied by affidavit or otherwise of the truth of such plea but in such case the Court shall forthwith cause the indictment or information to be amended according to the truth and shall call upon such party to plead thereto and shall proceed as if no such dilatory plea had been pleaded.

What defects shall
not vitiate an indict-
ment after verdict or
otherwise.

20. And that the punishment of offenders may be less frequently intercepted in consequence of technical niceties be it enacted That no judgment upon any indictment or information for any felony or misdemeanor whether after verdict or outlawry or by confession default or otherwise shall be stayed or reversed for want of the averment of any matter unnecessary to be proved nor for the omission of the words "as appears by the record" or of the words "with force and arms" or of the words "against the peace" nor for the insertion of the words "against the form of the Statute" instead of the words "against the form of the Statutes" or *vice versa* nor for that any person or persons mentioned in the indictment or information is or are designated by a name of office or other descriptive appellation instead of his her or their proper name or names nor for omitting to state the time at which the offence was committed in any case where time is not of the essence of the offence nor for stating the time imperfectly nor for stating the offence to have been committed on a day subsequent to the finding of the indictment or exhibiting the information or on an impossible day or on a day that never happened nor for want of a proper or perfect venue where the Court shall appear by the indictment or information to have had jurisdiction over the offence.

What shall not be
sufficient to stay or
reverse judgment
after the verdict.

21. And be it further enacted That no judgment after verdict upon any indictment or information for any felony or misdemeanor shall be stayed or reversed for want of a similiter nor by reason that the jury process has been awarded to a wrong officer upon an insufficient suggestion nor for any misnomer or misdescription of the officer returning such process or of any of the jurors nor because any person has served upon the jury who has not been returned as a juror by the sheriff or other officer and that where the offence charged has been created by any Statute or subjected to a greater degree of punishment or excluded from the benefit of clergy by any Statute the indictment or information shall after verdict be held sufficient to warrant the punishment prescribed by the Statute if it describe the offence in the words of the Statute.

Courts may order
payment of the ex-
penses of prosecu-
tions in all cases of
felony.
(58 G. 3 c. 70 s. 4.)

22. And with regard to the payment of the expenses of prosecutions for felony be it enacted That the Court before which any person shall be prosecuted or tried for any felony is hereby authorised and empowered at the request of the prosecutor or of any other person who shall appear on recognizance or subpoena to prosecute or give

give evidence against any person accused of any felony to order payment unto the prosecutor of the costs and expenses which such prosecutor shall incur in preferring the indictment and also payment to the prosecutor and witnesses for the prosecution of such sums of money as to the Court shall seem reasonable and sufficient to reimburse such prosecutor and witnesses for the expenses they shall have severally incurred in attending before the examining Magistrate or Magistrates and the Grand Jury and in otherwise carrying on such prosecution and also to compensate them for their trouble and loss of time therein and although no bill of indictment be preferred it shall still be lawful for the Court where any person shall in the opinion of the Court *bonâ fide* have attended the Court in obedience to any such Allowance to persons attending on recognizance where no bill is preferred. (18 G. 3 c. 19 s. 8.)

recognizance or subpoena to order payment unto such person of such sum of money as to the Court shall seem reasonable and sufficient to reimburse such person for the expenses which he or she shall have *bonâ fide* incurred by reason of attending before the examining Magistrate or Magistrates and by reason of such recognizance or subpoena and also to compensate such person for trouble and loss of time and the amount of the expenses of attending before the examining Magistrate or Magistrates and the compensation for trouble and loss of time therein shall be ascertained by the certificate of such Magistrate or Magistrates granted before the trial or attendance in Court if such Magistrate or Magistrates shall think fit to grant the same and the amount of all the other expenses and compensation shall be ascertained by the proper officer of the Court subject nevertheless to the regulations to be established in the manner hereinafter mentioned.

23. And whereas for want of power in the Court to order payment of the expenses of any prosecution for a misdemeanor many individuals are deterred by the expense from prosecuting persons guilty of misdemeanors who thereby escape the punishment due to their offences for remedy thereof be it enacted That where any prosecutor or other person shall appear before any Court on recognizance or subpoena to prosecute or give evidence against any person indicted of any assault with intent to commit felony of any attempt to commit felony of any riot of any misdemeanor for receiving any stolen property knowing the same to have been stolen of any assault upon a peace officer in the execution of his duty or upon any person acting in aid of such officer of any neglect or breach of duty as a peace officer of any assault committed in pursuance of any conspiracy to raise the rate of wages of knowingly and designedly obtaining any property by false pretences of wilful and indecent exposure of the person of wilful and corrupt perjury or of subornation of perjury every such Court is hereby authorised and empowered to order payment of the costs and expenses of the prosecutor and witnesses for the prosecution together with a compensation for their trouble and loss of time in the same manner as Courts are hereinbefore authorised and empowered to order the same in cases of felony and although no bill of indictment be preferred it shall still be lawful for the Court where any person shall have *bonâ fide* attended the Court in obedience to any such recognizance to order payment of the expenses of such person together with a compensation for his or her trouble and loss of time in the same manner as in cases of felony Provided that in cases of misdemeanor the power of ordering the payment of expenses and compensation shall not extend to the attendance before the examining Magistrate.

24. And be it further enacted That every order for payment to any prosecutor or other person as aforesaid shall be forthwith made out and delivered by the proper officer of the Court unto such prosecutor or other person upon being paid for the same the sum of one Order for payment to be made out by Clerk of Assize &c. and paid by County Treasurer. (58 G. 3 c. 70 s. 6. 18 G. 3 c. 19 s. 8.)

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shilling for the prosecutor and six-pence for each other person and no more and except in the cases hereinafter provided for shall be made upon the treasurer of the county riding or division in which the offence shall have been committed or shall be supposed to have been committed who is hereby authorised and required upon sight of every such order forthwith to pay to the person named therein or to any one duly authorised to receive the same on his or her behalf the money in such order mentioned and shall be allowed the same in his accounts.

How the expenses
shall be paid in
places not contri-
buting to the county
rate.
(58 G. 3 c. 70 s. 9 &
10.)

25. And whereas felonies and such misdemeanors as are herein-before enumerated may be committed in liberties franchises cities towns and places which do not contribute to the payment of any county rate some of which raise a rate in the nature of a county rate and others have neither any such rate nor any fund applicable to similar purposes and it is just that such liberties franchises cities towns and places should be charged with all costs expenses and compensations ordered by virtue of this Act in respect of felonies and such misdemeanors committed therein respectively be it therefore enacted That all sums directed to be paid by virtue of this Act in respect of felonies and of such misdemeanors as aforesaid committed or supposed to have been committed in such liberties franchises cities towns and places shall be paid out of the rate in the nature of a county rate or out of any fund applicable to similar purposes where there is such a rate or fund by the treasurer or other officer having the collection or disbursement of such rate or fund and where there is no such rate or fund in such liberties franchises cities towns or places shall be paid out of the rate or fund for the relief of the poor of the parish township district or precinct therein where the offence was committed or supposed to have been committed by the overseers or other officers having the collection or disbursement of such last-mentioned rate or fund and the Order of Court shall in every such case be directed to such treasurer overseers or other officers respectively instead of the treasurer of the county riding or division as the case may require.

Quarter Sessions to
make regulations as
to costs and expenses
(18 G. 3 c. 19 s. 9.)

26. And for the better regulation of costs and expenses in the cases aforesaid and for preventing abuses in respect thereof be it enacted That it shall be lawful for the Justices of the Peace of any county riding or division or of any liberty franchise city town or place chargeable with costs and expenses under the provision aforesaid in Quarter Sessions assembled to establish and from time to time to alter such regulations as to the rate of any costs and expenses thereafter to be allowed by virtue of this Act as to them shall seem just and reasonable which regulations having received the approbation and signature of one Justice of Gaol Delivery or of Great Sessions for the county wherein any such regulations shall have been established shall be binding on all persons whatsoever.

For payment of
expenses in prosecu-
tions in Court of
Admiralty.

27. And for enabling the High Court of Admiralty to order the payment of the costs and expenses of prosecutors and witnesses and compensation for their trouble and loss of time in cases in which other Courts have a like power under this Act be it enacted That it shall be lawful for the Judge of the said Court of Admiralty in every case of felony and in every case of misdemeanor of the denominations hereinbefore enumerated committed upon the high seas to order the Assistant to the Counsel for the Affairs of the Admiralty and Navy to pay such costs expenses and compensation to prosecutors and witnesses in like manner as other Courts may order the Treasurer of the County to pay the same and such Assistant is hereby authorised and required upon sight of every such order forthwith to pay to the person named therein or to any one duly authorised to receive the same on his or her behalf the money in such order mentioned and shall be allowed the same in his accounts.

28. And for the better remuneration of persons who have been active in the apprehension of certain offenders be it enacted That where any person shall appear to any Court of Oyer and Terminer Gaol Delivery Superior Criminal Court of a County Palatine or Court of Great Sessions to have been active in or towards the apprehension of any person charged with murder or with feloniously and maliciously shooting at or attempting to discharge any kind of loaded fire-arms at any other person or with stabbing cutting or poisoning or with administering any thing to procure the miscarriage of any woman or with rape or with burglary or felonious house-breaking or with robbery on the person or with arson or with horse-stealing bullock-stealing or sheep-stealing or with being accessory before the fact to any of the offences aforesaid or with receiving any stolen property knowing the same to have been stolen every such Court is hereby authorised and empowered in any of the cases aforesaid to order the Sheriff of the County in which the offence shall have been committed to pay to the person or persons who shall appear to the Court to have been active in or towards the apprehension of any person charged with any of the said offences such sum or sums of money as to the Court shall seem reasonable and sufficient to compensate such person or persons for his her or their expenses exertions and loss of time in or towards such apprehension and where any person shall appear to any Court of Sessions of the Peace to have been active in or towards the apprehension of any party charged with receiving stolen property knowing the same to have been stolen such Court shall have power to order compensation to such person in the same manner as the other Courts hereinbefore mentioned Provided always that nothing herein contained shall prevent any of the said Courts from also allowing to any such persons if prosecutors or witnesses such costs expenses and compensation as Courts are by this Act empowered to allow to prosecutors and witnesses respectively.

29. And be it further enacted That every order for payment to any person in respect of such apprehension as aforesaid shall be forthwith made out and delivered by the proper officer of the Court unto such person upon being paid for the same the sum of five shillings and no more and the Sheriff of the County for the time being is hereby authorised and required upon sight of such order forthwith to pay to such person or to any one duly authorised on his or her behalf the money in such order mentioned and every such Sheriff may immediately apply for repayment of the same to the Commissioners of His Majesty's Treasury who upon inspecting such order together with the acquittance of the person entitled to receive the money thereon shall forthwith order repayment to the Sheriff of the money so by him paid without any fee or reward whatsoever.

30. And be it further enacted That if any man shall happen to be killed in endeavouring to apprehend any person who shall be charged with any of the offences hereinbefore last mentioned it shall be lawful for the Court before whom such person shall be tried to order the Sheriff of the County to pay to the widow of the man so killed in case he shall have been married or to his child or children in case his wife shall be dead or to his father or mother in case he shall have left neither wife nor child such sum of money as to the Court in its discretion shall seem meet and the order for payment of such money shall be made out and delivered by the proper officer of the Court unto the party entitled to receive the same or unto some one on his or her behalf to be named in such order by the direction of the Court and every such order shall be paid by and repaid to the Sheriff in the manner hereinbefore mentioned.

Such orders to be paid by the Sheriff who may obtain immediate repayment on application to the Treasury.
(58 G. 3 c. 70 s. 5.
3 G. 1 c. 15 s. 4.)

Recognizances in certain cases not to be estreated without a Judge's order.

31. And whereas the practice of indiscriminately estreating recognizances for the appearance of persons to prosecute or give evidence or to answer for a common assault or in the other cases hereinafter specified has been found in many instances productive of hardship to persons who have entered into the same be it therefore enacted That in every case where any person bound by recognizance for his or her appearance or for whose appearance any other person shall be so bound to prosecute or give evidence in any case of felony or misdemeanor or to answer for any common assault or to articles of the peace or to abide an order in bastardy shall therein make default the officer of the Court by whom the estreats are made out shall and is hereby required to prepare a list in writing specifying the name of every person so making default and the nature of the offence in respect of which every such person or his or her surety was so bound together with the residence trade profession or calling of every such person and surety and shall in such list distinguish the principals from the sureties and shall state the cause if known why each such person has not appeared and whether by reason of the non-appearance of such person the ends of justice have been defeated or delayed and every such officer shall and is hereby required before any such recognizance shall be estreated to lay such list if at a Court of Oyer and Terminer or Gaol Delivery in any County besides Middlesex and London or at a Court of Great Sessions or at one of the Superior Courts of the Counties Palatine before one of the Justices of those Courts respectively if at a Court wherein a Recorder or other Corporate Officer is the Judge or one of the Judges before such Recorder or other Corporate Officer and if at a Session of the Peace before the Chairman or two other Justices of the Peace who shall have attended such Court who are respectively authorised and required to examine such list and to make such order touching the estreating or putting in process of any such recognizance as shall appear to them respectively to be just and it shall not be lawful for the officer of any Court to estreat or put in process any such recognizance without the written order of the Justice Recorder Corporate Officer Chairman or Justices of the Peace before whom respectively such list shall have been laid.

Repeal of the Acts.

3 Ed. 1 c. 15.

7 H. 5.

9 H. 5 c. 1.

18 H. 6 c. 12.

23 H. 6 c. 9.

1 R. 3 c. 3.

3 H. 7 c. 3.

25 H. 8 c. 3.

32 H. 8 c. 3.

2 & 3 Ed. 6 c. 24.

32. And be it further enacted That from and after the commencement of this Act so much of a Statute made at Westminster in the third year of the reign of King Edward the First as provides what prisoners shall not be repleviable and what shall be so and a Statute made in the seventh year of the reign of King Henry the Fifth and so much of a Statute made in the ninth year of the same reign as relates to indictments and appeals laid in a non-existing place and so much of a Statute made in the eighteenth year of the reign of King Henry the Sixth as perpetuates the said provision of the Statute last referred to and so much of a Statute made in the twenty-third year of the same reign as relates to Sheriffs and other officers and ministers therein mentioned letting out of prison upon sureties any person in custody upon indictment and an Act passed in the first year of the reign of King Richard the Third intituled "*An Act for bailing of persons suspected of felony*" and so much of an Act passed in the third year of the reign of King Henry the Seventh intituled "*An Act that Justice of the Peace may take bail*" as relates to bail or main-prize and an Act passed in the twenty-fifth year of the reign of King Henry the Eighth intituled "*An Act for standing mute and peremptory challenge*" and so much of an Act passed in the thirty-second year of the same reign intituled "*For the continuation of Acts*" as perpetuates the said last-mentioned Act and an Act passed in the second and third years of the reign of King Edward the Sixth intituled "*An Act for the trial of murders and felonies in several counties*" and an Act passed in

English Criminal Law Adopted, 7 G. 4, c. 64.

in the fifth and sixth years of the same reign intituled "An Act to 5 & 6 Ed. 6 c. 10.
 "take away the benefit of clergy from such as rob in one shire and fly
 "into another" and an Act passed in the first and second years of the 1 & 2 P. & M. c. 13.
 reign of King Philip and Queen Mary intituled "An Act appointing
 an order to Justices of Peace for the bailment of prisoners" and an
 Act passed in the second and third years of the same reign intituled 2 & 3 P. & M. c. 10.
 "An Act to take examination of prisoners suspected of manslaughter or
 felony" and an Act passed in the fourth year of King William and 4 W. & M. c. 8.
 Queen Mary intituled "An Act for encouraging the apprehending of
 highwaymen" and so much of an Act passed in the tenth and eleventh 10 & 11 W. 3 c. 23.
 years of the reign of King William intituled "An Act for the better
 apprehending prosecuting and punishing of felons that commit bur-
 glary housebreaking or robbery in shops warehouses coach-houses
 "or stables or that steal horses" as relates to the certificates therein
 mentioned and so much of an Act passed in the first year of the reign 1 Anne st. 2 c. 9 s. 1.
 of Queen Anne intituled "An Act for punishing of accessories to
 "felonies and receivers of stolen goods and to prevent the wilful
 "burning and destroying of ships" as relates to accessories and an Act
 passed in the sixth year of the same reign intituled "An Act for the Vulgo 5 Anne c. 31.
 encouraging the discovery and apprehending of housebreakers" except
 the special provision affecting the Sheriffs and Under Sheriffs of
 London and Middlesex and an Act passed in the sixth year of the 6 G. 1 c. 23.
 reign of King George the First intituled "An Act for the further
 "preventing robbery burglary and other felonies and for the more
 "effectual transportation of felons" and so much of an Act passed
 in the twenty-fifth year of the reign of King George the Second 25 G. 2 c. 36 s. 11.
 intituled "An Act for the better preventing thefts and robberies
 "and for regulating places of public entertainment and punishing
 "persons keeping disorderly houses" as relates to payments to
 prosecutors in cases of felony and so much of an Act passed in the
 twenty-seventh year of the same reign intituled "An Act for the 27 G. 2 c. 3 s. 3.
 "better securing to constables and others the expenses of conveying
 "offenders to gaol and for allowing the charges of poor persons bound
 "to give evidence against felons" as relates to the allowance of com-
 pensation to poor persons appearing on recognizance to give evidence
 against any one accused of felony and so much of an Act passed in
 the eighteenth year of the reign of King George the Third intituled 18 G. 3 c. 19 s. 7
 & 8.
 "An Act for the payment of costs to parties on complaints determined
 "before Justices of the Peace out of Sessions for the payment of the
 "charges of constables in certain cases and for the more effectual
 "payment of charges to witnesses and prosecutors of any larceny
 "or other felony" as relates to payments and allowances to prosecu-
 tors and other persons appearing on recognizance or subpœna to give
 evidence as to any felony and to rules and regulations touching the
 costs and charges to be allowed to such prosecutors and persons and
 so much of an Act passed in the forty-third year of the same reign 43 G. 3 c. 59 s. 3.
 intituled "An Act for remedying certain defects in the Laws relative
 "to the building and repairing of county bridges and other works
 "maintained at the expense of the inhabitants of counties in England"
 as relates to laying the property in the surveyor of county bridges
 in any indictment and so much of an Act passed in the same year for 43 G. 3 c. 113 s. 5.
 providing among other things for the more convenient trial of
 accessories in felonies as relates to the trial of accessories except the
 special provisions therein contained as to accessories before the fact
 in murder and an Act passed in the fifty-sixth year of the same reign 56 G. 3 c. 73.
 intituled "An Act for removing difficulties in the conviction of
 offenders stealing property from mines" and an Act passed in the 58 G. 3 c. 70.
 fifty-eighth year of the same reign intituled "An Act for repealing
 "such parts of several Acts as allow pecuniary and other rewards
 "upon

English Criminal Law Adopted, 7 & 8 G. 4, c. 27.

