

No. XVI.

An Act to adopt and apply certain Acts of Parliament in the Administration of Justice in New South Wales. [19th September, 1850.]

IMPERIAL ACTS
ADOPTION.

WHEREAS three Acts of Parliament were passed in the eighth Preamble. and ninth the ninth and tenth and the tenth and eleventh years of the reign of Her present Majesty Queen Victoria of which one is intituled “*An Act for the further prevention of the offence of Dog Stealing*” and the second is intituled “*An Act for preventing malicious injuries to persons and property by Fire or by explosive or destructive substances*” and the other is intituled “*An Act for extending the provisions of the Law respecting threatening letters and accusing parties with a view to extort money*” And whereas the adoption of those several Acts in New South Wales would tend to the advancement of justice therein Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That from and after the passing of this Act the said three Acts of Parliament and the several provisions therein respectively contained shall (so far as the said provisions can be applied) be in force and take effect in New South Wales and be applied and enforced in the administration of justice accordingly and from and after the passing of this Act all Statutes and parts of Statutes which by the said recited Acts respectively are repealed in England shall in New South Wales be and the same are hereby repealed.

to be applied in the administration of justice in New South Wales.

2. And be it enacted That all fines penalties and forfeitures which may be recoverable in a summary way under either of the said recited Acts shall be paid one moiety thereof to Her Majesty Her Heirs and Successors for the public uses of this Territory and in support of the Government thereof and shall be applied in such manner as may from time to time be directed by any Acts of the said Governor and Legislative Council and the other moiety to the use of the informer or party prosecuting who shall also be entitled to his or her costs and charges over and above such fines penalties and forfeitures to be ascertained and assessed by the Justices before whom the case is heard.

Appropriation of fines and penalties.

ACTS OF PARLIAMENT REFERRED TO.

ANNO OCTAVO ET NONO VICTORIÆ REGINÆ.

CAP. XLVII.

ENGLISH DOG
STEALING ACT
ADOPTED.

An Act for the further prevention of the offence of Dog Stealing. [21st July, 1845.]

7 and 8 G. 4 c. 29.

Certain provisions of
recited Act repealed.Punishment for
stealing dogs.

First offence.

Second offence.

Penalty for having
possession of stolen
dogs or of their
skins.

First offence.

Second offence.

Penalty for com-
pounding for offences
against this Act.

WHEREAS by an Act passed in the seventh and eighth years of His Majesty King George the Fourth intituled “*An Act for consolidating and amending the Laws in England relative to Larceny and other offences connected therewith*” certain provisions were made for the prevention of dog stealing And whereas it is expedient for the further prevention of the said offence that the provisions of the said recited Act so far as relates to dog stealing and to dealing with the offenders in respect to the said offence shall be repealed Be it therefore enacted by the Queen’s Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same That from and after the passing of this Act the said provisions so far as aforesaid shall be repealed.

2. And be it enacted That if any person shall steal any dog every such offender shall be deemed guilty of a misdemeanor and being convicted thereof before any two or more Justices of the Peace shall for the first offence at the discretion of the said Justices either be committed to the common gaol or house of correction there to be imprisoned only or be imprisoned and kept to hard labor for any term not exceeding six calendar months or shall forfeit and pay over and above the value of the said dog such sum of money not exceeding twenty pounds as to the said Justices shall seem meet and if any person so convicted shall afterwards be guilty of the said offence every such offender shall be guilty of an indictable misdemeanor and being convicted thereof shall be liable to suffer such punishment by fine or imprisonment with or without hard labor or by both as the Court in its discretion shall award provided such imprisonment do not exceed eighteen months.

3. And be it enacted That if any dog or the skin thereof shall be found in the possession or on the premises of any person by virtue of any search warrant to be granted as is hereinafter in that behalf provided the Justice by whom such search warrant was granted may restore the same 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 has been stolen or that the skin is the skin of a stolen dog) shall on conviction before any two or more Justices of the Peace be liable for the first offence to pay such sum of money not exceeding twenty pounds as to the Justices shall seem meet and if any person so convicted shall be afterwards guilty of the said offence every such offender shall be deemed guilty of a misdemeanor and punishable accordingly.

