

Legislative Council.

26^o VICTORIÆ, 1862.

A BILL

To consolidate and amend the Criminal Law.

[MR. HARGRAVE ;—12 November, 1862.]

WHEREAS it is expedient to consolidate and amend the Criminal Law Be it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled 5 and by the authority of the same as follows :—

Repeal of previous Enactments.

1. The several Imperial and Colonial Acts and parts of Acts in the Schedule hereto shall continue in force until and throughout the last day of in the present year and shall from and 10 after that day be repealed Provided that every offence which shall have been wholly or partly committed against any of the said Acts or parts of Acts before this Act comes into operation shall be determined and punished and any penalty in respect of any such offence shall be recovered and appropriated in the same manner as if the said Acts and 15 parts of Acts had not been repealed and that every act duly done and every warrant and other instrument duly made or granted before this Act comes into operation shall continue and be of the same force and effect as if the same Acts and parts of Acts had not been repealed and that every right liability privilege and protection in respect of any 20 matter or thing committed or done before this Act comes into operation shall continue and be of the same force and effect as if the said Acts and parts of Acts had not been repealed and that every action prosecution and other proceeding which shall have been commenced before this Act comes into operation or shall thereafter be commenced in 25 respect of any such matter or thing may be prosecuted continued and defended in the same manner as if the said Acts and parts of Acts had not been repealed Provided also that nothing herein shall in any manner alter or affect any power or authority given by any Act to alter or amend any register of births baptisms marriages deaths or 30 burials.

Interpretation.

Interpretation of
terms.

"Document of title
to goods."

2. For the purposes of this Act the following terms in inverted commas shall unless the context otherwise indicate bear the meanings set against them respectively—

"Document of title
to lands."

"Trustees."

"Valuable security."

"Property."

"Night."

"Current gold and
silver coin."

"Copper Coin."

"Document of title to goods" Any India warrant dock warrant 5
bill of lading warehouse-keeper's certificate warrant or
order for the delivery or transfer of any goods or valuable
thing bought and sold note or any other document used in
the ordinary course of business as proof of the possession or
control of goods or authorizing or purporting to authorize 10
either by indorsement or by delivery the possessor of such
document to transfer or receive any goods thereby repre-
sented or therein mentioned or referred to.

"Document of title to lands" Any deed map paper or parch-
ment written or printed or partly written and partly printed 15
being or containing evidence of the title or any part of the
title to any real estate or to any interest in or out of any
real estate.

"Trustee" Any trustee on some express trust created by
some deed will or instrument in writing and the heir 20
or personal representative of any such trustee and any
other person upon or to whom the duty of such trust
shall have devolved or come and also any executor or
administrator and any official manager assignee liquidator
or other like officer acting under any present or future 25
Act relating to Joint Stock Companies Bankruptcy or
Insolvency.

"Valuable security" Any security whatsoever entitling or
evidencing the title of any person to any share or interest
in any stock or fund whatsoever or to any deposit in any 30
bank and any debenture deed bond bill note warrant
order or other security whatsoever for money or for pay-
ment of money and any document of title to lands or
goods as hereinbefore defined.

"Property" Every description of real and personal property 35
money debts and legacies and all deeds and instruments
relating to or evidencing the title or right to any property
or giving a right to recover or receive any money or goods
and not only such property as shall have been originally
in the possession or under the control of any party but 40
also any property into or for which the same may have
been converted or exchanged and any thing acquired by
such conversion or exchange whether immediately or
otherwise.

"Night" The period commencing at nine of the clock in the 45
evening of each day and concluding at six of the clock of
the morning of the next succeeding day.

"The Queen's current gold or silver coin" Any gold or silver
coin coined in any of Her Majesty's Mints or lawfully
current by virtue of any Proclamation or otherwise in any 50
part of Her Majesty's dominions whether within the
Colony or otherwise.

"The Queen's copper coin" Any copper coin and any coin
of bronze or mixed metal coined in any of Her Majesty's
Mints or lawfully current by virtue of any Proclamation 55
or otherwise in any part of Her Majesty's said dominions.