59 G. 3 c. 27.

59 G. 3 c. 96.

1 G. 4 c. 102.

3 G. 4 c. 38.

3 G. 4 c. 126 s. 60.

6 G. 4 c. 56.

"upon the conviction of persons for highway robbery and other crimes and offences and for facilitating the means of prosecuting persons accused of felony and other offences" except so much thereof as relates to disorderly houses and an Act passed in the fifty-ninth year of the same reign intituled "An Act to facilitate the trial of felonies committed on board vessels employed on canals navigable rivers and inland navigations" and another Act passed in the same year intituled "An Act to facilitate the trials of felonies committed on stage coaches and stage waggons and other such carriages and of felonies committed on the boundaries of counties" and an Act passed in the first year of his present Majesty's reign for making general the provisions of the said recited Act of the fifty-sixth year of the reign of King George the Third and so much of an Act passed in the third year of the present reign intituled "An Act for the further and more adequate punishment of persons convicted of manslaughter and of servants convicted of robbing their masters and of accessories before the fact to grand larceny and certain other felonies" as provides that accessories before the fact may be indicted for a misdemeanor and so much of another Act passed in the same year intituled "An Act to amend the general Laws now in being for regulating turnpike roads in that part of Great Britain called England" as relates to stating in any indictment any things to be the property of the clerk to the trustees or commissioners as therein mentioned and an Act passed in the sixth year of the present reign intituled "An Act to amend two Acts for removing difficulties in the conviction of offenders stealing property in mines and from corporate bodies" shall be and the same are hereby repealed except so far as any of the said Acts relate to Scotland or Ireland or repeal the whole or any part of any other Acts and except as to offences committed before the passing of this Act which shall be dealt with and punished as if this Act had not been passed.

ANNO SEPTIMO & OCTAVO GEORGII IV. REGIS.

CAP. XXVII.

An Act for repealing various Statutes in England relative to the Benefit of Clergy and to Larceny and other Offences connected therewith and to malicious Injuries to Property and to Remedies against the Hundred. [21st June, 1827.]

WHEREAS it is expedient to repeal various Statutes now in force in that part of the United Kingdom called England relative to the benefit of clergy And it is also expedient to repeal various Statutes relative to larceny and other offences of stealing and to burglary robbery and threats for the purpose of robbery or of extortion and to embezzlement false pretences and the receipt of stolen property in order that the provisions contained in those Statutes may be amended and consolidated into one Act and it is also expedient with the same view to repeal various Statutes relative to malicious injuries to property and also with the same view to repeal various Statutes relative to remedies against the hundred Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same That so much of a Charter or Statute made in the ninth year of the reign of King Henry the Third commonly called *Charter de Forestā* as relates to the punishment for taking the King's venison and so much of a Statute made at Westminster in the third year of the reign of King Edward the First

9 H. 3 st. 2 c. 10.

3 Ed. 1 c. 2 & 20.

as

English Criminal Law Adopted, 7 & 8 G. 4, c. 27.

as relates to clerks taken for guilty of felony and to trespassers in parks and ponds and so much of a Statute made at Westminister in 13 Ed. 1 st. 1 c. 46. the thirteenth year of the same reign as ordains that the towns near adjoining shall be distrained to levy at their own cost a hedge or dyke overthrown and to yield damages and the whole of a Statute made in 13 Ed. 1 st. 2. the same year intituled *Statutum Winton* except so much thereof as forbids fairs and markets being kept in churchyards and a Statute made in the twenty-first year of the same reign intituled 21 Ed. 3 st. 2. *Statutum de Malefactoribus in Parcis* and so much of a Statute 1 Ed. 3 st. 1 c. 8. made in the first year of the reign of King Edward the Third as relates to trespasses in the King's Forests of vert and venison and so much of a Statute made in the twenty-fifth year of the same reign 25 Ed. 3 st. 6 (vulgo st. 3) c. 45. intituled *Ordinatio pro Clero* as relates to clerks convicted of treasons or felonies and to the arraignment of clerks and so much of a Statute made in the twenty-eighth year of the same reign as 28 Ed. 3 c. 11. relates to making cry and fresh suit and to hundreds and franchises being answerable as therein mentioned and so much of a Statute made 31 Ed. 3 c. 22. in the thirty-fourth year and of another Statute made in the thirty- 37 Ed. 3 c. 19. seventh year of the same reign as relates to hawks and so much of a Statute made in the eighth year of the reign of King Henry the Sixth 8 H. 6 c. 12 s. 3. as relates to the offences of stealing taking away withdrawing or avoiding of any record or other like thing therein mentioned and so much of a Statute made in the thirty-third year of the same reign as 33 H. 6 c. 1. relates to servants taking and spoiling the goods of their masters after their death and an Act passed in the first year of the reign of 1 H. 7 c. 7. King Henry the Seventh intituled "An Act against unlawful hunting in forests and parks" and an Act passed in the fourth year of the 4 H. 7 c. 13. same reign intituled "An Act to take away the benefit of clergy from certain persons" and an Act passed in the twenty-first year of the 21 H. 8 c. 7. reign of King Henry the Eighth intituled "An Act for the punishment of such servants as shall withdraw themselves and go away with their Masters' or Mistresses' caskets and other jewels or goods committed to them in trust to be kept" and an Act passed in the same year intituled 21 H. 8 c. 11. "An Act for restitution to be made of the goods of such as shall be robbed by felons" and an Act passed in the twenty-third year of the 23 H. 8 c. 1. same reign intituled "An Act that no person committing petty treason murder or felony shall be admitted to his clergy under subdeacon" and an Act passed in the same year intituled "An Act for breaking 23 H. 8 c. 11. of prison by clerks convict" and an Act passed in the thirty-first 31 H. 8 c. 2. year of the same reign intituled "An Act against fishing in ponds" and an Act passed in the thirty-third year of the same reign 33 H. 8 c. 1. intituled "An Act concerning counterfeit letters or privy tokens to receive money or goods in other men's names" and an Act passed in 34 & 35 H. 8 c. 11. the thirty-fourth and thirty-fifth years of the same reign intituled "An Act for a certificate of convicts to be made into the King's Bench" and an Act passed in the thirty-fifth year of the same reign 35 H. 8 c. 17. intituled "An Act for the preservation of woods" and an Act passed 37 H. 8 c. 6. in the thirty-seventh year of the same reign intituled "An Act against burning of frames" and so much of an Act passed in the same year 37 H. 8 c. 8 s. 2. intituled "An Act that an indictment lacking these words 'Vi et Arnis' shall be sufficient in Law" as relates to persons stealing any horse gelding mare foal or filley and so much of an Act passed in the 1 Ed. 6 c. 12 s. 10 first year of the reign of King Edward the Sixth intituled "An Act 14. for the repeal of certain Statutes concerning treasons felonies etc." as relates to house-breaking robbing horse-stealing and sacrilege and to the allowance of the benefit of clergy in any case therin mentioned and an Act passed in the second and third years of the same reign 2 & 3 Ed. 6 c. 33. intituled "An Act that no man stealing horse or horses shall enjoy the benefit of his clergy" and an Act passed in the fifth and sixth years 5 & 6 Ed. 6 c. 9. of

English Criminal Law Adopted, 7 & 8 G. 4, c. 27.

4 & 5 P. & M. c. 4.

of the same reign intituled "An Act that no man robbing any house booth or tent shall not be admitted to the benefit of his clergy" and so much of an Act passed in the fourth and fifth years of the reign of King Philip and Queen Mary intituled "An Act that accessories in murder and divers felonies shall not have the benefit of clergy" as relates to accessories to any robbery or burning therein mentioned and an Act passed in the fifth year of the reign of Queen Elizabeth intituled "An Act reviving a Statute made Anno 21 H. 8 touching servants embezzling their masters' goods" and another Act passed in the same fifth year intituled "An Act for the punishment of unlawful taking of fish deer or hawks" and an Act passed in the eighth year of the same reign intituled "An Act to take away the benefit of clergy from certain felonious offenders" and so much of an Act passed in the thirteenth year of the same reign intituled "An Act for the reviving and continuance of certain Statutes" as alters and perpetuates the Act of the thirty-fifth year of the reign of King Henry the Eighth hereinbefore recited and so much of an Act passed in the eighteenth year of the reign of Queen Elizabeth intituled "An Act to take away clergy from the offenders in rape and burglary and an order for the delivery of clerks convict without purgation" as relates to burglary and to persons admitted to the benefit of clergy and an Act passed in the twenty-seventh year of the same reign intituled "An Act for the following of hue and cry" and an Act passed in the thirty-first year of the same reign intituled "An Act against embezzling of armour habiliments of war and victual" and so much of an Act passed in the same year intituled "An Act to avoid horse-stealing" as enacts that all accessories to horse-stealing shall be deprived of the benefit of clergy and an Act passed in the thirty-ninth year of the same reign intituled "An Act that no person robbing any house in the day-time although no person be therein shall be admitted to have the benefit of his clergy" and an Act passed in the forty-third year of the same reign intituled "An Act to avoid and prevent divers misdemeanors in lewd and idle persons" and an Act passed in the same year intituled "An Act for the more peaceable Government of the parts of Cumberland Northumberland Westmoreland and the Bishoprick of Durham" and so much of an Act passed in the second year of the reign of King James the First intituled "An Act for the better execution of the intent and meaning of former Statutes made against shooting in guns and for the preservation of the game of pheasants and partridges and against the destroying of hares with hare pipes and tracing hares in the snow" as relates to house doves pigeons and deer and an Act passed in the third year of the same reign intituled "An Act against unlawful hunting and stealing of deer and conies" and an Act passed in the seventh year of the same reign for the explanation of the last mentioned Act and an Act passed in the fifteenth year of the reign of King Charles the Second intituled "An Act for the punishment of unlawful cutting or stealing or spoiling of wood and underwood and destroying of young timber trees" and an Act passed in the twenty-second year of the same reign intituled "An Act for taking away the benefit of clergy from such as steal cloth from the rack and from such as shall steal His Majesty's ammunition and stores" and an Act passed in the twenty-second and twenty-third years of the same reign intituled "An Act to prevent the malicious burning of houses stacks of corn and hay and killing or maiming of cattle" and so much of an Act passed in the same years intituled "An Act to prevent the delivery up of merchant ships and for the increase of good and serviceable shipping" as relates to the wilful destruction of any ship by any of the persons belonging to it as therein mentioned and

5 Eliz. c. 10.

5 Eliz. c. 21.

8 Eliz. c. 4.

13 Eliz. c. 25 s. 3
1899.

18 Eliz. c. 7.

27 Eliz. c. 13.

31 Eliz. c. 4.

31 Eliz. c. 12 s. 5.

39 Eliz. c. 15.

43 Eliz. c. 7.

43 Eliz. c. 13.

2 Jac. 1 c. 27
recognized as existing in 2 G. 3 c. 29.3 Jac. 1 c. 13
[This Act and the next are recognized as existing in 16 G. 3 c. 30.]

7 Jac. 1 c. 13.

15 Car. 2 c. 2.

22 Car. 2 c. 5.

22 & 23 Car. 2 c. 7.

22 & 23 Car. 2 c. 11
s. 12.

English Criminal Law Adopted, 7 & 8 G. 4, c. 27.

and an Act passed in the same years intituled “*An Act for the better 22 & 23 Car. 2 c. 25
preservation of the game and for securing warrens not enclosed
and the several fishings of this realm*” so far as relates to all subjects therein mentioned except the appointment and powers of game-keepers search warrants and the description of persons who are thereby declared to be persons not allowed to have or keep for themselves or any other person any guns bows greyhounds or other animals or things therein enumerated and an Act passed in the third 3 W. & M. c. 9. year of the reign of King William and Queen Mary intituled “*An Act to take away clergy from some offenders and to bring others to punishment*” and so much of an Act passed in the fourth year of the same reign intituled “*An Act for the more easy 4 W. & M. c. 23.
discovery and conviction of such as shall destroy the game of this Kingdom*” as relates to pigeons and fish and to persons wrongfully fishing and to all instruments and engines for destroying or taking fish and to the burning of any grig ling heath surze goss or fern and so much of an Act passed in the fourth year of the same reign 4 W. & M. c. 24 s. 13. intituled “*An Act for reviving continuing and explaining several Laws therein mentioned which are expired and near expiring*” as explains the said recited Act of the third year of the same reign and the whole of an Act passed in the tenth year of the reign of King William the Third intituled “*An Act for the better apprehending prosecuting and punishing of felons that commit burglary house-breaking or robbery in shops warehouses coach-houses or stables or that steal horses*” except so much thereof as relates to fees for discharging recognizances and drawing bills of indictment and to defective bills of indictment and the whole of an Act passed in the first year of the reign of Queen Anne intituled “*An Act for punishing of accessories to felonies and receivers of stolen goods and to prevent the wilful burning and destroying of ships*” except so much thereof as relates to witnesses on behalf of the prisoner upon any trial for treason or felony and an Act passed in the sixth year of the same reign intituled “*An Act for repealing a Clause in an Act intituled ‘An Act for the better apprehending prosecuting and punishing felons that commit burglaries house-breaking or robberies in shops warehouses coach-houses or stables or that steal horses’*” and an Act passed in the twelfth 12 Ann. st. 1 c. 7. year of the same reign intituled “*An Act for the more effectual preventing and punishing robberies that shall be committed in houses*” and so much of an Act passed in the thirteenth year of the same reign intituled “*An Act for the preserving of all such ships and goods thereof which shall happen to be forced on shore or stranded upon the coasts of this Kingdom or any other of Her Majesty’s dominions*” as relates to any person upon whom any goods stolen or carried off from any vessel in distress shall be found and to the several offences touching vessels in distress which are thereby made capital felonies and so much of an Act passed in the first year of the reign of King George the First intituled “*An Act for preventing tumults and riotous assemblies and for the more speedy and effectual punishing the rioters*” as relates to any rioters demolishing or pulling down or beginning to demolish or pull down any of the buildings therein mentioned and to the liability of the inhabitants of the hundred city or town in which the damage shall be done to yield damages to the party injured and an Act passed in the same year intituled “*An Act to encourage the planting of timber trees fruit trees and other trees for ornament shelter or profit and for the better preservation of the same and for the preventing the burning of woods*” and the whole of an Act passed in the fourth year of the same reign intituled “*An Act for the further preventing robbery burglary and other felonies*”

English Criminal Law Adopted, 7 & 8 G. 4, c. 27.

5 G. 1 c. 28.

6 G. 1 c. 16.

9 G 1 c. 22.

2 G. 2 c. 25 s. 3.

4 G. 2 c. 32.

6 G. 2 c. 37.

8 G. 2 c. 16.

8 G. 2 c. 20.

10 G. 2 c. 32 except
s. 10.

“felonies and for the more effectual transportation of felons and “unlawful exporters of wool and for declaring the Law upon some “points relating to pirates” except so much thereof as relates to the trial of piracy felony or robbery committed within the Admiralty Jurisdiction and an Act passed in the fifth year of the same reign intituled “An Act for the further punishment of such persons as shall “unlawfully kill or destroy deer in parks paddocks or other inclosed “grounds” and an Act passed in the sixth year of the same reign intituled “An Act to explain and amend an Act passed in the first “year of His Majesty’s reign intituled ‘An Act to encourage the “planting of timber trees fruit trees and other trees for ornament “shelter or profit and for the better preservation of the same and for “the preventing the burning of woods’ and for the better preservation “of the fences of such woods” and an Act passed in the ninth year of the same reign intituled “An Act for the more effectual “punishing wicked and evil-disposed persons going armed in disguise “and doing injuries and violences to the persons and properties of His “Majesty’s subjects and for the more speedy bringing the offenders to “justice” and so much of an Act passed in the second year of the reign of King George the Second intituled “An Act for the more “effectual preventing and further punishment of forgery perjury and “subornation of perjury and to make it felony to steal bonds notes “or other securities for payment of money” as relates to the stealing or taking by robbery any orders or other securities therein enumerated and an Act passed in the fourth year of the same reign intituled “An Act for the more effectual punishing stealers of lead or “iron bars fixed to houses or any fences belonging thereunto” and an Act passed in the sixth year of the same reign intituled “An Act for making perpetual the several Acts therein “mentioned for the better regulation of Juries and for empowering the “Justices of Sessions or Assizes for the Counties Palatine of Chester “Lancaster and Durham to appoint a Special Jury in manner therein “mentioned and for continuing the Act for regulating the manufacture “of cloth in the West Riding of the County of York (except a clause “therein contained) and for continuing an Act for the more effectual “punishing wicked and evil-disposed persons going armed in disguise and “for other purposes therein mentioned and to prevent the cutting or “breaking down the bank of any river or any sea bank and to prevent the “malicious cutting of hop-binds and for continuing an Act made in the “thirteenth and fourteenth years of the reign of King Charles the “Second for preventing theft and rapine upon the Northern Borders of “England and for reviving and continuing certain clauses in two other “Acts made for the same purpose” and an Act passed in the eighth year of the reign of King George the Second intituled “An Act for “the amendment of the Law relating to Actions on the Statute of hue “and Cry” and an Act passed in the same year intituled “An Act “for rendering the Laws more effectual for punishing such persons as “shall wilfully and maliciously pull down or destroy turnpikes for “repairing highways or locks or other works erected by Act of Parliament “for making rivers navigable and for other purposes therein “mentioned” and an Act passed in the tenth year of the same reign intituled “An Act for continuing an Act for the more effectual “punishing wicked and evil-disposed persons going armed in disguise “and doing injuries and violences to the persons and properties of His “Majesty’s subjects and for the more speedy bringing the offenders to “justice and for continuing two clauses to prevent the cutting or “breaking down the bank of any river or sea bank and to prevent the “malicious cutting of hop-binds contained in an Act passed in the sixth “year of his present Majesty’s reign and for the more effectual punishment

English Criminal Law Adopted, 7 & 8 G. 4, c. 27.