4. And be it enacted That if any person shall publicly advertise or offer a reward for the return or recovery of any dog 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 dog which shall have been stolen or lost without seizing or making any inquiry after the person producing such dog every

English Dog Stealing Act Adopted, 8 & 9 Vic. c. 47.

every such person shall forfeit the sum of twenty-five 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.

5. And be it enacted That any person found committing any offence punishable either upon summary conviction or upon indictment by virtue of this Act may be immediately apprehended without a warrant by any police officer or by the owner of the dog with respect to which the offence shall be committed or by his servant or any person authorized by him and forthwith taken before some neighbouring Justice of the Peace to be dealt with according to law and if any credible witness shall prove upon oath before a Justice of the Peace a reasonable cause to suspect that any person has in his possession or on his premises any stolen dog such Justice may grant a warrant to search for such dog and any person to whom any dog shall be offered to be sold or delivered if he shall have reasonable cause to suspect that such dog has been stolen is hereby authorized and if in his power is required to apprehend and forthwith to convey before a Justice of the Peace the party offering the same together with such dog to be dealt with according to law.

6. And be it enacted That any person who shall corruptly take any money or reward directly or indirectly under pretence or upon account of aiding any person to recover any dog which shall have been stolen or which shall be in the possession of any person not being the owner thereof shall be guilty of a misdemeanor and punishable accordingly.

7. And be it enacted That any Justice may if he shall think fit remand for further examination or may suffer to go at large with or without sureties upon his personal recognizance any person who shall be charged before him with any offence or misdemeanor punishable by this Act whether the same be punishable by summary conviction or as an indictable misdemeanor.

8. And be it enacted That in every case of summary conviction under this Act where the sum which shall be forfeited for the value of any dog as is hereinbefore provided or which shall be imposed as a penalty by the Justices shall not be paid either immediately after the conviction or within such period as the Justices shall at the time of the conviction appoint it shall be lawful for the convicting Justices to commit the offender to the common gaol or house of correction there to be imprisoned only or imprisoned and kept to hard labor 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.

Apprehension of offenders.

Penalty for receiving money to restore stolen dogs.

Offenders may be remanded or admitted to bail.

If penalties not paid Justices to commit offenders.

ANNO NONO ET DECIMO VICTORIÆ REGINÆ.

CAP. XXV.

ENGLISH MALICIOUS
INJURIES BY FIRE
ACT ADOPTED.

An Act for preventing Malicious Injuries to Persons and Property by Fire or by Explosive or Destructive Substances. [26th June, 1846.]

Persons maliciously blowing up dwelling houses any one being therein

or blowing up buildings with intent to murder

or injuring persons by explosive substances

or attempting to do bodily injury by sending &c. dangerous substances guilty of felony.

Punishment for felonies hereinbefore specified.

Punishment for persons attempting to blow up buildings &c.

Punishment for persons attempting to set fire to buildings.

WHEREAS the unlawful and malicious destruction of buildings and attempts to injure persons and property by fire or by gunpowder and other explosive or destructive substances is not adequately punishable by law Be it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same That whoever shall unlawfully and maliciously by the explosion of gunpowder or other explosive substance destroy throw down or damage the whole or any part of any dwelling-house any person being therein shall be guilty of felony.

2. And be it enacted That whoever shall unlawfully and maliciously by the explosion of gunpowder or other explosive substance destroy or damage any building with intent to murder any person or whereby the life of any person shall be endangered shall be guilty of felony.

3. And be it enacted That whoever shall unlawfully and maliciously by the explosion of gunpowder or other explosive substance burn maim disfigure disable or do any grievous bodily harm to any person shall be guilty of felony.

4. And be it enacted That whoever shall unlawfully and maliciously cause any gunpowder or other explosive substance to explode or send or deliver to or cause to be taken or received by any person any explosive substance or any other dangerous or noxious thing or cast or throw at or upon or otherwise apply to any person any corrosive fluid or other destructive or explosive substance with intent in any of the cases aforesaid to burn maim disfigure or disable any person or to do some grievous bodily harm to any person shall although no bodily injury be effected be guilty of felony.