"False

- 5 "False or counterfeit coin resembling or apparently intended
 "to resemble or pass for any of the Queen's current gold
 "or silver coin" Any of the current coin which shall
 have been gilt silvered washed coloured or cased over or
 in any manner altered so as to resemble or be apparently
 intended to resemble or pass for any of the Queen's
 current coin of a higher denomination. "False or counter-
 feit coin."
- 10 "The Queen's current coin" Any coin coined in any of Her
 Majesty's Mints or lawfully current by virtue of any
 Proclamation or otherwise in any part of Her Majesty's
 said dominions and whether made of gold silver copper
 bronze or mixed metal. "The Queen's
 Current Coin."
- 15 "Court" any Court having criminal jurisdiction summary or
 otherwise. "Court."
- "Hard labor" hard labor on the roads or other public works
 of the Colony. "Hard labour."
- "Cattle" any horse mare gelding colt or filly or any bull cow
 ox heifer or calf. "Cattle."
- 20 "Sheep" any ram ewe sheep or lamb. "Sheep."
 "Alpaca" any lama alpaca or vicuna or any cross thereof. "Alpaca."
 "Gaol" any place of imprisonment now or hereafter lawfully
 authorized by Proclamation of the Governor for the
 imprisonment or correction of offenders. "Gaol."
- 25 And where the having any matter in the custody or possession of
 any person is mentioned in this Act it shall include not only
 the having of it by himself in his personal custody or
 possession but also the knowingly and wilfully having it
 in the actual custody or possession of any other person and
 also the knowingly and wilfully having it in any dwelling-
 house or other building lodging apartment field or other
 place open or inclosed whether belonging to or occupied
 by himself or not and whether such matter shall be so
 had for his own use or benefit or for that of any other
 person. "Custody or posses-
 sion."
- 35 Any factor or agent intrusted as aforesaid and possessed of any
 such document of title whether derived immediately from
 the owner of such goods or obtained by reason of such
 factor or agent having been intrusted with the possession
 of the goods or of any other document of title thereto shall
 be deemed to have been intrusted with the possession of
 the goods represented by such document of title and every
 contract pledging or giving a lien upon such document of
 title as aforesaid shall be deemed to be a pledge of and lien
 upon the goods to which the same relates and such factor
 or agent shall be deemed to be possessed of such goods or
 document whether the same shall be in his actual custody
 or shall be held by any other person subject to his control
 or for him or on his behalf and where any loan or advance
 shall be *bonâ fide* made to any factor or agent intrusted
 with and in possession of any such goods or document of
 title on the faith of any contract or agreement in writing
 to consign deposit transfer or deliver such goods or docu-
 ment of title and such goods or document of title shall
 actually be received by the person making such loan or
 advance without notice at such factor or agent was not
 authorized to make such pledge or security every such
 loan or advance shall be deemed to be a loan or advance on
 the security of such goods or document of title within
 the meaning of the last preceding section though such
 goods
- Definition of terms
 "intrusted"
- "pledge"
- "possessed"
- "advance"

"Contract or agreement."

"Advance."

Possession to be evidence of intrusting.

Interpretation as to criminal possession.

goods or document of title shall not actually be received by the person making such loan or advance till the period subsequent thereto and any contract or agreement whether made direct with such factor or agent or with any clerk or other person on his behalf shall be deemed a contract or agreement with such factor or agent and any payment made whether by money or bill of exchange or other negotiable security shall be deemed to be an advance within the meaning of the last preceding section and a factor or agent in possession as aforesaid of such goods or document shall be taken for the purposes of the last preceding section to have been intrusted therewith by the owner thereof unless the contrary be shown in evidence.

Where the having any matter in the custody or possession of any person is in this Act expressed to be an offence if any person shall have any such matter in his personal custody or possession or shall knowingly and wilfully have any such matter in the actual custody or possession of any other person or shall knowingly and wilfully have any such matter in any place whether belonging to or occupied by himself or not and whether such matters shall be so had for his own use or for the use or benefit of another every such person shall be deemed and taken to have such matter in his custody or possession within the meaning of this Act.

25

PART I.

ACCESSORIES AND ABETTORS.

As to accessories before the fact.

Accessories before the fact may be tried and punished as principals.

3. Whosoever shall become an accessory before the fact to any felony whether the same be a felony at Common Law or by virtue of any Act passed or to be passed may be indicted tried convicted and punished in all respects as if he were a principal felon.

Accessories before the fact may be indicted as such or as substantive felons.