“ *ment of persons removing any materials used for securing marsh or sea walls or banks and of persons maliciously setting on fire any mine pit or delph of coal or cannel coal and of persons unlawfully hunting or taking any red or fallow deer in forests or chases or beating or wounding keepers or other officers in forests chases or parks and for more effectually securing the breed of wild fowl*” except so much thereof as relates to wild fowl and so much of an Act passed in the eleventh year of the same reign intituled “ *An Act for punishing 11 G. 2 c. 22 s. 5 to such persons as shall do injuries and violences to the persons or properties of His Majesty's subjects with the intent to hinder the exportation of corn*” as relates to the liability of the inhabitants of hundreds and an Act passed in the thirteenth year of the same reign intituled “ *An Act for further and more effectually preventing the 13 G. 2 c. 21. wilful and malicious destruction of collieries and coal works*” and an Act passed in the fourteenth year of the same reign intituled “ *An Act to render the Laws more effectual for the preventing the stealing and destroying of sheep and other cattle*” and an Act passed in the fifteenth year of the same reign intituled “ *An Act to 15 G. 2 c. 34. explain an Act made in the fourteenth year of the reign of His present Majesty intituled 'An Act to render the Laws more effectual for preventing the stealing and destroying of sheep and other cattle'*” and an Act passed in the twenty-second year of the same reign intituled “ *An Act for remedying inconveniences which may 22 G. 2 c. 24. happen by proceedings in Actions on the Statute of hue and Cry*” and so much of an Act passed in the same year for (among other 22 G. 2 c. 46 s. 34. purposes) ascertaining the method of levying writs of execution against the inhabitants of hundreds as relates to such writs and the proceedings thereupon and an Act passed in the twenty-fourth year of the same reign intituled “ *An Act for the more effectual preventing 24 G. 2 c. 45. of robberies and thefts upon any navigable rivers ports of entry or discharge wharfs and keys adjacent*” and an Act passed in the twenty-fifth year of the same reign intituled “ *An Act for the more 25 G. 2 c. 10. effectual securing mines of black lead from theft and robbery*” and so much of an Act passed in the same year intituled “ *An Act for 25 G. 2 c. 36 s. 1. the better preventing thefts and robberies and for regulating places of public entertainment and punishing persons keeping disorderly houses*” as relates to the advertisements therein prohibited and so much of an Act passed in the twenty-sixth year of the same reign intituled “ *An Act for enforcing the laws against persons who shall 26 G. 2 c. 19 s. 1 2 3 steal or detain shipwrecked goods and for the relief of persons suffering losses thereby*” as relates to any of the felonies therein mentioned and to search warrants and to property belonging to any vessel lost stranded or cast on shore being found in any place or in the possession of any person and to any person offering or exposing to sale any such property as therein respectively mentioned and so much of an Act passed in the twenty-eighth year of the same reign for 28 G. 2 c. 19 s. 3. (among other purposes) preventing the burning or destroying of goss furze or fern in forests or chases as relates to persons burning or destroying the same and an Act passed in the twenty-ninth year of the same reign intituled “ *An Act for more effectually discouraging 29 G. 2 c. 30. and preventing the stealing and the buying and receiving stolen lead iron copper brass bell-metal and solder and for more effectually bringing the offenders to justice*” and so much of an Act passed in the same year intituled “ *An Act for enclosing by the mutual consent 29 G. 2 c. 36 s. 6 7 8 of the Lords and Tenants part of any Common for the purpose of planting and preserving trees fit for timber or underwood and for more effectually preventing the unlawful destruction of trees*” as relates to the remedy for the recovery of damages against the inhabitants of the adjoining parishes towns hamlets villages or places and

30 G. 2 c. 24 s. 1.

31 G. 2 c. 35.

2 G. 3 c. 29.

4 G. 3 c. 12.

4 G. 3 c. 31.

5 G. 3 c. 14.

and to the punishment of the several offences relating to trees and to the explanation respecting the three Acts of King George the First as therein respectively mentioned and so much of an Act passed in the thirtieth year of the same reign intituled “*An Act for the more effectual punishment of persons who shall attain or attempt to attain possession of goods or money by false or untrue pretences for preventing the unlawful pawning of goods for the easy redemption of goods pawned and for preventing gaming in public-houses by journeymen laborers servants and apprentices*” as relates to obtaining by false pretence or pretences any property as therein mentioned and an Act passed in the thirty-first year of the same reign intituled “*An Act to continue several Laws therein mentioned for granting a liberty to carry sugars of the growth produce or manufacture of any of His Majesty's Sugar Colonies in America from the said Colonies directly into foreign parts in ships built in Great Britain and navigated according to law for the preventing the committing of frauds by bankrupts for giving further encouragement for the importation of Naval stores from the British Colonies in America and for preventing frauds and abuses in the admeasurement of coals in the City and Liberty of Westminster and for preventing the stealing or destroying of madder roots*” and an Act passed in the second year of the reign of King George the Third intituled “*An Act to amend so much of an Act made in the first year of the reign of King James the First intituled 'An Act for the better execution of the intent and meaning of former Statutes made against shooting in guns and for the preservation of the game of pheasants and partridges and against the destroying of hares with hair pipes and tracing hares in the snow' as relates to the preservation of house doves and pigeons by making the manner of convicting such person or persons as shall offend therein more easy and expeditious*” and an Act passed in the fourth year of the reign of King George the Third intituled “*An Act to continue several Laws for the better regulation of pilots for the conducting of ships and vessels from Dover Deal and the Isle of Thanet up the Rivers of Thames and Medway relating to the landing of rum or spirits of the British Sugar Plantations before the Duties of Excise are paid thereon and to the further punishment of persons going armed or disguised in defiance of the Laws of Customs or Excise and to the relief of the Officers of the Customs in informations upon seizures and for granting a liberty to carry sugars of the growth produce or manufacture of any of His Majesty's Sugar Colonies directly into foreign parts in ships built in Great Britain and navigated according to law and for punishing persons who shall damage or destroy any banks floodgates sluices or other works belonging to the rivers and streams made navigable by Act of Parliament*” and an Act passed in the same year intituled “*An Act to indemnify such persons as have omitted to qualify themselves for offices and employments and to indemnify Justices of the Peace Deputy Lieutenants and Officers of the Militia or others who have omitted to register or deliver in their qualifications within the time limited by law and for giving further time for those purposes and to indemnify members and officers in cities corporations and borough towns whose admissions have been omitted to be stamped according to the several Acts of Parliament now in force for that purpose or having been stamped have been lost or mislaid and for allowing them time to provide admissions duly stamped and to prevent the destruction of trees and underwoods growing in forests and chases*” and an Act passed in the fifth year of the same reign intituled “*An Act for the more effectual preservation of fish in fish ponds and other waters and conies in warrens and for preventing the*

English Criminal Law Adopted, 7 & 8 G. 4, c. 27.

"the damage done to sea banks within the County of Lincoln by the
 "breeding conies therein" and an Act passed in the sixth year of the 6 G. 3 c. 36.
 same reign intituled "An Act for encouraging the cultivation and for
 the better preservation of trees roots plants and shrubs" and another
 Act passed in the same year intituled "An Act for the better preser- 6 G. 3 c. 48.
 "vation of timber trees and of woods and underwoods and for the
 "further preservation of roots shrubs and plants" and an Act passed
 in the ninth year of the same reign intituled "An Act for the more 9 G. 3 c. 29.
 "effectual punishment of such persons as shall demolish or pull down
 "burn or otherwise destroy or spoil any mill or mills and for pre-
 "venting the destroying or damaging of engines for draining collieries
 "and mines or bridges waggonways or other things used in conveying
 "coals lead tin or other minerals from mines or fences for inclosing
 "lands in pursuance of Acts of Parliament" and an Act passed in the
 same year intituled "An Act for better securing the Duties of Customs 9 G. 3 c. 41.
 "upon certain goods removed from the Out Ports and other places to
 "London for regulating the Fees of Officers of His Majesty's Customs
 "in the Province of Senegambia in Africa for allowing to the Receivers
 "General of the Duties on Offices and Employments in Scotland a
 "proper compensation for their trouble and expenses for the better
 "preservation of hollies thorns and quicksets in forests chases and
 "private grounds and of trees and underwoods in forests and chases and
 "for authorising the exportation of a limited quantity of an infertor sort of
 "barley called bigg from the Port of Kirkwall in the Islands of Orkney"
 and an Act passed in the tenth year of the same reign intituled 10 G. 3 c. 18.
 "An Act for preventing the stealing of dogs" and another Act passed in
 the same year intituled "An Act for making the receiving of stolen 10 G. 3 c. 48.
 "jewels and gold and silver plate in the case of burglary and highway
 "robbery more penal" and so much of an Act passed in the thirteenth 13 G. 3 c. 31.
 year of the same reign intituled "An Act for the more effectual execution
 of Criminal Laws in the two parts of the United Kingdom" as relates
 to the prosecution and punishment of persons for theft or larceny
 and for receiving or having any stolen property as therein mentioned
 and an Act passed in the same year intituled "An Act for repealing so 13 G. 3 c. 32.
 "much of an Act made in the twenty-third year of His late Majesty King
 "George the Second as relates to the preventing the stealing or destroying
 "of turnips and for the more effectually preventing the stealing or destroying
 "of turnips potatoes cabbages parsnips pease and carrots" and another
 Act passed in the same thirteenth year intituled "An Act to extend the 13 G. 3 c. 33.
 "provisions of an Act made in the sixth year of His present Majesty's
 "reign intituled 'An Act for the better preservation of timber trees
 "and of woods and underwoods and for the further preservation of
 "roots shrubs and plants' to poplar alder maple larch and horn-
 "beam" and an Act passed in the sixteenth year of the same reign 16 G. 3 c. 80.
 intituled "An Act more effectually to prevent the stealing of deer and to
 "repeal several former Statutes made for the like purpose" and the whole
 of an Act passed in the nineteenth year of the same reign intituled 19 G. 3 c. 74 except
 "An Act to explain and amend the Laws relating to the transportation 8. 70.
 "imprisonment and other punishment of certain offenders except so much
 "thereof as relates to the Judges' lodgings" and an Act passed in the
 twenty-first year of the same reign intituled "An Act to explain and 21 G. 3 c. 68.
 "amend an Act made in the fourth year of the reign of His late Majesty
 "King George the Second intituled 'An Act for the more effectual
 "punishing stealers of lead and iron bars fixed to houses or any fences
 "belonging thereunto'" and another Act passed in the same twenty-first 21 G. 3 c. 69.
 year intituled "An Act to explain and amend an Act made in the twenty-
 "ninth year of the reign of His late Majesty King George the Second
 intituled 'An Act for more effectually discouraging and preventing
 "the stealing and the buying and receiving of stolen lead iron copper
 "brass"

English Criminal Law Adopted, 7 & 8 G. 4, c. 27.

22 G. 3 c. 58. “‘ brass bell-metal and solder and for more effectually bringing the offenders to justice’” and an Act passed in the twenty-second year of the reign of King George the Third intituled “An Act for the more easy discovery and effectual punishment of buyers and receivers of stolen goods” and an Act passed in the thirty-first year of the same reign intituled “An Act to render persons convicted of petty larceny competent witnesses” and an Act passed in the same year intituled “An Act for better protecting the several oyster fisheries within this Kingdom” and so much of an Act passed in the thirty-third year of the same reign intituled “An Act for better preventing offences in obstructing destroying or damaging ships or other vessels and in obstructing seamen keelmen casters and ship carpenters from pursuing their lawful occupations” as relates to persons who shall wilfully and maliciously set fire to or destroy or damage otherwise than by fire any ship keel or other vessel and so much of an Act passed in the thirty-sixth year of the same reign intituled “An Act to prevent obstructions to the free passage of grain within the Kingdom” as relates to the liability of the inhabitants of hundreds and an Act passed in the thirty-ninth year of the same reign intituled “An Act to protect masters against embezzlements by their clerks or servants” and so much of an Act passed in the thirty-ninth and fortieth years of the same reign intituled “An Act for the security of collieries and mines and for the better regulation of colliers and miners” as declares what persons shall be deemed and adjudged to be guilty of a misdemeanor and as relates to any person who shall steal or take away or break destroy damage or embezzle any article not exceeding the value of five shillings as therein mentioned or shall break destroy or damage any waggon cart or other carriage as therein mentioned and an Act passed in the forty-first year of the same reign intituled “An Act for the indemnifying of persons injured by the forcible pulling down and demolishing of mills or of works thereunto belonging by persons unlawfully and riotously assembled” and an Act passed in the forty-second year of the same reign intituled “An Act to extend the provisions of an Act made in the thirteenth year of the reign of His present Majesty intituled ‘An Act for repealing so much of an Act made in the twenty-third year of His late Majesty King George the Second as relates to the preventing the stealing or destroying of turnips and for the more effectually preventing the stealing or destroying of turnips potatoes cabbages parsnips pease and carrots to certain other field crops and to orchards and for amending the said Act’” and an Act passed in the same forty-second year intituled “An Act more effectually to prevent the stealing of deer” and so much of an Act passed in the forty-third year of the same reign intituled “An Act for the further prevention of malicious shooting and attempting to discharge loaded fire arms stabbing cutting wounding poisoning and the malicious using of means to procure the miscarriage of women and also the malicious setting fire to buildings and also for repealing a certain Act made in England in the twenty-first year of the late King James the First intituled ‘An Act to prevent the destroying and murdering of bastard children’ and also an Act made in Ireland in the sixth year of the reign of the late Queen Anne also intituled ‘An Act to prevent the destroying and murdering of bastard children’ and for making other provisions in lieu thereof” as relates to the setting fire to any of the buildings therein enumerated and the whole of an Act passed in the same forty-third year intituled “An Act for the more effectually providing for the punishment of offences in wilfully casting away burning or destroying ships or vessels and for the more convenient trial of accessories in felonies and for extending the powers of an Act made in the thirty-third year of the reign of King

31 G. 3 c. 35.

31 G. 3 c. 51.

33 G. 3 c. 67 s. 5 & 6.

36 G. 3 c. 9 s. 3 to the end.

39 G. 3 c. 85.

39 & 40 G. 3 c. 77 s. 1 & 5.

41 G. 3 c. 24 (U. K.)

42 G. 3 c. 67.

42 G. 3 c. 107.

43 G. 3 c. 58 Part of s. 1.

43 G. 3 c. 113. except s. 6.

English Criminal Law Adopted, 7 & 8 G. 4, c. 27.