5. And be it enacted That whoever shall be convicted of any felony hereinbefore mentioned shall be liable at the discretion of the Court to be transported beyond the seas for the term of his natural life or for any term not less than fifteen years or to be imprisoned for any term not exceeding three years.

6. And be it enacted That whoever shall unlawfully and maliciously place or throw in into upon against or near any building or vessel any gunpowder or other explosive substance with intent to do any bodily damage to any person or to destroy or damage any building or vessel or any machinery working tools fixtures goods or chattels shall whether or not any explosion take place and whether or not any injury is effected to any person or any damage to any building vessel machinery working tools fixtures goods or chattels be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be transported beyond the seas for any term not exceeding fifteen years or to be imprisoned for any term not exceeding two years.

7. And be it enacted That whoever shall unlawfully and maliciously by any overt act attempt to set fire to any building vessel or mine or to any stack or steer or to any vegetable produce of such kind and with such intent that if the offence were complete the offender would be guilty of felony and liable to be transported beyond the seas for the term of his natural life shall although such building vessel

English Malicious Injuries by Fire Act Adopted, 9 & 10 Vic. c. 25.

vessel mine stack steer or vegetable produce be not actually set on fire be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be transported beyond the seas for any term not exceeding fifteen years or to be imprisoned for any term not exceeding two years.

8. And be it enacted That whoever shall knowingly have in his possession or make or manufacture any gunpowder explosive substance or any dangerous or noxious thing or any machine engine instrument or thing with intent by means thereof to commit or for the purpose of enabling any other person to commit any offence against this Act shall be guilty of a misdemeanor and on conviction thereof shall be liable to be imprisoned for any term not exceeding two years.

9. And be it enacted That every male person under the age of eighteen years who shall be convicted of any offence under this Act or who shall be convicted of feloniously setting fire to any building vessel or mine or to any stack or steer shall be liable at the discretion of the Court before which he shall be convicted in addition to any other sentence which may be passed upon him to be publicly or privately whipped in such manner and as often not exceeding thrice as the Court shall direct.

10. 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 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.

11. And be it enacted That where any person shall be convicted of any offence punishable under this Act for which imprisonment may be awarded it shall be lawful for the Court to sentence the offender to be imprisoned or to be imprisoned and kept to hard labor in the common gaol or house of correction and also to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment or of such imprisonment with hard labor not exceeding one calendar month at any one time and not exceeding three calendar months in any one year as to the Court in its discretion shall seem meet.

12. And be it enacted That any Justice of the Peace of any county riding division liberty borough or place in which any gunpowder or other explosive dangerous or noxious substance is suspected to be made or kept for the purpose of being used in committing an offence under this Act upon reasonable cause assigned upon oath by any person or persons may issue a warrant or warrants under his hand and seal for searching in the day time any house shop cellar yard or other place or any vessel in which such gunpowder or other explosive dangerous or noxious substance is suspected to be made or kept for such purpose as aforesaid and that every person acting in the execution of any such warrant shall have for seizing removing to proper places and detaining all such gunpowder explosive dangerous or noxious substances found upon such search which he shall have good cause to suspect to be intended to be used in committing an offence under this Act and the barrels packages and cases in which the same shall be the same powers which are given to persons searching for unlawful quantities of gunpowder under the warrant of a Justice by an Act passed in the twelfth year of the reign of King George the Third intituled "An Act to regulate the making keeping and carriage of Gunpowder within Great Britain and to repeal the Laws heretofore made for any of those purposes."

Punishment for
making any article
for purpose of offend-
ing against Act.

Male offenders under
eighteen years of age
convicted under this
Act may be publicly
or privately whipped.

As to the punishment
of accessories before
and after the fact.

Persons liable to im-
prisonment may be
kept to hard labor
and in solitary con-
finement.

Justices may issue
warrants for search-
ing for explosive
substances &c.

Persons executing
such warrants to
have same powers as
given by 12 G. 3. c. 61.

English Extortion by Threats Act Adopted, 10 & 11 Vic. c. 66.