4. Whosoever 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 Act passed or to be passed shall be 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 thereupon be punished in the same manner as any accessory before the fact to the same felony if convicted as an accessory may be punished.

As to accessories after the fact.

Accessories after the fact may be indicted as such or as substantive felons.

5. Whosoever shall become an accessory after the fact to any felony whether the same be a felony at Common Law or by virtue of any Act passed or to be passed may be indicted and convicted either as an accessory after 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 thereupon be punished in like manner as any accessory after the fact to the same felony if convicted as an accessory may be punished.

6.

6. Every accessory after the fact to any felony (except where it is otherwise specially enacted) whether the same be a felony at Common Law or by virtue of any Act passed or to be passed shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years with or without hard labor and it shall be lawful for the Court if it shall think fit to require the offender to enter into his own recognizances and to find sureties both or either for keeping the peace in addition to such punishment. Provided that no person shall under this clause be imprisoned for not finding sureties for any period exceeding one year.

Punishment of accessories after the fact.

As to accessories generally.

7. 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 pardoned or otherwise delivered before attainder and every such accessory shall upon conviction suffer the same punishment as he would have suffered if the principal had been attainted.

Prosecution of accessory after principal has been convicted but not attainted.

8. Any number of accessories at different times to any felony and any number of receivers at different times of property stolen at one time may be charged with substantive felonies in the same indictment and may be tried together notwithstanding the principal felon shall not be included in the same indictment or shall not be in custody or amenable to justice.

Several accessories may be included in the same indictment although principal felon not included.

9. In every case the offence of any person who shall be an accessory either before or after the fact to any felony may be dealt with inquired of tried determined and punished by any Court which shall have jurisdiction to try the principal felony or any felonies committed in any place in which such person shall be apprehended or be in custody whether the principal felony shall have been committed on the sea or on the land or begun on the sea and completed on the land or begun on the land and completed on the sea and whether within the Colony or without or partly within the Colony and partly without. Provided that no person who shall be once duly tried either as an accessory before or after the fact or for a substantive felony under the provisions hereinbefore contained shall be liable to be afterwards prosecuted for the same offence.

Trial of accessories.

As to abettors in misdemeanors.

10. Whosoever shall aid abet counsel or procure the commission of any misdemeanor whether the same be a misdemeanor at Common Law or by virtue of any Act passed or to be passed shall be liable to be tried indicted and punished as a principal offender.

Abettors in misdemeanors.

PART II.

LARCENY AND OTHER SIMILAR OFFENCES.

11. Every larceny whatever be the value of the property stolen shall be deemed to be of the same nature and shall be subject to the same incidents in all respects as grand larceny was before the twenty-first day of June one thousand eight hundred and twenty-seven and every Court whose power as to the trial of larceny was before that time limited to petty larceny shall have power to try every case of larceny the punishment of which cannot exceed the punishment hereinafter mentioned for simple larceny and also to try all accessories to such larceny.

All larcenies to be of the same nature.

Bailees fraudulently
converting property
guilty of larceny.

12. Whosoever being a bailee of any chattel money or valuable security shall fraudulently take or convert the same to his own use or the use of any person other than the owner thereof although he shall not break bulk or otherwise determine the bailment shall be guilty of larceny and may be convicted thereof upon an indictment 5 for larceny but this section shall not extend to any offence punishable on summary conviction.

Punishment for
simple larceny.

13. Whosoever shall be 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 10 of the Court to be kept to hard labor for any term not exceeding five years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping.

Three larcenies
within six months
may be charged in
one indictment.

14. It shall be lawful to insert several counts in the same 15 indictment against the same person for any number of distinct acts of stealing not exceeding three which may have been committed by him against the same person within the space of six months from the first to the last of such acts and to proceed thereon for all or any of them.

Where a single
taking is charged
and several takings
at different times
are proved.

15. If upon the trial of any indictment for larceny it shall 20 appear that the property alleged in such indictment to have been stolen at one time was taken at different times the prosecutor shall not by reason thereof be required to elect upon which taking he will proceed unless it shall appear that there were more than three takings or that more than the space of six months elapsed between the first 25 and the last of such takings and in either of such last-mentioned cases the prosecutor shall be required to elect to proceed for such number of takings not exceeding three as appear to have taken place within the period of six months from the first to the last of such takings.