“King the Henry the Eighth as far as relates to murders to accessories to murders and to manslaughters” except so much thereof as specially relates to accessories before the fact in murder and to manslaughter and so much of an Act passed in the forty-fourth year of King George the Third intituled “*An Act to render more easy & 8. the apprehending and bringing to trial offenders escaping from one part of the United Kingdom to the other and also from one county to another*” as relates to the prosecution and punishment of persons for theft or larceny and for receiving or having any stolen property as therein mentioned and an Act passed in the forty-fifth year of the same reign intituled “*An Act to prevent in Great Britain the illegally carrying away bark and for amending two Acts passed in the sixth and ninth years of his present Majesty's reign for the preservation of timber trees underwoods roots shrubs plants hollies thorns and quicksets*” and an Act passed in the forty-eighth year of the same reign intituled “*An Act to repeal so much of an Act passed in the eighth year of the reign of Queen Elizabeth intituled 'An Act to take away the benefit of clergy from certain offenders for felony' as takes away the benefit of clergy from persons stealing privily from the person of another and for more effectually preventing the crime of larceny from the person*” and an Act passed in the same forty-eighth year intituled “*An Act for the more effectual protection of oyster fisheries and the brood of oysters in England*” and an Act passed in the fifty-first year of the same reign intituled “*An Act to repeal so much of an Act passed in the eighteenth year of the reign of King George the Second intituled 'An Act for the more effectually preventing the stealing of linen fustian and cotton goods and wares in buildings fields grounds and other places used for printing whitening bleaching or dyeing the same' as takes away the benefit of clergy from persons stealing cloth in places therein mentioned and for more effectually preventing such felonies*” and an Act passed in the same fifty-first year intituled “*An Act to amend an Act of the forty-seventh year of his present Majesty for more effectually preventing the stealing of deer*” and an Act passed in the fifty-second year of the same reign intituled “*An Act for more effectually preventing the embezzlement of securities for money and other effects left or deposited for safe custody or other special purpose in the hands of bankers merchants brokers attorneys or other agents*” and an Act passed in the same year intituled “*An Act for extending the provisions of an Act of the thirtieth year of King George the Second against persons obtaining money by false pretences to persons so obtaining bonds and other securities*” and another Act passed in the same fifty-second year intituled “*An Act for the more effectual punishment of persons destroying the properties of His Majesty's subjects and enabling the owners of such properties to recover damages for the injury sustained*” and so much of an Act passed in the fifty-third year of the same reign intituled “*An Act to repeal a certain provision respecting persons convicted of felony without benefit of clergy contained in an Act made in the fifty-second year of the reign of his present Majesty for the erection of a Penitentiary House for the confinement of persons convicted within the City of London and County of Middlesex and for making other provisions in lieu thereof*” as relates to the punishment of larceny and an Act passed in the fifty-sixth year of the same reign intituled “*An Act for the more effectual punishment of persons riotously destroying or damaging buildings engines and machinery used in and about collieries and other mines waggonways bridges and other works used in conveying and shipping coals and other minerals and for enabling the owners of such property to recover damages for the injury sustained*” and so much of an Act passed in 57 G. 3 c. 19 s. 38. “the

1 G. 4 c. 56.

1 G. 4 c. 115.

1 G. 4 c. 117.

8 G. 4 c. 24.

3 G. 4 c. 33.

3 G. 4 c. 38.

3 G. 4 c. 114.

3 G. 4 c. 126 s. 123.

4 G. 4 c. 47.

4 G. 4 c. 53.

the fifty-seventh year of the same reign intituled "An Act for the more effectually preventing seditious meetings and assemblies" as relates to the liability of the inhabitants of the city town or hundred to yield compensation to the party injured as therein mentioned and an Act passed in the first year of the reign of his present Majesty intituled "An Act for the summary punishment in certain cases of persons wilfully or maliciously damaging or committing trespasses on public or private property" and the whole of an Act passed in the same year intituled "An Act to repeal so much of the several Acts passed in the thirty-ninth year of the reign of Elizabeth the fourth of George the First the fifth and eighth of George the Second as inflicts capital punishment on certain offences therein specified and to provide more suitable and effectual punishment for such offences" except so much thereof as relates to the offences made capital by the said Act of Queen Elizabeth and another Act passed in the same year of the present reign intituled "An Act to repeal so much of an Act passed in the tenth and eleventh years of King William the Third intituled 'An Act for the better apprehending prosecuting and punishing of felons that commit burglary house-breaking or robbery in shops warehouses coach-houses or stables or that steal horses as takes away the benefit of clergy from persons privately stealing in any shop warehouse coach-house or stable any goods wares or merchandizes of the value of five shillings and for more effectually preventing the crime of stealing privately in shops warehouses coach-houses or stables" and an Act passed in the third year of the present reign intituled "An Act for extending the Laws against receivers of stolen goods to receivers of stolen bonds bank notes and other securities for money" and an Act passed in the same year intituled "An Act for altering and amending several Acts passed in the first and ninth years of the reign of King George the First and in the forty-first fifty-second fifty-sixth and fifty-seventh years of the reign of His late Majesty King George the Third so far as the same relate to the recovery of damages committed by riotous and tumultuous assemblies and unlawful and malicious offenders" and the whole of an Act passed in the same year of the present reign intituled "An Act for the further and more adequate punishment persons convicted of manslaughter and of servants convicted of robbing their masters and of accessories before the fact to grand larceny and certain other felonies" except so far as relates to manslaughter and so much of another Act passed in the same year intituled "An Act to provide for the more effectual punishment of certain offences by imprisonment with hard labor" as relates to the punishment for receiving stolen goods and for obtaining any property as therein mentioned by false pretences and so much of an Act passed in the same year intituled "An Act to amend the General Laws now in being for regulating turnpike roads in that part of Great Britain called England" as creates any felony and the whole of an Act passed in the fourth year of the present reign intituled "An Act for repealing the capital punishments inflicted by several Acts of the sixth and twenty-seventh years of King George the Second and of the third fourth and twenty-second years of King George the Third and for providing other punishments in lieu thereof and in lieu of the punishment of frame-breaking under an Act of the twenty-eighth year of the same reign" except so far as relates to the felonies created by the Acts of the twenty-seventh year of King George the Second and of the third year of King George the Third therein recited and the whole of an Act passed in the same year of the present reign intituled "An Act for extending the benefit of clergy to several larcenies therein mentioned" except so far as relates to any person convicted of stealing or embezzling His Majesty's ammunition

English Criminal Law Adopted, 7 & 8 G. 4, c. 28.

ammunition sails cordage or naval or military stores or of being accessory to any such offence and the whole of an Act passed in the same year intituled "An Act for allowing the benefit of clergy to persons convicted of certain felonies under two Acts of the ninth year of King George the First and of the twenty-seventh year of King George the Second for making better provision for the punishment of persons guilty of sending or delivering threatening letters and of assaults with intent to commit robbery" except so far as relates to any person who shall send or deliver any letter or writing threatening to kill or murder or to burn or destroy as therein mentioned or shall be accessory to any such offence or shall forcibly rescue any person being lawfully in custody for any such offence and an Act passed in the sixth year of the present reign intituled "An Act for the amendment of the Law as to the offence of sending threatening letters" and so much of an Act passed in the same year of the present reign intituled "An Act to alter and amend an Act for the better protection of the property of merchants and others who may hereafter enter into contracts or agreements in relation to goods wares or merchandize entrusted to factors or agents" as relates to any misdemeanor therein mentioned and also an Act passed in the seventh year of the present reign intituled "An Act to amend the Law in respect to the offence of stealing from gardens and hot-houses" and all Acts continuing or perpetuating any of the Acts or parts of Acts hereinbefore referred to so far only as relates to the continuing or perpetuating the same respectively shall be and continue in force until and throughout the last day of June in the present year and shall from and after that day as to that part of the United Kingdom called England and as to offences committed within the jurisdiction of the Admiralty of England be repealed except so far as any of the said Acts may repeal the whole or any part of any other Acts and except as to offences and other matters committed or done before or upon the said last day of June which shall be dealt with and punished as if this Act had not been passed.

2. Provided always and be it enacted That nothing in this Act contained shall in anywise affect or alter such part of any Act as relates to the Post Office or to any branch of the public revenue or to the naval military victualling or other public stores of His Majesty His Heirs or Successors except the Acts of the thirty-first year of Queen Elizabeth and of the twenty-second year of King Charles the Second which are hereinbefore repealed or shall affect or alter any Act relating to the Bank of England or South Sea Company.

ANNO SEPTIMO & OCTAVO GEORGII IV. REGIS.

CAP. XXVIII.

An Act for further improving the Administration of Justice in Criminal Cases in England. [21st June, 1827.]

WHEREAS trials for criminal offences in that part of the United Kingdom called England are attended with some forms which frequently impede the due Administration of Justice and it is therefore expedient to abolish such forms and also to abolish the benefit of clergy and to make better provision for the punishment of offenders in certain cases Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by

English Criminal Law Adopted, 7 & 8 G. 4, c. 28.

A plea of "Not Guilty" without more shall put the prisoner on his trial by jury.

If he refuses to plead Court may order a plea of "Not Guilty" to be entered.

Every challenge beyond the legal number shall be void.

Attainder of another crime not pleadable.

Jury shall not enquire of prisoner's lands &c. nor whether he fled.

Benefit of clergy abolished.

What felonies only shall be capital.

Felonies not capital punishable under the Acts if any relating thereto otherwise under this Act.

The Court may order hard labor or solitary confinement as part of the sentence of imprisonment.

If a person under sentence for another crime is convicted of

the authority of the same That if any person not having privilege of peerage being arraigned upon any indictment for treason felony or piracy shall plead thereto a plea of "Not Guilty" he shall by such plea without any further form be deemed to have put himself upon the country for trial and the Court shall in the usual manner order a jury for the trial of such person accordingly.

2. And be it enacted That if any person being arraigned upon or charged with any indictment or information for treason felony piracy or misdemeanor shall stand mute of malice or will not answer directly to the indictment or information in every such case it shall be lawful for the Court if it shall so think fit to order the proper officer to enter a plea of "Not Guilty" on behalf of such person and the plea so entered shall have the same force and effect as if such person had actually pleaded the same.

3. And be it enacted That if any person indicted for any treason felony or piracy shall challenge peremptorily a greater number of the men returned to be of the jury than such person is entitled by law so to challenge in any of the said cases every peremptory challenge beyond the number allowed by law in any of the said cases shall be entirely void and the trial of such person shall proceed as if no such challenge had been made.

4. And be it enacted That no plea setting forth any attainder shall be pleaded in bar of any indictment unless the attainder be for the same offence as that charged in the indictment.

5. And be it enacted That where any person shall be indicted for treason or felony the jury empanelled to try such person shall not be charged to enquire concerning his lands tenements or goods nor whether he fled for such treason or felony.

6. And be it enacted That benefit of clergy with respect to persons convicted of felony shall be abolished but that nothing herein contained shall prevent the joinder in any indictment of any counts which might have been joined before the passing of this Act.

7. And be it enacted That no person convicted of felony shall suffer death unless it be for some felony which was excluded from the benefit of clergy before or on the first day of the present Session of Parliament or which hath been or shall be made punishable with death by some Statute passed after that day.

8. And be it enacted That every person convicted of any felony not punishable with death shall be punished in the manner prescribed by the Statute or Statutes specially relating to such felony and that every person convicted of any felony for which no punishment hath been or hereafter may be specially provided shall be deemed to be punishable under this Act and shall be liable at the discretion of the Court to be transported beyond the seas for the term of seven years or to be imprisoned for any term not exceeding two years and if a male to be once twice or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such imprisonment.

9. And with regard to the place and mode of imprisonment for all offences punishable under this Act be it enacted That where any person shall be convicted of any offence punishable under this Act for which imprisonment may be awarded it shall be lawful for the Court to sentence the offender to be imprisoned or to be imprisoned and kept to hard labor in the common gaol or house of correction and also to direct that the offender shall be kept in solitary confinement for the whole or any portion or portions of such imprisonment or of such imprisonment with hard labor as to the Court in its discretion shall seem meet.

10. And be it enacted That wherever sentence shall be passed for felony on a person already imprisoned under sentence for another crime

English Criminal Law Adopted, 7 & 8 G. 4, c. 28.

crime it shall be lawful for the Court to award imprisonment for the subsequent offence to commence at the expiration of the imprisonment to which such person shall have been previously sentenced and where such person shall be already under sentence either of imprisonment or transportation the Court if empowered to pass sentence of transportation may award such sentence for the subsequent offence to commence at the expiration of the imprisonment or transportation to which such person shall have been previously sentenced although the aggregate term of imprisonment or transportation respectively may exceed the term for which either of those punishments could be otherwise awarded.

11. And whereas it is expedient to provide for the more exemplary punishment of offenders who commit felony after a previous conviction for felony whether such conviction shall have taken place before or after the commencement of this Act be it therefore enacted That if any person shall be convicted of any felony not punishable with death committed after a previous conviction for felony such person shall on such subsequent conviction be liable at the discretion of the Court to be transported beyond the seas for life or for any term not less than seven years or to be imprisoned for any term not exceeding four years and if a male to be once twice or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such imprisonment and in an indictment for any such felony committed after a previous conviction for felony it shall be sufficient to state that the offender was at a certain time and place convicted of felony without otherwise describing the previous felony and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for the previous felony purporting to be signed by the Clerk of the Court or other officer having the custody of the Records of the Court where the offender was first convicted or by the deputy of such clerk or officer (for which certificate a fee of six shillings and eight-pence and no more shall be demanded or taken) shall upon proof of the identity of the person of the offender be sufficient evidence of the first conviction without proof of the signature or official character of the person appearing to have signed the same and if any such clerk officer or deputy shall utter a false certificate of any indictment and conviction for a previous felony or if any person other than such clerk officer or deputy shall sign any such certificate as such clerk officer or deputy or shall utter any such certificate with a false or counterfeit signature thereto every such offender shall be guilty of felony and being lawfully convicted thereof shall be liable at the discretion of the Court to be transported beyond the seas for the term of seven years or to be imprisoned for any term not exceeding two years and if a male to be once twice or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such imprisonment.

12. And be it enacted That all offences prosecuted in the High Court of Admiralty of England shall upon every first and subsequent conviction be subject to the same punishments whether of death or otherwise as if such offences had been committed upon the land.

13. And be it declared and enacted That where the King's Majesty shall be pleased to extend His Royal Mercy to any offender convicted of any felony punishable with death or otherwise and by warrant under His Royal Sign Manual countersigned by one of his principal Secretaries of State shall grant to such offender either a free or a conditional pardon the discharge of such offender out of custody in the case of a free pardon and the performance of the condition in the case of a conditional pardon shall have the effect of a pardon under the Great Seal for such offender as to the felony for which such pardon

felony the Court may pass a second sentence to comminee after the expiration of the first.

Punishment for a subsequent felony.

Form of indictment for the subsequent felony.

What shall be sufficient proof of the first conviction.

Uttering false certificate of conviction.

Effect of a free or conditional pardon to a convict.

Proviso.

pardon shall be so granted Provided always that no free pardon nor any such discharge in consequence thereof nor any conditional pardon nor the performance of the condition thereof in any of the cases aforesaid shall prevent or mitigate the punishment to which the offender might otherwise be lawfully sentenced on a subsequent conviction for any felony committed after the granting of any such pardon.

Rule for the interpretation of all Criminal Statutes.

14. And be it enacted That wherever this or any other Statute relating to any offence whether punishable upon indictment or summary conviction in describing or referring to the offence or the subject matter on or with respect to which it shall be committed or the offender or the party affected or intended to be affected by the offence hath used or shall use words importing the singular number of the masculine gender only yet the Statute shall be understood to include several matters as well as one matter and several persons as well as one person and females as well as males and bodies corporate as well as individuals unless it be otherwise specially provided or there be something in the subject or context repugnant to such construction and wherever any forfeiture or penalty is payable to a party aggrieved it shall be payable to a body corporate in every case where such body shall be the party aggrieved.

Commencement of this Act.

15. And be it enacted That this Act shall commence and take effect on the first day of July one thousand eight hundred and twenty-seven.

Not to extend to Scotland or Ireland.

16. Provided always and be it enacted That nothing herein contained shall extend to Scotland or Ireland.

ANNO SEPTIMO & OCTAVO GEORGII IV. REGIS.**CAP. XXIX.**

An Act for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith.
[21st June, 1827.]

Commencement of Act.**Distinction between grand and petty larceny abolished.**

WHEREAS various Statutes now in force in that part of the United Kingdom called England relative to larceny and other offences of stealing and to burglary robbery and threats for the purpose of robbery or of extortion and to embezzlement false pretences and the receipt of stolen property are by an Act of the present Session of Parliament repealed from and after the last day of June in the present year except as to offences committed before or upon that day and it is expedient that the provisions contained in those various Statutes should be amended and consolidated into this Act to take effect at the same time as the said repealing Act Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same That this Act shall commence on the first day of July in the present year.

2. And be it enacted That the distinction between grand larceny and petty larceny shall be abolished and every larceny whatever be the value of the property stolen shall be deemed to be of the same nature and shall be subject to the same incidents in all respects as grand larceny was before the commencement of this Act and every Court whose power as to the trial of larceny was before the commencement of this Act limited to petty larceny shall have power to try every case

English Criminal Law Adopted, 7 & 8 G. 4, c. 29.

case of larceny the punishment of which cannot exceed the punishment hereinafter mentioned for simple larceny and also to try all accessories to such larceny.

3. And be it enacted That every person convicted of simple larceny or of any felony hereby made punishable like simple larceny shall (except in the cases hereinafter otherwise provided for) be liable at the discretion of the Court to be transported beyond the seas for the term of seven years or to be imprisoned for any term not exceeding two years and if a male to be once twice or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such imprisonment.

4. And with regard to the place and mode of imprisonment for all indictable offences punishable under this Act be it enacted That where any person shall be convicted of any felony or misdemeanor punishable under this Act for which imprisonment may be awarded it shall be lawful for the Court to sentence the offender to be imprisoned or to be imprisoned and kept to hard labor in the common gaol or house of correction and also to direct that the offender shall be kept in solitary confinement for the whole or any portion or portions of such imprisonment or of such imprisonment with hard labor as to the Court in its discretion shall seem meet.

5. And be it enacted That if any person shall steal any tally order 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 this kingdom or of Great Britain or of Ireland or of any foreign state or in any fund of any body corporate company or society or to any deposit in any savings bank or shall steal any debenture deed bond bill note warrant order or other security whatsoever for money or for payment of money whether of this kingdom or of any foreign state or shall steal any warrant or order for the delivery or transfer of any goods or valuable thing every such offender shall be deemed guilty of felony of the same nature and in the same degree and punishable in the same manner as if he had stolen any chattel of like value with the share interest or deposit to which the security so stolen may relate or with the money due on the security so stolen or secured thereby and remaining unsatisfied or with the value of the goods or other valuable thing mentioned in the warrant or order and each of the several documents hereinbefore enumerated shall throughout this Act be deemed for every purpose to be included under and denoted by the words "valuable security."