Suspected persons loitering at night may be taken into custody without warrant.

Period of detention.

Offences not to be tried by Justices &c. at Sessions.

Nothing in this Act to affect powers of 5 & 6 W. 4. c. 38 and 4 G. 4. c. 64.

As to offences committed in Admiralty jurisdiction.

Not to extend to Scotland.

Act may be amended &c.

13. And be it enacted That it shall be lawful for any constable or peace officer to take into custody without a warrant any person whom he shall find lying or loitering in any highway yard or other place during the night and whom he shall have good cause to suspect of having committed or being about to commit any felony under this Act and to detain such person until he can be brought before a Justice of the Peace to be dealt with according to law.

14. Provided always and be it enacted That no such person having been so apprehended shall be detained after noon of the following day without being brought before a Justice of the Peace.

15. And be it enacted That neither the Justices of the Peace acting in and for any county riding division or liberty nor the Recorder of any borough shall at any Session of the Peace or at any adjournment thereof try any person or persons for any offence under this Act.

16. And be it enacted That nothing in this Act contained shall be construed to extend to the alteration or repeal of any of the powers provisions or regulations contained in an Act passed in the sixth year of the reign of His late Majesty intituled "*An Act for effecting greater uniformity of practice in the Government of the several Prisons in England and Wales and for appointing Inspectors of Prisons in Great Britain*" or in an Act passed in the fourth year of the reign of King George the Fourth intituled "*An Act for consolidating and amending the Laws relating to the building repairing and regulating of certain Gaols and Houses of Correction in England and Wales.*"

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

18. And be it enacted That nothing in this Act contained shall extend to Scotland.

19. And be it enacted That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

ANNO DECIMO ET UNDECIMO VICTORIÆ REGINÆ.

CAP. LXVI.

ENGLISH EXTORTION
BY THREATS ACT
ADOPTED.

An Act for extending the Provisions of the Law respecting Threatening Letters and accusing Parties with a view to extort Money. [9th July, 1847.]

7 & 8 G. 4 c. 29.

9 G. 4 c. 55.

7 W. 4 & 1 Vic. c. 87.

WHEREAS it is expedient to extend the provisions of so much of the Statute made and passed in the seventh and eighth years of the reign of King George the Fourth intituled "*An Act for consolidating and amending the Laws in England relative to Larceny and other offences connected therewith*" and of an Act passed in the ninth year of the reign of King George the Fourth intituled "*An Act for consolidating and amending the Laws in Ireland relative to Larceny and other offences connected therewith*" as relates to the offences of sending threatening letters and also so much of the Statute made and passed in the first year of Her Majesty's reign intituled "*An Act to amend the Laws relating to Robbery and stealing from the Person*" as relates to the offence of accusing persons of unnatural crimes and to make further provisions for the punishment of such offences

Melbourne Abattoirs.

offences Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same That if any person shall knowingly send or deliver or utter to any other person any letter or writing accusing or threatening to accuse either the person to whom such letter or writing shall be sent or delivered or any other person of any crime punishable by law with death or transportation or of any assault with intent to commit any rape or of any attempt or endeavour to commit any rape or of any crime in and by the said first-mentioned Act defined to be an infamous crime with a view or intent to extort or gain by means of such threatening letter or writing any property money security or other valuable thing from any person whatever or any letter or writing threatening to kill or murder any other person or to burn or destroy any house barn or other building or any rick or stack of grain hay or straw or other agricultural produce or shall knowingly procure counsel aid or abet the commission of the said offences or either of them 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 with or without hard labor 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.

Persons sending threatening letters accusing others with certain crimes with a view to extort money guilty of felony.

2. And be it enacted That if any person shall accuse or threaten to accuse either the person to whom such accusation or threat shall be made or any other person of any of the crimes hereinbefore specified with the view or intent in any of the cases last aforesaid to extort or gain from such person so accused or threatened to be accused or from any other person whatever any property money security or other valuable thing 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 with or without hard labor 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.

Persons accusing others of crimes hereinbefore mentioned with the view of extorting money &c. guilty of felony.