6. And be it enacted That if any person shall rob any other person of any chattel money or valuable security every such offender being convicted thereof shall suffer death as a felon and if any person shall steal any such property from the person of another or shall assault any other person with intent to rob him or shall with menaces or by force demand any such property of any other person with intent to steal the same every such offender shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be transported beyond the seas for life or for any term not less than seven years or to be imprisoned for any term not exceeding four years and if a male to be once twice or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such imprisonment.

7. And be it declared and enacted That if any person shall accuse or threaten to accuse any other person of any infamous crime as hereinafter defined with a view or intent to extort or gain from him and shall by intimidating him by such accusation or threat extort or gain from him any chattel money or valuable security every such offender

Punishments for simple larceny.

The Court may for all offences within this Act order hard labour or solitary confinement.

Stealing public or private securities for money or warrants for goods shall be felony and punishable according to the circumstances like stealing goods.

Rule of interpretation.

Robbery from the person.

Stealing from the person.

Assaults with intent to commit robbery and demands accompanied with menaces or force.

Obtaining money &c by threatening to accuse a party of an infamous crime.

offender shall be deemed guilty of robbery and shall be indicted and punished accordingly.

Sending letters containing menacing demands or threatening to accuse a party of an infamous crime to extort money &c.

8. And be it enacted That if any person shall knowingly send or deliver any letter or writing demanding of any person with menaces and without any reasonable or probable cause any chattel money or valuable security or if any person shall accuse or threaten to accuse or shall knowingly send or deliver any letter or writing accusing or threatening to accuse any person of any crime punishable by law with death transportation or pillory or of any assault with intent to commit any rape or of any attempt or endeavour to commit any rape or of any infamous crime as hereinafter defined with a view or intent to extort or gain from such person any chattel money or valuable security every such offender shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be transported beyond the seas for life or for any term not less than seven years or to be imprisoned for any term not exceeding four years and if a male to be once twice or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such imprisonment.

What shall be deemed an infamous crime.

9. And for defining what shall be an infamous crime within the meaning of this Act be it enacted That 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.

Sacrilege when capital.

10. And be it enacted That if any person shall break and enter any church or chapel and steal therein any chattel or having stolen any chattel in any church or chapel shall break out of the same every such offender being convicted thereof shall suffer death as a felon.

Burglary capital.

11. And be it enacted That every person convicted of burglary shall suffer death as a felon and it is hereby declared that if any person shall enter the dwelling-house of another with intent to commit felony or being in such dwelling-house shall commit any felony and shall in either case break out of the said dwelling-house in the night-time such person shall be deemed guilty of burglary.

Housebreaking and stealing in a house when capital.

12. And be it enacted That if any person shall break and enter any dwelling-house and steal therein any chattel money or valuable security to any value whatever or shall steal any such property to any value whatever in any dwelling-house any person therein being put in fear or shall steal in any dwelling-house any chattel money or valuable security to the value in the whole of five pounds or more every such offender being convicted thereof shall suffer death as a felon.

What buildings only are part of a house for capital purposes.

13. Provided always and be it enacted That no building although within the same curtilage with the dwelling-house and occupied therewith shall be deemed to be part of such dwelling-house for the purpose of burglary or for any of the purposes aforesaid unless there shall be a communication between such building and dwelling-house either immediate or by means of a covered and inclosed passage leading from the one to the other.

Robbery in any building within the same curtilage as the house but not privileged as part of the house.

14. And be it enacted That if any person shall break and enter any building and steal therein any chattel money or valuable security such building being within the curtilage of a dwelling-house and occupied therewith but not being part thereof according to the provision hereinbefore mentioned every such offender being convicted thereof either upon an indictment for the same offence or upon an indictment for burglary housebreaking or stealing to the value

English Criminal Law Adopted, 7 & 8 G. 4, c. 29.

value of five pounds in a dwelling-house containing a separate count for such offence shall be liable at the discretion of the Court to be transported beyond the seas for life or for any term not less than seven years or to be imprisoned for any term not exceeding four years and if a male to be once twice or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such imprisonment.

15. And be it enacted That if any person shall break and enter any shop warehouse or counting house and steal therein any chattel money or valuable security every such offender being convicted thereof shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned.

16. And be it enacted That if any person shall steal to the value of ten shillings any goods or article of silk woollen linen or cotton or of 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 every such offender being convicted thereof shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned.

17. And be it enacted That if any person shall steal any goods or merchandize in any vessel barge or boat of any description whatsoever in any port of entry or discharge or upon any navigable river or canal or in any creek belonging to or communicating with any such port river or canal or shall steal any goods or merchandize from any dock wharf or quay adjacent to any such port river canal or creek every such offender being convicted thereof shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned.

18. And be it enacted That if any person shall plunder or steal any part of any ship or vessel which shall be in distress or wrecked stranded or cast on shore or any goods merchandize or articles of any kind belonging to such ship or vessel every such offender being convicted thereof shall suffer death as a felon Provided always that when articles of small value shall be stranded or cast on shore and shall be stolen without circumstances of cruelty outrage or violence it shall be lawful to prosecute and punish the offender as for simple larceny and in either case the offender may be indicted and tried either in the county in which the offence shall have been committed or in any county next adjoining.

19. And be it enacted That if any goods merchandize or articles of any kind belonging to any ship or vessel in distress or wrecked stranded or cast on shore as aforesaid shall by virtue of a search warrant to be granted as hereinafter mentioned be found in the possession of any person or on the premises of any person with his knowledge and such person being carried before a Justice of the Peace shall not satisfy the Justice that he came lawfully by the same then the same shall by order of the Justice be forthwith delivered over to or for the use of the rightful owner thereof and the offender on conviction of such offence before the Justice shall forfeit and pay over and above the value of the goods merchandize or articles such sum of money not exceeding twenty pounds as to the Justice shall seem meet.

20. And be it enacted That if any person shall offer or expose for sale any goods merchandize or articles whatsoever which shall have been unlawfully taken or reasonably suspected so to have been from any ship or vessel in distress or wrecked stranded or cast on shore as aforesaid in every such case any person to whom the same shall be offered for sale or any Officer of the Customs or Excise or Peace Officer may lawfully seize the same and shall with all convenient speed

Robbery in a shop
warehouse &c.

Stealing certain
goods in process of
manufacture.

Stealing goods from
a vessel in a port
river or canal &c.

Plundering any part
of the tackle or cargo
of a shipwrecked
vessel.

Proviso.

Persons in possession
of shipwrecked goods
not giving a satisfac-
tory account.
See post s. 63.

If any person offers
shipwrecked goods
for sale the goods
may be seized &c.

carry

carry the same or give notice of such seizure to some Justice of the Peace and if the person who shall have offered or exposed the same for sale being duly summoned by such Justice shall not appear and satisfy the Justice that he came lawfully by such goods merchandize or articles then the same shall by order of the Justice be forthwith delivered over to or for the use of the rightful owner thereof upon payment of a reasonable reward (to be ascertained by the Justice) to the person who seized the same and the offender on conviction of such offence by the Justice shall forfeit and pay over and above the value of the goods merchandize or articles such sum of money not exceeding twenty pounds as to the Justice shall seem meet.

Se *post* s. 66 & 67.

The stealing &c. of records and other proceedings of Courts of Justice.

21. And be it enacted That if any person shall steal or shall for any fraudulent purpose take from its place of deposit for the time-being or from any person having the lawful custody thereof or shall unlawfully and maliciously obliterate injure or destroy any record writ return panel process interrogatory deposition affidavit rule order or warrant of attorney or any original document 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 any bill answer interrogatory deposition affidavit order or decree or any original document whatsoever of or belonging to any Court of Equity or relating to any cause or matter begun depending or terminated in any such Court every such offender shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be transported beyond the seas for the term of seven years or to suffer such other punishment by fine or imprisonment or by both as the Court shall award and it shall not in any indictment for such offence be necessary to allege that the article in respect of which the offence is committed is the property of any person or that the same is of any value.

The stealing &c. of wills.

22. And be it enacted That if any person shall either during the life of the testator or testatrix or after his or her death steal or for any fraudulent purpose destroy or conceal any will codicil or other testamentary instrument whether the same shall relate to real or personal estate or to both every such offender shall be guilty of a misdemeanor and being convicted thereof shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned and it shall not in any indictment for such offence be necessary to allege that such will codicil or other instrument is the property of any person or that the same is of any value.

The stealing of writings relating to real estate.

23. And be it enacted That if any person shall steal any paper or parchment written or printed or partly written and partly printed being evidence of the title or of any part of the title to any real estate every such offender shall be deemed guilty of a misdemeanor and being convicted thereof shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned and in any indictment for such offence it shall be sufficient to allege the thing stolen to be evidence of the title or of part of the title of the person or of some one of the persons having a present interest whether legal or equitable in the real estate to which the same relates and to mention such real estate or some part thereof And it shall not be necessary to allege the thing stolen to be of any value.

These provisions as to wills and writings shall not lessen any remedy which the party aggrieved now has.

24. Provided always and be it enacted That nothing in this Act contained relating to either of the misdemeanors aforesaid nor any proceeding conviction or judgment to be had or taken thereupon shall prevent lessen or impeach any remedy at Law or in Equity which any party aggrieved by any such offence might or would have had if this Act had not been passed but nevertheless the conviction of any such offender shall not be received in evidence in any action at Law or suit in

English Criminal Law Adopted, 7 & 8 G. 4, c. 29.

in Equity against him and no person shall be liable to be convicted of either of the misdemeanors aforesaid by any evidence whatever in respect of any act done by him if he shall at any time previously to his being indicted for such offence have disclosed such act on oath in consequence of any compulsory process of any Court of Law or Equity in any action suit or proceeding which shall have been *bonâ fide* instituted by any party aggrieved or if he shall have disclosed the same in any examination or deposition before any Commissioners of Bankrupts.

25. And be it enacted That if any person shall steal any horse <sup>Stealing horses cows
and sheep.</sup> mare gelding colt or filly or any bull cow ox heifer or calf or any ram ewe sheep or lamb or shall wilfully kill any of such cattle with intent to steal the carcase or skin or any part of the cattle so killed every such offender shall be guilty of felony and being convicted thereof shall suffer death as a felon.

26. And be it enacted That if any person shall unlawfully and <sup>Stealing &c. deer in
any inclosed ground
felony.</sup> 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 wherein deer shall be usually kept every such offender shall be guilty of felony and being convicted thereof shall be liable to be punished in the same manner as in the case of simple larceny and if any person shall unlawfully <sup>The like in certain
uninclosed ground
punished summarily.</sup> 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 he 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 if any person who shall have been previously convicted of any offence relating to deer for which a pecuniary penalty is by this Act imposed shall offend a second time by committing any of the offences hereinbefore last enumerated such second offence whether it be of the same description as the first offence or not shall be deemed felony and such offender being convicted thereof shall be liable to be punished in the same manner as in the case of simple larceny.

27. And be it enacted That 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 possession by virtue of a search warrant to be granted as hereinafter mentioned be found in the possession of any person or on the premises of any person with his knowledge and such person being carried before a Justice of the Peace shall not satisfy the Justice that he came lawfully by 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 ^{See post s. 63.} and pay any sum not exceeding twenty pounds and if any such person shall not under the provisions aforesaid be liable to conviction then for the discovery of the party who actually killed or stole such deer it shall be lawful for the Justice at his discretion as the evidence given and the circumstances of the case shall require to 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.

28. And be it enacted That if any person shall unlawfully and <sup>Setting engines for
taking deer or
pulling down park
fences.</sup> 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

English Criminal Law Adopted, 7 & 8 G. 4, c. 29.

of the fence of any land where any deer shall be then kept every such offender being convicted thereof before a Justice of the Peace shall forfeit and pay such sum of money not exceeding twenty pounds as to the Justice shall seem meet.

See post s. 66 & 67.

Deer-keepers &c.
may seize the guns
&c. of offenders who
on demand do not
deliver up the same.

29. And be it enacted That 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 it shall be lawful for every person entrusted with the care of such deer and for any of his assistants whether in his presence or not to 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 to 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 entrusted 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 to be punished in the same manner as in the case of simple larceny.

Resistance to keepers
&c. in the execution
of their duty.

30. And be it enacted That if any person shall unlawfully and wilfully in the night-time take or kill any hare or coney in any warren or ground lawfully used for the breeding or keeping of hares or conies whether the same be inclosed or not every such offender shall be guilty of a misdemeanor and being convicted thereof shall be punished accordingly and if any person shall unlawfully and wilfully in the day-time take or kill any hare or coney 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 conies every such offender being convicted thereof before a Justice of the Peace shall forfeit and pay such sum of money not exceeding five pounds as to the Justice shall seem meet Provided always that nothing herein contained shall affect any person taking or killing in the day-time any conies 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.

See post s. 66 & 67.

Proviso.

Stealing dogs or
stealing beasts or
birds ordinarily kept
in confinement and
not the subjects of
larceny.

31. And be it enacted That if any person shall steal any dog or shall steal any beast or bird ordinarily kept in a state of confinement not being the subject of larceny at Common Law every such offender being convicted thereof before a Justice of the Peace shall for the first offence forfeit and pay over and above the value of the dog beast or bird such sum of money not exceeding twenty pounds as to the Justice shall seem meet and if any person so convicted shall afterwards be guilty of any of the said offences and shall be convicted thereof in like manner every such offender shall be committed to the common gaol or house of correction there to be kept to hard labor for such term not exceeding twelve calendar months as the convicting Justice shall think fit and if such subsequent conviction shall take place before two Justices they may further order the offender if a male to be once or twice publicly or privately whipped after the expiration of four days from the time of such conviction.

See post s. 63.

Persons found in
possession of stolen
dogs &c. liable to
penalties.
See post s. 63.

32. And be it enacted That if any dog or any such beast or the skin thereof or any such bird or any of the plumage thereof shall be found in the possession or on the premises of any person by virtue of a search warrant to be granted as hereinafter mentioned the Justice by whom such warrant was granted may restore the same respectively to the owner thereof and the person in whose possession or on whose premises the same shall be so found (such person knowing that the dog beast or bird has been stolen or that the skin is the skin of

English Criminal Law Adopted, 7 & 8 G. 4, c. 29.

of a stolen dog or beast or that the plumage is the plumage of a stolen bird) 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 persons convicted of stealing any dog beast or bird are hereinbefore made liable to.

33. And be it enacted That if any person 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 every such offender being convicted thereof before a Justice of the Peace See post s. 66 & 67. shall forfeit and pay over and above the value of the bird any sum not exceeding two pounds.

34. And be it enacted That if any person shall unlawfully and wilfully take or destroy and 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 every such offender shall be guilty of a misdemeanor and being convicted thereof shall be punished accordingly and if any person shall unlawfully and wilfully take or destroy or attempt to take or destroy any fish in any water not being such as aforesaid but which shall be private property or in which there shall be any private right of fishery every such offender being convicted thereof before a Justice of the Peace shall 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 See post s. 66 & 67. Provided always that nothing hereinbefore contained shall extend to any person angling in the day-time but if any person shall by angling in the day-time unlawfully and wilfully take or destroy or attempt to take or destroy any fish in any such water as first mentioned he shall on conviction before a Justice of the Peace forfeit and pay any sum not exceeding See post s. 66 & 67. 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 hereinbefore 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.

35. And be it enacted That if any person shall at any time be found fishing against the provisions of this Act it shall be lawful for the owner of the ground water or fishery where such offender shall be so found his servants or any person authorised by him to demand from such offender any rods lines hooks nets or other implements for taking or destroying fish which shall then be in his possession and in case such offender shall not immediately deliver up the same to seize and take the same from him for the use of such owner The tackle of fishers may be seized. Provided always that any person angling in the day-time against the provisions of this Act from whom any implements used by anglers shall be taken or by whom the same shall be delivered up as aforesaid shall by the taking or delivering thereof be exempted from the payment of any damages or penalty for such angling.

36. And be it enacted That if any person 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 every such offender shall be deemed guilty of larceny and being convicted thereof shall be punished accordingly and if any person shall unlawfully and wilfully use any dredge or any net instrument or engine whatsoever within the limits of any such oyster fishery for the purpose of taking oysters or oyster brood although none shall be actually taken or shall with any net instrument or engine drag upon Dredging for oysters within the limits of any oyster fishery. the

the ground or soil of any such fishery every such person shall be deemed guilty of a misdemeanor and being convicted thereof shall be punished by fine or imprisonment or both as the Court shall award such fine not to exceed twenty pounds and such imprisonment not to exceed three calendar months and it shall be sufficient in any indictment or information 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 always that nothing herein 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.

Proviso.

Stealing from certain mines.

37. And be it enacted That if any person 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 every such offender shall be guilty of felony and being convicted thereof shall be liable to be punished in the same manner as in the case of simple larceny.

Stealing trees shrubs &c. growing in certain situations shall be felony if the value exceeds £1.

38. And be it enacted That if any person 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 every such offender (in case the value of the article or articles stolen or the amount of the injury done shall exceed the sum of one pound) 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

Stealing trees shrubs &c. growing elsewhere shall be felony if the value exceeds £5.

and if any person 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 hereinbefore mentioned every such offender (in case the value of the article or articles stolen or the amount of the injury done shall exceed the sum of five pounds) 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.

Stealing trees shrubs &c. wheresoever growing and of any value above 1s. punishable on summary conviction for first and second offence third offence felony. See post s. 66 & 67.

39. And be it enacted That if any person 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 every such offender being convicted before a Justice of the Peace shall for the first offence 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 if any person so convicted shall afterwards be guilty of any of the said offences and shall be convicted thereof in like manner every such offender shall for such second offence be committed to the common gaol or house of correction there to be kept to hard labor for such term not exceeding twelve calendar months as the convicting Justice shall think fit and if such second conviction shall take place before two Justices they may further order the offender if a male to be once or twice publicly or privately whipped after the expiration of four days from the time of such conviction and if any person so twice convicted shall afterwards commit any of the said offences such offender shall be deemed guilty of felony and being convicted thereof shall be liable to be punished in the same manner as in the case of simple larceny.

English Criminal Law Adopted, 7 & 8 G. 4, c. 29.

40. And be it enacted That if any person 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 or rail set up or used as a fence or any stile or gate or any part thereof respectively every such offender being convicted before a Justice of the Peace shall for the first offence 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 if any person so convicted shall afterwards be guilty of any of the said offences and shall be convicted thereof in like manner every such offender shall be committed to the common gaol or house of correction there to be kept to hard labor for such term not exceeding twelve calendar months as the convicting Justice shall think fit and if such subsequent conviction shall take place before two Justices they may further order the offender if a male to be once or twice publicly or privately whipped after the expiration of four days from the time of such conviction.

41. And be it enacted That 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 rail stile or gate or any part thereof being of the value of two shillings at the least shall by virtue of a search warrant to be granted as hereinafter mentioned be found in the possession of any person or on the premises of any person with his knowledge and such person being carried before a Justice of the Peace shall not satisfy the Justice that he came lawfully by the same 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.

42. And be it enacted That if any person shall steal or shall destroy or damage with intent to steal any plant root fruit or vegetable production growing in any garden orchard nursery ground hothouse greenhouse or conservatory every such offender being convicted thereof before a Justice of the Peace shall 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 labor for any term not exceeding six calendar 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 if any person so convicted shall afterwards commit any of the said offences such offender shall be deemed guilty of felony and being convicted thereof shall be liable to be punished in the same manner as in the case of simple larceny.

43. And be it enacted That if any person 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 or nursery ground every such offender being convicted before a Justice of the Peace shall 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 labor for any term not exceeding one calendar 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 any term not exceeding one calendar month unless payment be sooner made and if any person so convicted shall afterwards be guilty of any of the

Stealing &c. any live
or dead fence wooden
fence stile or gate.
See post s. 66 & 67.

Stealing &c. any live
or dead fence wooden
fence stile or gate.
See post s. 66 & 67.

Suspected persons in
possession of wood
&c. not satisfactorily
accounting for it.
See post s. 63.

See post s. 66 & 67.

Stealing &c. any
fruit or vegetable
production in a
garden &c. punish-
able on summary
conviction for first
offence second offence
felony.
See post s. 66 & 67.

See post s. 66 & 67.

Stealing &c. of vege-
table productions not
growing in gardens
&c.

See post s. 66 & 67.

the said offences and shall be convicted thereof in like manner every such offender shall be committed to the common gaol or house of correction there to be kept to hard labor for such term not exceeding six calendar months as the convicting Justice shall think fit and if such subsequent conviction shall take place before two Justices they may further order the offender if a male to be once or twice publicly or privately whipped after the expiration of four days from the time of such conviction.

Stealing glass wood-work or fixtures of any kind from buildings and metal fixtures from grounds

44. And be it enacted That if any person shall steal or rip cut or break with intent to steal any glass or wood-work belonging to any building whatsoever or any lead iron copper brass or other metal or any utensil or fixture whether made of metal or other material respectively fixed in or to any building whatsoever or any thing made of metal fixed in any land being private property or for a fence to any dwelling-house garden or area or in any square street or other place dedicated to public use or ornament every such offender shall be guilty of felony and being convicted thereof shall be liable to be punished in the same manner as in the case of simple larceny and in case of any such thing fixed in any square street or other like place it shall not be necessary to allege the same to be the property of any person.

Tenants and lodgers stealing any property from houses or apartments let to them.

45. And for the punishment of depredations committed by tenants and lodgers be it enacted That if any person 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 every such offender shall be guilty of felony and being convicted thereof shall be liable to be punished in the same manner as in the case of simple larceny and in every such case of stealing any chattel it shall be lawful to prefer an indictment in the common form as for larceny and in every such case of stealing any fixture 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.

Clerks and servants stealing property of their masters.

46. And for the punishment of depredations committed by clerks and servants in cases not punishable capitally be it enacted That if any clerk or servant shall steal any chattel money or valuable security belonging to or in the possession or power of his master every such offender being convicted thereof shall be liable at the discretion of the Court to be transported beyond the seas for any term not exceeding fourteen years nor less than seven years or to be imprisoned for any term not exceeding three years and if a male to be once twice or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such imprisonment.

Clerks or servants receiving any money &c. on their master's account and embezzling it shall be deemed to have feloniously stolen it.

47. And for the punishment of embezzlements committed by clerks and servants be it declared and enacted That if any clerk or servant or any person employed for the purpose or in the capacity of a clerk or servant shall by virtue of such employment receive or take into his possession any chattel money or valuable security for or in the name or on the account of his master and shall fraudulently embezzle the same or any part thereof every such offender shall be deemed to have feloniously stolen the same from his master although such chattel money or security was not received into the possession of such master otherwise than by the actual possession of his clerk servant or other person so employed and every such offender being convicted thereof shall be liable at the discretion of the Court to any of the punishments which the Court may award as hereinbefore last mentioned.

Distinct acts of embezzlement may be charged in the same indictment.

48. And for preventing the difficulties that have been experienced in the prosecution of the last mentioned offenders be it enacted That it shall be lawful to charge in the indictment and proceed against the

English Criminal Law Adopted, 7 & 8 G. 4, c. 29.

the offender for any number of distinct acts of embezzlement not exceeding three which may have been committed by him against the same master within the space of six calendar months from the first to the last of such acts and in every such indictment except where the offence shall relate to any chattel it shall be sufficient to allege the embezzlement to be of money without specifying any particular coin or valuable security and such allegation so far as regards the description of the property shall be sustained if the offender shall be proved to have embezzled any amount although the particular species of coin or valuable security of which such amount was composed shall not be proved or if he shall be proved to have embezzled any piece of coin or valuable security or any portion of the value thereof although such piece of coin or valuable security may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same and such part shall have been returned accordingly.

As to allegation and
proof of the property
embezzled.

49. And for the punishment of embezzlements committed by agents entrusted with property be it enacted That if any money or security for the payment of money shall be entrusted to any banker merchant broker attorney or other agent with any direction in writing to apply such money or any part thereof or the proceeds or any part of the proceeds of such security for any purpose specified in such direction and he shall in violation of good faith and contrary to the purpose so specified in any wise convert to his own use or benefit such money security or proceeds or any part thereof respectively every such offender shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be transported beyond the seas for any term not exceeding fourteen years nor less than seven years or to suffer such other punishment by fine or imprisonment or by both as the Court shall award and if any chattel or valuable security or any power of attorney for the sale or transfer of any share or interest in any public stock or fund whether of this kingdom or of Great Britain or of Ireland or of any foreign state or in any fund of any body corporate company or society shall be entrusted to any banker merchant broker attorney or other agent for safe custody or for any special purpose without any authority to sell negotiate transfer or pledge and he shall in violation of good faith and contrary to the object or purpose for which such chattel security or power of attorney shall have been entrusted to him sell negotiate transfer pledge or in any manner convert to his own use or benefit such chattel or security or the proceeds of the same or any part thereof or the share or interest in the stock or fund to which such power of attorney shall relate or any part thereof every such offender shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to any of the punishments which the Court may award as hereinbefore last mentioned.

or embezzling any
goods or valuable
security entrusted to
them for safe custody
or for any special
purpose guilty of a
misdemeanor.

50. Provided always and be it enacted That nothing herein- before contained relating to agents shall affect any trustee in or under any instrument whatever or any mortgagee of any property real or personal in respect of any act done by such trustee or mortgagee in relation to the property comprised in or affected by any such trust or mortgage nor shall restrain any banker merchant broker attorney or 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 affect thereof in such manner as he might have done if this Act had not been passed nor from selling transferring or otherwise disposing of 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

Not to affect trustees
or mortgagees
nor bankers &c.
receiving money due
on securities

or disposing of
securities on which
they have a lien.

greater number or part of such securities or effects than shall be requisite for satisfying such lien claim or demand.

Factors pledging for their own use any goods or documents relating to goods entrusted to them for the purpose of sale guilty of a misdemeanor.

Not to extend to cases where the pledge does not exceed the amount of their lien.

These provisions as to agents shall not lessen any remedy which the party aggrieved now has.

Obtaining money &c. by false pretences a misdemeanor.

No acquittal on the ground that the case proved amounts to larceny.

Where the original offence is felony the receivers of stolen property may be

51. And be it enacted That if any factor or agent entrusted for the purpose of sale with any goods or merchandize or entrusted with any bill of lading warehouse keeper's or warfing's certificate or warrant or order for delivery of goods or merchandize shall for his own benefit and in violation of good faith deposit or pledge any such goods or merchandize or any of the said documents as a security for any money or negotiable instrument borrowed or received by such factor or agent at or before the time of making such deposit or pledge or intended to be thereafter borrowed or received every such offender shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be transported beyond the seas for any term not exceeding fourteen years nor less than seven years or to suffer such other punishment by fine or imprisonment or by both as the Court shall award but no such factor or agent shall be liable to any prosecution for depositing or pledging any such goods or merchandize or any of the said documents in case the same shall not be made a security for or subject to the payment of any greater sum of money than the amount which at the time of such deposit or pledge was justly due and owing to such factor or agent from his principal together with the amount of any bill or bills of exchange drawn by or on account of such principal and accepted by such factor or agent.

52. Provided always and be it enacted That nothing in this Act contained nor any proceeding conviction or judgment to be had or taken thereupon against any banker merchant broker factor attorney or other agent as aforesaid shall prevent lessen or impeach any remedy at Law or in Equity which any party aggrieved by any such offence might or would have had if this Act had not been passed but nevertheless the conviction of any such offender shall not be received in evidence in any action at Law or suit in Equity against him and no banker merchant broker factor attorney or other agent as aforesaid shall be liable to be convicted by any evidence whatever as an offender against this Act in respect of any act done by him if he shall at any time previously to his being indicted for such offence have disclosed such act on oath in consequence of any compulsory process of any Court of Law or Equity in any action suit or proceeding which shall have been *bond fide* instituted by any party aggrieved or if he shall have disclosed the same in any examination or deposition before any Commissioners of Bankrupt.

53. And whereas a failure of Justice frequently arises from the subtle distinction between larceny and fraud for remedy thereof be it enacted That if any person shall by any false pretence obtain from any other person any chattel money or valuable security with intent to cheat or defraud any person of the same every such offender shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be transported beyond the seas for the term of seven years or to suffer such other punishment by fine or imprisonment or by both as the Court shall award Provided always that if upon the trial of any person indicted for 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 such indictment shall be removable by *certiorari* and no person tried for such misdemeanor shall be liable to be afterwards prosecuted for larceny upon the same facts.

54. And with regard to receivers of stolen property be it enacted That if any person shall receive any chattel money valuable security or other property whatsoever the stealing or taking whereof shall

English Criminal Law Adopted, 7 & 8 G. 4, c. 29.

shall amount to a felony either at Common Law or by virtue of this Act such person knowing the same to have been feloniously stolen or taken every such receiver 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 transported beyond the seas for any term not exceeding fourteen years nor less than seven years or to be imprisoned for any term not exceeding three years and if a male to be once twice or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such imprisonment Provided always that no person howsoever tried for receiving as aforesaid shall be liable to be prosecuted a second time for the same offence.

55. And be it enacted That if any person shall receive any chattel money valuable security or other property whatsoever the stealing taking obtaining or converting whereof is made an indictable misdemeanor by this Act such person knowing the same to have been unlawfully stolen taken obtained or converted every such receiver shall be guilty of a misdemeanor and may be indicted and convicted thereof whether the person guilty of the principal misdemeanor shall or shall not have been previously convicted thereof or shall or shall not be amenable to justice and every such receiver shall on conviction be liable at the discretion of the Court to be transported beyond the seas for the term of seven years or to be imprisoned for any term not exceeding two years and if a male to be once twice or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such imprisonment.

56. And be it enacted That if any person shall receive any chattel money valuable security or other property whatsoever knowing the same to have been feloniously or unlawfully stolen taken obtained or converted every such person whether charged as an accessory after the fact to the felony or with a substantive felony or with a misdemeanor only may be dealt with indicted tried and punished in any 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.

57. And to encourage the prosecution of offenders be it enacted That if any person guilty of any such felony or misdemeanor as aforesaid in stealing taking obtaining or converting or in knowingly receiving any chattel money valuable security or other property whatsoever shall be indicted for any such offence by 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 the Court before whom any such person shall be so convicted shall have power to award from time to time writs of restitution for the said property or to order the restitution thereof in a summary manner Provided always that if it shall appear before any award or order made that any valuable security shall have been *bona fide* paid or discharged by some person or body corporate liable to the payment thereof or being a negotiable instrument shall have been *bona 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

taken obtained or converted as aforesaid in such case the Court shall not award or order the restitution of such security.

Taking a reward for helping to the recovery of stolen property without bringing the offender to trial.

58. And be it enacted That every person who 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 or converted as aforesaid shall (unless he cause the offender to be apprehended and 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 transported beyond the seas for life or for any term not less than seven years or to be imprisoned for any term not exceeding four years and if a male to be once twice or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such imprisonment.

Advertising a reward for the return of stolen property &c.

59. And be it enacted That if any person shall publicly advertise a reward for the return of any property whatsoever which shall have been stolen or lost and shall in such advertisement use any words purporting that no questions will be asked or shall make use of any words in any public advertisement purporting that a reward will be given or paid for any property which shall have been stolen or lost without seizing or making any enquiry after the person producing such property or shall promise or offer in any such public advertisement to return to any pawnbroker or other person who may have bought or advanced money by way of loan upon any property stolen or lost the money so paid or advanced or any other sum of money or reward for the return of such property or if any person shall print or publish any such advertisement in any of the above cases every such person shall forfeit the sum of 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.

Receivers of property where the original offence is punishable on summary conviction.

60. And be it enacted That where the stealing or taking of any property whatsoever is by this Act punishable on summary conviction either for every offence or for the first and second offence only or for the first offence only any person who shall receive any such property knowing the same to be unlawfully come by shall on conviction thereof before a Justice of the Peace be liable for every first second or subsequent offence of receiving to the same forfeiture and punishment to which a person guilty of a first second or subsequent offence of stealing or taking such property is by this Act made liable.

Principals in the second degree and accessories.

61. And be it enacted That in the case of every felony punishable under this Act every principal in the second degree and every accessory before the fact shall be punishable with death or otherwise in the same manner as the principal in the first degree is by this Act punishable and every accessory after the fact to any felony punishable under this Act (except only a receiver of stolen property) shall on conviction be liable to be imprisoned for any term not exceeding two years and every person who shall aid abet counsel or procure the commission of any misdemeanor punishable under this Act shall be liable to be indicted and punished as a principal offender.

Abettors in misdemeanors.

Abettors in offences punishable on summary conviction.

62. And be it enacted That if any person shall aid abet counsel or procure the commission of any offence which is by this Act punishable on summary conviction either for every time of its commission or for the first and second time only or for the first time only every such person shall on conviction before a Justice of the Peace be liable for every first second or subsequent offence of aiding abetting counselling or procuring to the same forfeiture and punishment to which a person guilty of a first second or subsequent offence as a principal offender is by this Act made liable.

63. And for the more effectual apprehension and discovery of all offenders punishable under this Act be it enacted That 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 day-time may be immediately apprehended without a warrant by any Peace Officer or by the owner of the property on or with respect to which the offence shall be committed or by his servant or any person authorised by him and forthwith taken before some neighbouring Justice of the Peace to be dealt with according to law and if any credible witness shall prove upon oath before a Justice of the Peace a reasonable cause to suspect that any person has in his possession or on his premises any property whatsoever on or with respect to which any such offence shall have been committed the Justice may grant a warrant to search for such property as in the case of stolen goods and any person to whom any property shall be offered to be sold pawned or delivered if he shall have reasonable cause to suspect that any such offence has been committed on or with respect to such property is hereby authorised and if in his power is required to apprehend and forthwith to carry before a Justice of the Peace the party offering the same together with such property to be dealt with according to law.

64. And be it enacted That the prosecution for every offence punishable on summary conviction under this Act shall be commenced within three calendar months after the commission of the offence and not otherwise and the evidence of the party aggrieved shall be admitted in proof of the offence and also the evidence of any inhabitant of the county riding or division in which the offence shall have been committed notwithstanding any penalty or forfeiture incurred by the offence may be payable to the general rate of such county riding or division.

65. And for the more effectual prosecution of all offences punishable on summary conviction under this Act be it enacted That where any person shall be charged on the oath of a credible witness before any Justice of the Peace with any such offence the Justice may summon the person charged to appear at a time and place to be named in such summons and if he shall not appear accordingly then (upon proof of the due service of the summons upon such person by delivering the same to him personally or by leaving the same at his usual place of abode) the Justice may either proceed to hear and determine the case *ex parte* or issue his warrant for apprehending such person and bringing him before himself or some other Justice of the Peace or the Justice before whom the charge shall be made may (if he shall so think fit) without any previous summons (unless where otherwise specially directed) issue such warrant and the Justice before whom the person charged shall appear or be brought shall proceed to hear and determine the case.

66. And with regard to the application of all forfeitures and penalties upon summary convictions under this Act be it enacted That every sum of money which shall be forfeited for the value of any property stolen or taken or for the amount of any injury done (such value or amount to be assessed in each case by the convicting Justice) shall be paid to the party aggrieved if known except where such party shall have been examined in proof of the offence and in that case or where the party aggrieved is unknown 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 to some one of the overseers of the poor or to some other officer (as the Justice may direct) of the parish township or place in which the offence shall have been committed

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.

Any person to whom stolen property is offered may seize the party offering it.

Limitation as to summary proceedings.

Competency of witnesses.

Mode of compelling the appearance of persons punishable on summary conviction.

Application of forfeitures and penalties on summary convictions.

English Criminal Law Adopted, 7 & 8 G. 4, c. 29.

Proviso.

committed to be by such overseer or officer paid over to the use of the general rate of the county riding or division in which such parish township or place shall be situate whether the same shall or shall not contribute to such general rate Provided always that where several persons shall join in the commission of the same offence and shall upon conviction thereof each be adjudged to forfeit a sum equivalent to the value of the property or to the amount of the injury in every such case no further sum shall be paid to the party aggrieved than that which shall be forfeited by one of such offenders only and the corresponding sum or sums forfeited by the other offender or offenders shall be applied in the same manner as any penalty imposed by a Justice of the Peace is hereinbefore directed to be applied.

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

Scale of imprisonment.

**Justice may dis-
charge the offender
in certain cases.**

**Pardon for nonpay-
ment of money.**

A summary conviction shall be a bar to any other proceeding for the same cause.

Form of conviction.

67. And be it enacted That in every case of a summary conviction under this Act where the sum which shall be forfeited for the value of the property stolen or taken or for the amount of the injury done or which shall be imposed as a penalty by the Justice shall not be paid either immediately after the conviction or within such period as the Justice shall at the time of the conviction appoint it shall be lawful for the convicting Justice (unless where otherwise specially directed) to commit the offender to the common gaol or house of correction there to be imprisoned only or to be imprisoned and kept to hard labor according to the discretion of the Justice for any term not exceeding two calendar months where the amount of the sum forfeited or of the penalty imposed or of both as the case may be together with the costs shall not exceed five pounds and for any term not exceeding four calendar months where the amount with costs shall not exceed ten pounds and for any term not exceeding six calendar months in any other case the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

68. Provided always and be it enacted That where any person shall be summarily convicted before a Justice of the Peace of any offence against this Act and it shall be a first conviction it shall be lawful for the Justice if he shall so think fit to discharge the offender from his conviction upon his making such satisfaction to the party aggrieved for damages and costs or either of them as shall be ascertained by the Justice.

69. And be it enacted That it shall be lawful for the King's Majesty to extend His Royal Mercy to any person imprisoned by virtue of this Act although he shall be imprisoned for nonpayment of money to some party other than the Crown.

70. And be it enacted That in case any person convicted of any offence punishable upon summary conviction by virtue of this Act shall have paid the sum adjudged to be paid together with costs under such conviction or shall have received a remission thereof from the Crown or shall have suffered the imprisonment awarded for nonpayment thereof or the imprisonment adjudged in the first instance or shall have been discharged from his conviction in the manner aforesaid in every such case he shall be released from all further or other proceedings for the same cause.

English Criminal Law Adopted, 7 & 8 G. 4, c. 29.

“and place when and where the same was committed as the case may be
 “and on a second conviction state the first conviction] and I the said J.P.
 “adjudge the said A. O. for his said offence to be imprisoned in the
 “[or to be imprisoned in the
 “and there kept to hard labor] for the space of
 “or I adjudge the said A. O. for his said offence to forfeit and pay
 “[here state the penalty actually imposed or state
 “the penalty and also the value of the articles stolen or the amount of
 “the injury done as the case may be] and also to pay the sum of
 “for costs and in default of immediate payment of
 “the said sums to be imprisoned in the [or to be
 “imprisoned in the and there kept to hard
 “labor] for the space of unless the said sums shall
 “be sooner paid [or and I order that the said sums shall be paid by
 “the said A. O. on or before the day of
 “and I direct that the said sum of [i.e. the penalty only]
 “shall be paid to of aforesaid in
 “which the said offence was committed to be by him applied according
 “to the directions of the Statute in that case made and provided
 “[or that the said sum of i.e. the penalty]
 “shall be paid to &c. [as before] and that the said sum of
 “[i.e. the value of the articles stolen or the amount of
 “the injury done] shall be paid to C. D. [the party aggrieved unless
 “he is unknown or has been examined in proof of the offence in which
 “case state that fact and dispose of the whole like the penalty as
 “before] and I order that the said sum of for costs
 “shall be paid to [the complainant] Given under
 “my hand and seal the day and year first above mentioned.”

72. And be it enacted That in all cases where the sum adjudged **Appeal.**
 to be paid on any summary conviction shall exceed five pounds or the
 imprisonment adjudged shall exceed one calendar month or the
 conviction shall take place before one Justice only any person who
 shall think himself aggrieved by any such conviction may appeal to
 the next Court of General or Quarter Sessions which shall be holden
 not less than twelve days after the day of such conviction for the
 county riding or division 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 enter into a recognizance with two sufficient sureties
 before a Justice of the Peace conditioned personally to appear at the
 said Sessions and to try such appeal and to abide the judgment of the
 Court thereupon and to pay such costs, as shall be by the Court
 awarded and upon such notice being given and such recognizance
 being entered into the Justice before whom the same shall be entered
 into shall liberate such person if in custody and the Court at such
 Sessions shall hear and determine the matter of the appeal and shall
 make such order therein with or without costs to either party as to
 the Court shall seem meet and in case of the dismissal of the appeal
 or the affirmance of the conviction shall order and adjudge the offender
 to be punished according to the conviction and to pay such costs as
 shall be awarded and shall if necessary issue process for enforcing
 such judgment.

73. And be it enacted That no such conviction or adjudication **No certiorari &c.**
 made on appeal therefrom shall be quashed for want of form or
 be removed by *certiorari* or otherwise into any of His Majesty's
 superior Courts of Record and no warrant of commitment shall be
 held void by reason of any defect therein provided it be therein
 alleged

Convictions to be returned to the Quarter Sessions.

How far evidence in future cases.

Venue in proceedings against persons acting under this Act.

Notice of action.

General issue &c.

This Act not to extend to Scotland or Ireland except in two cases.

To extend to offences committed at sea.

alleged that the party has been convicted and there be a good and valid conviction to sustain the same.

74. And be it enacted That every Justice of the Peace before whom any person shall be convicted of any offence against this Act shall transmit the conviction to the next Court of General or Quarter Sessions 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 indictment or information against any person for a subsequent offence a copy of such conviction certified by the proper officer of the Court or proved to be a true copy shall be sufficient evidence to prove a conviction for the former offence and the conviction shall be presumed to have been unappealed against until the contrary be shown.

75. And for the protection of persons acting in the execution of this Act be it enacted That all actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act shall be laid and tried in the county where the fact was committed and shall be commenced within six calendar 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 calendar month at least before the commencement of the action and in any such action the defendant may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought or if a sufficient sum of money shall have been paid into Court after such action brought by or on behalf of the defendant and if a verdict shall pass for the defendant or the plaintiff shall become nonsuit or discontinue any such action after issue joined or if upon demurrer or otherwise judgment shall be given against the plaintiff the defendant shall recover his full costs as between attorney and client and have the like remedy for the same as any defendant hath by law in other cases and though a verdict shall be given for the plaintiff in any such action such plaintiff shall not have costs against the defendant unless the Judge before whom the trial shall be shall certify his approbation of the action and of the verdict obtained thereupon.

76. Provided always and be it enacted That nothing in this Act contained shall extend to Scotland or Ireland except as follows (that is to say) that if any person having stolen or otherwise feloniously taken any chattel money valuable security or other property whatsoever in any one part of the United Kingdom shall afterwards have the same property in his possession 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 the said 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 the said property in the same manner as if it had been originally stolen or taken in that part.

77. And be it enacted That when any felony or misdemeanor punishable under this Act shall be committed within the jurisdiction of the Admiralty of England the same shall be dealt with enquired of tried and determined in the same manner as any other felony or misdemeanor committed within that jurisdiction.

ANNO SEPTIMO AND OCTAVO GEORGII IV. REGIS.

CAP. XXX.

An Act for consolidating and amending the Laws in England relative to malicious Injuries to Property. [21st June, 1827.]

WHEREAS various Statutes now in force in that part of the United Kingdom called England relative to malicious injuries to property are by an Act of the present Session of Parliament repealed from and after the last day of June in the present year except as to offences committed before or upon that day and it is expedient that the provisions contained in those Statutes should be amended and consolidated into this Act to take effect at the same time as the said repealing Act Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same That this Act shall commence on the first day of July in the present year.

Commencement of Act.

2. And be it enacted That if any person shall unlawfully and maliciously set fire to any church or chapel or to any chapel for the religious worship of persons dissenting from the United Church of England and Ireland duly registered or recorded or shall unlawfully and maliciously set fire to any house stable coach-house outhouse warehouse office shop mill malthouse hop oast barn or granary or to any building or erection used in carrying on any trade or manufacture or any branch thereof whether the same or any of them respectively shall then be in the possession of the offender or in the possession of any other person with intent thereby to injure or defraud any person every such offender shall be guilty of felony and being convicted thereof shall suffer death as a felon.

Setting fire to a church chapel house or certain buildings.

3. And be it enacted That if any person shall unlawfully and maliciously cut break or destroy or damage with intent to destroy or to render useless any goods or article of silk woollen linen or cotton or of any one or more of those materials mixed with each other or mixed with any other material or any framework-knitted piece stocking hose or lace respectively being in the loom or frame or on any machine or engine or on the rack or tenters or in any stage process or progress of manufacture or shall unlawfully and maliciously cut break or destroy or damage with intent to destroy or to render useless any warp or shute of silk woollen linen or cotton or of any one or more of those materials mixed with each other or mixed with any other material or any loom frame machine engine rack tackle or implement whether fixed or moveable prepared for or employed in carding spinning throwing weaving fulling shearing or otherwise manufacturing or preparing any such goods or articles or shall by force enter into any house shop building or place with intent to commit any of the offences aforesaid every such offender shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be transported beyond the seas for life or for any term not less than seven years or to be imprisoned for any term not exceeding four years And if a male to be once twice or thrice publicly or privately whipped (if the Conrt shall so think fit) in addition to such imprisonment.

Destroying silk woollen linen or cotton goods in the loom &c. or any machinery belonging to those manufacturers &c.

4. And be it enacted That if any person shall unlawfully and maliciously cut break or destroy or damage with intent to destroy or to render useless any threshing machine or any machine or engine whether fixed or moveable prepared for or employed in any manufacture whatsoever (except the manufacture of silk woollen linen or cotton

Destroying threshing machines or machinery in any other manufacture than the foregoing.

English Criminal Law Adopted, 7 & 8 G. 4, c. 30.

cotton goods or goods of any one or more of those materials mixed with each other or mixed with any other material or any framework-knitted piece stocking hose or lace) 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 seven years or to be imprisoned for any term not exceeding two years and if a male to be once twice or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such imprisonment.

Setting fire to a coal mine.

5. And be it enacted That if any person shall unlawfully and maliciously set fire to any mine of coal or cannel coal every such offender shall be guilty of felony and being convicted thereof shall suffer death as a felon.

Drowning any mine or filling up any shaft &c. with intent to destroy the mine.

6. And be it enacted That if any person shall unlawfully and maliciously cause any water to be conveyed into any mine or into any subterraneous passage communicating therewith with intent thereby to destroy or damage such mine or to hinder or delay the working thereof or shall with the like intent unlawfully and maliciously pull down fill up or obstruct any airway waterway drain pit level or shaft of or belonging to any mine 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 seven years or to be imprisoned for any term not exceeding two years and if a male to be once twice or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such imprisonment Provided always that this provision shall not extend to any damage committed under ground by any owner of any adjoining mine in working the same or by any person duly employed in such working.

Proviso.

Destroying any engine erection &c. used in any mine.

7. And be it enacted That if any person shall unlawfully and maliciously pull down or destroy or damage with intent to destroy or to render useless any steam engine or other engine for sinking draining or working any mine or any staith building or erection used in conducting the business of any mine or any bridge waggonway or trunk for conveying minerals from any mine whether such engine staith building erection bridge waggonway or trunk be completed or in an unfinished state every such offender shall be guilty of felony and being convicted thereof shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned.

Rioters demolishing &c. a church chapel house or certain buildings or any machinery in any manufactory or mine.

8. And be it enacted That if any persons riotously and tumultuously assembled together to the disturbance of the public peace shall unlawfully and with force demolish pull down or destroy or begin to demolish pull down or destroy any church or chapel or any chapel for the religious worship of persons dissenting from the United Church of England and Ireland duly registered or recorded or any house stable coach-house outhouse warehouse office shop mill malthouse hop oast barn or granary or any building or erection used in carrying on any trade or manufacture or any branch thereof or any machinery whether fixed or moveable prepared for or employed in any manufacture or in any branch thereof or any steam engine or other engine for sinking draining or working any mine or any staith building or erection used in conducting the business of any mine or any bridge waggonway or trunk for conveying minerals from any mine every such offender shall be guilty of felony and being convicted thereof shall suffer death as a felon.

Setting fire to or destroying a ship.

9. And be it enacted That if any person shall unlawfully and maliciously set fire to or in anywise destroy any ship or vessel whether the same be complete or in an unfinished state or shall unlawfully and maliciously set fire to cast away or in anywise destroy any ship or vessel with intent thereby to prejudice any owner or part owner of such ship or vessel or of any goods on board the same or any person that

English Criminal Law Adopted, 7 & 8 G. 4, c. 30.

that hath underwritten or shall underwrite any policy of insurance upon such ship or vessel or on the freight thereof or upon any goods on board the same every such offender shall be guilty of felony and being convicted thereof shall suffer death as a felon.

10. And be it enacted That if any person shall unlawfully and maliciously damage otherwise than by fire any ship or vessel whether complete or in an unfinished state with intent to destroy the same or to render the same useless every such offender shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be transported beyond the seas for the term of seven years or to be imprisoned for any term not exceeding two years and if a male to be once twice or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such imprisonment.

11. And be it enacted That if any person shall exhibit any false light or signal with intent to bring any ship or vessel into danger or shall unlawfully and maliciously do any thing tending to the immediate loss or destruction of any ship or vessel in distress or destroy any part of any ship or vessel which shall be in distress or wrecked stranded or cast on shore or any goods merchandize or articles of any kind belonging to such ship or vessel or shall by force prevent or impede any person endeavouring to save his life from such ship or vessel (whether he shall be on board or shall have quitted the same) every such offender shall be guilty of felony and being convicted thereof shall suffer death as a felon.

12. And be it enacted That if any person shall unlawfully and maliciously break down or cut down any sea bank or sea wall or the bank or wall of any river canal or marsh whereby any lands shall be overflowed or damaged or shall be in danger of being so or shall unlawfully and maliciously throw down level or otherwise destroy any lock sluice floodgate or other work on any navigable river or canal every such offender shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be transported beyond the seas for life or for any term not less than seven years or to be imprisoned for any term not exceeding four years and if a male to be once twice or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such imprisonment and if any person shall unlawfully and maliciously cut off draw up or remove any piles chalk or other materials fixed in the ground and used for securing any sea bank or sea wall or the bank or wall of any river canal or marsh or shall unlawfully and maliciously open or draw up any floodgate or do any other injury or mischief to any navigable river or canal with intent and so as thereby to obstruct or prevent the carrying on completing or maintaining the navigation thereof every such offender shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be transported beyond the seas for the term of seven years or to be imprisoned for any term not exceeding two years and if a male to be once twice or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such imprisonment.

13. And be it enacted That if any person shall unlawfully and maliciously pull down or in anywise destroy any public bridge or do any injury with intent and so as thereby to render such bridge or any part thereof dangerous or impassable 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 life or for any term not less than seven years or to be imprisoned for any term not exceeding four years and if a male to be once twice or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such imprisonment.

Damaging a ship otherwise than by fire.

Exhibiting false signals to a ship &c. destroying a ship-wrecked vessel or cargo &c.

Destroying any sea bank &c. or works on any river or canal.

Removing the piles of any sea bank &c. or doing any damage to obstruct the navigation of a river or canal.

Injury to a public bridge.

Destroying a turnpike gate toll house &c.

14. And be it enacted That if any person shall unlawfully and maliciously throw down level or otherwise destroy in whole or in part any turnpike gate or any wall chain rail post bar or other fence belonging to any turnpike gate or set up or erected to prevent passengers passing by without paying any toll directed to be paid by any Act or Acts of Parliament relating thereto or any house building or weighing engine erected for the better collection ascertainment or security of any such toll every such offender shall be guilty of a misdemeanor and being convicted thereof shall be punished accordingly.

Breaking down the dam of a fishery &c. or mill dam.

15. And be it enacted That if any person shall unlawfully and maliciously break down or otherwise destroy the dam of any fishpond or of any water which shall be private property or in which there shall be any private right of fishery with intent thereby to take or destroy any of the fish in such pond or water or so as thereby to cause the loss or destruction of any of the fish or shall unlawfully and maliciously put any lime or other noxious material in any such pond or water with intent thereby to destroy any of the fish therein or shall unlawfully and maliciously break down or otherwise destroy the dam of any millpond every such offender shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be transported beyond the seas for the term of seven years or to be imprisoned for any term not exceeding two years and if a male to be once twice or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such imprisonment.

Killing, or maiming cattle.

16. And be it enacted That if any person shall unlawfully and maliciously kill maim or wound any cattle 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 life or for any term not less than seven years or to be imprisoned for any term not exceeding four years and if a male to be once twice or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such imprisonment.

Setting fire to a stack of corn grain straw hay &c.

17. And be it enacted That if any person shall unlawfully and maliciously set fire to any stack of corn grain pulse straw hay or wood every such offender shall be guilty of felony and being convicted thereof shall suffer death as a felon and if any person shall unlawfully and maliciously set fire to any crop of corn grain or pulse whether standing or cut down or to any part of a wood coppice or plantation of trees or to any heath gorze furze or fern wheresoever the same may be growing every such offender shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be transported beyond the seas for the term of seven years or to be imprisoned for any term not exceeding two years and if a male to be once twice or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such imprisonment.

Destroying hop-binds.

18. And be it enacted That if any person shall unlawfully and maliciously cut or otherwise destroy any hopbinds growing on poles in any plantation of hops 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 life or for any term not less than seven years or to be imprisoned for any term not exceeding four years and if a male to be once twice or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such imprisonment.

Destroying or damaging trees shrubs &c. growing in certain situations shall be felony if the value exceeds £1.

19. And be it enacted That if any person shall unlawfully and maliciously cut break bark root up or otherwise destroy or damage 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 every

every such offender (in case the amount of the injury done shall exceed the sum of one pound) 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 seven years or to be imprisoned for any term not exceeding two years and if a male to be once twice or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such imprisonment and if any person shall unlawfully and maliciously cut break bark root up or otherwise destroy or damage the whole or any part of any tree sapling or shrub or any underwood respectively growing elsewhere than in any of the situations hereinbefore mentioned every such offender (in case the amount of the injury done shall exceed the sum of five pounds) shall be guilty of felony and being convicted thereof shall be liable to any of the punishments which the Court may award for the felony hereinbefore last mentioned.

The like to trees
shrubs &c. growing
elsewhere shall be
felony if the value
exceeds £5.

20. And be it enacted That if any person shall unlawfully and maliciously cut break bark root up or otherwise destroy or damage the whole or any part of any tree sapling or shrub or any underwood wheresoever the same may be respectively growing the injury done being to the amount of one shilling at the least every such offender being convicted before a Justice of the Peace shall for the first offence forfeit and pay over and above the amount of the injury done such sum of money not exceeding five pounds as to the Justice shall seem meet and if any person so convicted shall afterwards be guilty of any of the said offences and shall be convicted thereof in like manner every such offender shall for such second offence be committed to the common gaol or house of correction there to be kept to hard labor for such term not exceeding twelve calendar months as the convicting Justice shall think fit and if such second conviction shall take place before two Justices they may further order the offender if a male to be once or twice publicly or privately whipped after the expiration of four days from the time of such conviction and if any person so twice convicted shall afterwards commit any of the said offences such offender shall be deemed guilty of felony and being convicted thereof shall be liable to any of the punishments which the Court may award for the felony hereinbefore last mentioned.

See post s. 32 & 33.

21. And be it enacted That if any person shall unlawfully and maliciously destroy or damage with intent to destroy any plant root fruit or vegetable production growing in any garden orchard nursery ground hothouse greenhouse or conservatory every such offender being convicted thereof before a Justice of the Peace shall 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 labor for any term not exceeding six calendar months or else shall forfeit and pay over and above the amount of the injury done such sum of money not exceeding twenty pounds as to the Justice shall seem meet and if any person so convicted shall afterwards commit any of the said offences such offender shall be deemed guilty of felony and being convicted thereof shall be liable to any of the punishments which the Court may award for the felony hereinbefore last mentioned.

Destroying &c. any
fruit or vegetable
production in a gar-
den &c. punishable
on summary convic-
tion for first offence
second offence
felony.

See post s. 32 & 33.

22. And be it enacted That if any person shall unlawfully and maliciously destroy or damage with intent to destroy 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 or nursery ground every such offender being convicted thereof before a Justice of the Peace shall at the discretion of the Justice either be committed to the common gaol or house of correction there to be imprisoned

Destroying &c. vege-
table productions not
growing in gardens
&c.

See *post s. 32 & 33.*

imprisoned only or to be imprisoned and kept to hard labor for any term not exceeding one calendar month or else shall forfeit and pay over and above 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 any term not exceeding one calendar month unless payment be sooner made and if any person so convicted shall afterwards be guilty of any of the said offences and shall be convicted thereof in like manner every such offender shall be committed to the common gaol or house of correction there to be kept to hard labor for such term not exceeding six calendar months as the convicting Justice shall think fit and if such subsequent conviction shall take place before two Justices they may further order the offender if a male to be once or twice publicly or privately whipped after the expiration of four days from the time of such conviction.

Destroying &c. any fence wall stile or gate.

See *post s. 32 & 33.*

23. And be it enacted That if any person shall unlawfully and maliciously cut break throw down or in anywise destroy any fence of any description whatsoever or any wall stile or gate or any part thereof respectively every such offender being convicted before a Justice of the Peace shall for the first offence forfeit and pay over and above the amount of the injury done such sum of money not exceeding five pounds as to the Justice shall seem meet and if any person so convicted shall afterwards be guilty of any of the said offences and shall be convicted thereof in like manner every such offender shall be committed to the common gaol or house of correction there to be kept to hard labor for such term not exceeding twelve calendar months as the convicting Justice shall think fit and if such subsequent conviction shall take place before two Justices they may further order the offender if a male to be once or twice publicly or privately whipped after the expiration of four days from the time of such conviction.

Persons committing damage to any property in any case not previously provided for may be compelled by a Justice to pay compensation not exceeding £5.

Application of the money awarded.

See *post s. 32.*

Proviso.

24. And be it enacted That if any person shall wilfully or maliciously commit any damage injury or spoil to or upon any real or personal property whatsoever either of a public or private nature for which no remedy or punishment is hereinbefore provided every such person being convicted thereof before a Justice of the Peace shall forfeit and pay such sum of money as shall appear to the Justice to be a reasonable compensation for the damage injury or spoil so committed not exceeding the sum of five pounds which sum of money shall in the case of private property be paid to the party aggrieved except where such party shall have been examined in proof of the offence and in such case or in the case of property of a public nature or wherein any public right is concerned the money shall be applied in such manner as every penalty imposed by a Justice of the Peace under this Act is hereinafter directed to be applied and if such sum of money together with costs (if ordered) 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 Justice 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 labor as the Justice shall think fit for any term not exceeding two calendar months unless such sum and costs be sooner paid Provided always that nothing herein contained shall extend to any case where the party trespassing acted under a fair and reasonable supposition that he had a right to do the act complained of nor to any trespass not being wilful and malicious committed in hunting fishing or in the pursuit of game but that every such trespass shall be punishable in the same manner as before the passing of this Act.

25. And be it enacted That every punishment and forfeiture by this Act imposed on any person maliciously committing any offence whether the same be punishable upon indictment or upon summary conviction shall equally apply and be enforced whether the offence shall be committed from malice conceived against the owner of the property in respect of which it shall be committed or otherwise.

26. And be it enacted That in the case of every felony punishable under this Act every principal in the second degree and every accessory before the fact shall be punishable with death or otherwise in the same manner as the principal in the first degree is by this Act punishable and every accessory after the fact to any felony punishable under this Act shall on conviction be liable to be imprisoned for any term not exceeding two years and every person who shall aid abet counsel or procure the commission of any misdemeanor punishable under this Act shall be liable to be indicted and punished as a principal offender.

27. And be it enacted That where any person shall be convicted of any indictable offence punishable under this Act for which imprisonment may be awarded it shall be lawful for the Court to sentence the offender to be imprisoned or to be imprisoned and kept to hard labor in the common gaol or house of correction and also to direct that the offender shall be kept in solitary confinement for the whole or any portion or portions of such imprisonment or of such imprisonment with hard labor as to the Court in its discretion shall seem meet.

28. And for the more effectual apprehension of all offenders against this Act be it enacted That any person found committing any offence against this Act whether the same be punishable upon indictment or upon summary conviction may be immediately apprehended without a warrant by any Peace Officer or the owner of the property injured or his servant or any person authorised by him and forthwith taken before some neighbouring Justice of the Peace to be dealt with according to law.

29. And be it enacted That the prosecution for every offence punishable on summary conviction under this Act shall be commenced within three calendar months after the commission of the offence and not otherwise and the evidence of the party aggrieved shall be admitted in proof of the offence and also the evidence of any inhabitant of the county riding or division in which the offence shall have been committed notwithstanding any forfeiture or penalty incurred by the offence may be payable to the general rate of such county riding or division.

30. And for the more effectual prosecution of all offences punishable on summary conviction under this Act be it enacted That where any person shall be charged on the oath of a credible witness before any Justice of the Peace with any such offence the Justice may summon the person charged to appear at a time and place to be named in such summons and if he shall not appear accordingly then (upon proof of the due service of the summons upon such person by delivering the same to him personally or by leaving the same at his usual place of abode) the Justice may either proceed to hear and determine the case *ex parte* or issue his warrant for apprehending such person and bringing him before himself or some other Justice of the Peace or the Justice before whom the charge shall be made may (if he shall so think fit) without any previous summons (unless where otherwise specially directed) issue such warrant and the Justice before whom the person charged shall appear or be brought shall proceed to hear and determine the case.

Malice against the
owners not essential
to any offence under
this Act.

Principals in the
second degree and
accessories.

Abettors in mis-
demeanors.

The Court may for
all offences within
this Act order hard
labor or solitary
confinement.

Persons in the act
of committing any
offence may be ap-
prehended without a
warrant.

Limitation as to
summary proceed-
ings.

Competency of wit-
nesses.

Mode of compelling
the appearance of
persons punishable
on summary convic-
tion.

English Criminal Law Adopted, 7 & 8 G. 4, c. 30.

Abettors in offences punishable on summary conviction.

31. And be it enacted That where any offence 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 any person who shall aid abet counsel or procure the commission of such offence 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.

Application of forfeitures and penalties upon summary convictions.

32. And with regard to the application of all forfeitures and penalties upon summary convictions under this Act be it enacted That every sum of money which shall be forfeited for the amount of any injury done (such amount to be assessed in each case by the convicting Justice) shall be paid to the party aggrieved if known except where such party shall have been examined in proof of the offence and in that case or where the party aggrieved is unknown 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 amount or otherwise shall be paid to some one of the overseers of the poor or to some other officer (as the Justice may direct) of the parish township or place in which the offence shall have been committed to be by such overseer or officer paid over to the use of the general rate of the county riding or division in which such parish township or place shall be situate whether the same shall or shall not contribute to such general rate Provided always that where several persons shall join in the commission of the same offence and shall upon conviction thereof each be adjudged to forfeit a sum equivalent to the amount of the injury done in every such case no further sum shall be paid to the party aggrieved than that which shall be forfeited by one of such offenders only and the corresponding sum or sums forfeited by the other offender or offenders shall be applied in the same manner as any penalty imposed by a Justice of the Peace is hereinbefore directed to be applied.

Proviso.

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

Scale of imprisonment.

The Justice may discharge the offender in certain cases.

Pardon for nonpayment of money.

33. And be it enacted That in every case of a summary conviction under this Act where the sum which shall be forfeited for the amount of the injury done or which shall be imposed as a penalty by the Justice shall not be paid either immediately after the conviction or within such period as the Justice shall at the time of the conviction appoint it shall be lawful for the convicting Justice (unless where otherwise specially directed) to commit the offender to the common gaol or house of correction there to be imprisoned only or to be imprisoned and kept to hard labor according to the discretion of the Justice for any term not exceeding two calendar months where the amount of the sum forfeited or of the penalty imposed or of both (as the case may be) together with the costs shall not exceed five pounds and for any term not exceeding four calendar months where the amount with costs shall not exceed ten pounds and for any term not exceeding six calendar months in any other case the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

34. Provided always and be it enacted That where any person shall be summarily convicted before a Justice of the Peace of any offence against this Act and it shall be a first conviction it shall be lawful for the Justice if he shall so think fit to discharge the offender from his conviction upon his making such satisfaction to the party aggrieved for damages and costs or either of them as shall be ascertained by the Justice.

35. And be it enacted That it shall be lawful for the King's Majesty to extend His Royal Mercy to any person imprisoned by virtue

English Criminal Law Adopted, 7 & 8 G. 4, c. 30.

virtue of this Act although he shall be imprisoned for nonpayment of money to some party other than the Crown.

36. And be it enacted That in case any person convicted of any offence punishable upon summary conviction by virtue of this Act shall have paid the sum adjudged to be paid together with costs under such conviction or shall have received a remission thereof from the Crown or shall have suffered the imprisonment awarded for nonpayment thereof or the imprisonment adjudged in the first instance or shall have been discharged from his conviction in the manner aforesaid in every such case he shall be released from all further or other proceedings for the same cause.

37. And be it enacted That the Justice before whom any person ~~shall be convicted~~ ^{form of conviction.} shall be convicted of any offence against this Act may cause the conviction to be drawn up in the following form of words or in any other form of words to the same effect as the case shall require *videlicet*—

“ BE it remembered That on the day of
“ in the year of our Lord at
“ in the county of [or riding division liberty city]
“ &c. as the case may be] A. O. is convicted before me J. P. one of
“ His Majesty’s Justices of the Peace for the said county [or riding
“ &c.] for that he the said A. O. did [specify the offence and the time
“ and place when and where the same was committed as the case may
“ be and on a second conviction state the first conviction] and I the
“ said J. P. adjudge the said A. O. for his said offence to be imprisoned
“ in the [or to be imprisoned in the
“ and there kept to hard labor] for the space of
“ or I adjudge the said A. O. for his said offence to forfeit and pay
“ [here state the penalty actually imposed or state
“ the penalty and also the amount of the injury done as the case may
“ be] and also to pay the sum of for costs
“ and in default of immediate payment of the said sums to be impris-
“ soned in the [or to be imprisoned in
“ the and there kept to hard
“ labor] for the space of unless the said sums shall
“ be sooner paid [or and I order that the said sums shall be paid
“ by the said A. O. on or before the day of
“ and I direct that the said sum of [i. e. the penalty
“ only] shall be paid to of aforesaid in
“ which the said offence was committed to be by him applied
“ according to the directions of the Statute in that case made and
“ provided [or that the said sum of [i. e. the
“ penalty] shall be paid to &c. [as before] and that the said sum of
“ [i. e. the sum for the amount
“ of the injury done] shall be paid to C. D. [the party aggrieved unless
“ he is unknown or has been examined in proof of the offence in which
“ case state that fact and dispose of the whole like the penalty as
“ before] and I order that the said sum of for costs
“ shall be paid to [the complainant] Given under
“ my hand and seal the day and year first above mentioned.”

38. And be it enacted That in all cases where the sum adjudged ^{Appeal.} to be paid on any summary conviction shall exceed five pounds or the imprisonment adjudged shall exceed one calendar month or the conviction shall take place before one Justice only any person who shall think himself aggrieved by any such conviction may appeal to the next Court of General or Quarter Sessions which shall be holden not less than twelve days after the day of such conviction for the county riding or division wherin the cause of complaint shall have arisen provided that such person shall give to the complainant a notice in writing

writing of such appeal and of the cause and matter thereof within three days after such conviction and seven clear days at the least before such Sessions and shall also either remain in custody until the Sessions or enter into a recognizance with two sufficient sureties before a Justice of the Peace conditioned personally to appear at the said Sessions and to try such appeal and to abide the judgment of the Court thereupon and to pay such costs as shall be by the Court awarded and upon such notice being given and such recognizance being entered into the Justice before whom the same shall be entered into shall liberate such person if in custody and the Court at such Sessions shall hear and determine the matter of the appeal and shall make such order therein with or without costs to either party as to the Court shall seem meet and in case of the dismissal of the appeal or the affirmance of the conviction shall order and adjudge the offender to be punished according to the conviction and to pay such costs as shall be awarded and shall if necessary issue process for enforcing such judgment.

No *certiorari* &c.

Convictions to be returned to the Quarter Sessions.

How far evidence in future cases.

Venue in proceedings against persons acting under this Act.

Notice of action.

General issue &c.

Not to extend to Scotland or Ireland.

39. And be it enacted That no such conviction or adjudication made on appeal therefrom shall be quashed for want of form or be removed by *certiorari* or otherwise into any of His Majesty's superior Courts of Record and no warrant of commitment shall be held void by reason of any defect therein provided it be therein alleged that the party has been convicted and there be a good and valid conviction to sustain the same.

40. And be it enacted That every Justice of the Peace before whom any person shall be convicted of any offence against this Act shall transmit the conviction to the next Court of General or Quarter Sessions 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 indictment or information against any person for a subsequent offence a copy of such conviction certified by the proper officer of the Court or proved to be a true copy shall be sufficient evidence to prove a conviction for the former offence and the conviction shall be presumed to have been unappealed against until the contrary be shown.

41. And for the protection of persons acting in the execution of this Act be it enacted That all actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act shall be laid and tried in the county where the fact was committed and shall be commenced within six calendar 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 calendar month at least before the commencement of the action and in any such action the defendant may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought or if a sufficient sum of money shall have been paid into Court after such action brought by or on behalf of the defendant and if a verdict shall pass for the defendant or the plaintiff shall become nonsuit or discontinue any such action after issue joined or if upon demurrer or otherwise judgment shall be given against the plaintiff the defendant shall recover his full costs as between attorney and client and have the like remedy for the same as any defendant hath by law in other cases and though a verdict shall be given for the plaintiff in any such action such plaintiff shall not have costs against the defendant unless the Judge before whom the trial shall be shall certify his approbation of the action and of the verdict obtained thereupon.

42. Provided always and be it enacted That nothing in this Act contained shall extend to Scotland or Ireland.

English Arrests Act Adopted, 7 & 8 G. 4, c. 71.

43. And be it enacted That where any felony or misdemeanour punishable under this Act shall be committed within the jurisdiction of the Admiralty of England the same shall be dealt with enquired of tried and determined in the same manner as any other felony or misdemeanour committed within that jurisdiction.