Larceny after a con-
viction for felony.

16. Whosoever shall commit the offence of simple larceny after 30 a previous conviction for felony shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years and not less than three years or to be imprisoned for any term not exceeding four years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with 35 or without whipping.

Larceny after con-
viction of an indict-
able misdemeanor
under this Act.

17. Whosoever shall commit the offence of simple larceny or any offence hereby made punishable like simple larceny after having been previously convicted of any indictable misdemeanor punishable under this Act shall be liable at the discretion of the Court to 40 be kept to hard labor for any term not exceeding seven years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with 45 or without whipping.

Larceny after two
summary convic-
tions.

18. Whosoever shall commit the offence of simple larceny or any offence hereby made punishable like simple larceny after having been twice summarily convicted of any offence punishable upon sum- 50 mary conviction (whether each of the convictions shall have been in respect of an offence of the same description or not and whether such convictions or either of them shall have been or shall be before or after the passing of this Act) shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding seven years and not less than three years or to be imprisoned for any term not exceeding two 55 years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping.

As to larceny of cattle or other animals.

19. Whosoever shall steal any cattle sheep or alpacas shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Stealing horses
cows sheep &c.

20. Whosoever shall wilfully kill any animal with intent to steal the carcass skin or any part of the animal so killed shall be guilty of felony and being convicted thereof shall be liable to the same punishment as if he had been convicted of feloniously stealing the same provided the offence of stealing the animal so killed would have amounted to felony.

Killing animals with
intent to steal the
carcass &c.

21. Any Justice of the Peace upon complaint or information on oath that any cattle suspected to have been stolen are in the possession of any person may issue a summons to such person requiring him to appear at a time and place mentioned in such summons before any two Justices of the Peace or in the discretion of such Justice may issue a warrant in the first instance to apprehend and bring such person at a time and place mentioned in such warrant before any two Justices of the Peace and also if such Justice shall think fit may issue his warrant to any constable commanding him to seize any such cattle suspected to have been stolen and detain the same until such information or complaint shall have been disposed of and if on the appearance of such person so summoned or apprehended or on proof of the service of such summons personally or by leaving the same at the usual or last known place of abode of such person two days before he was required to appear it shall seem to such Justices after hearing evidence on oath or affirmation that such cattle were stolen within the period of one year preceding from the person making complaint or laying the information it shall be lawful for such Justices to adjudge him to be the owner of such cattle and to issue a warrant under their hands and seals to any constable of the said Colony commanding him forthwith to seize such cattle wheresoever the same may be found and to restore and give peaceable possession thereof to the person so adjudged to be the owner as aforesaid Provided always that nothing herein contained shall be construed or taken to discharge any person from any criminal prosecution for felony to be afterwards brought against such person or to prevent the Justices committing such person for trial or to deprive any person of any right he may have or might have had before the passing hereof.

Restitution of stolen
cattle may be
awarded.

22. Any person from whom or from whose possession any cattle shall have been taken under any such warrant as last aforesaid may recover from his vendor the amount paid by him as the purchase money of such cattle and any vendor of such cattle who may repay or be compelled to repay the purchase money he may have received for such cattle may in like manner recover back from his vendor the amount he may have paid such last-mentioned vendor as the purchase money of such cattle and it shall be lawful for any Justice of the Peace upon complaint on oath made by any such person or vendor as aforesaid or any person on his behalf that such person or vendor has paid for such cattle and that such cattle have been taken from him or that he has paid or been compelled to repay the amount he received to summon the party selling to such last-mentioned person or vendor to appear before any two Justices of the Peace or to issue his warrant for the apprehension of such party selling or upon his appearance or in default thereof upon proof of the due service of such summons such Justices are hereby empowered to examine the parties or either of them and their respective witnesses (if there be any) upon oath touching the purchase

Vendee who delivers
cattle or pays back
sum received may
recover from his
vendor.

purchase and payment of the amount of the purchase money for such cattle and the restitution of the cattle purchased by such complainant or the repayment of the sum received by him and to make such order for the repayment of that amount with the costs incurred in the recovery thereof as shall to such Justice appear reasonable and in case 5 such amount shall not be paid forthwith or at the time to be appointed by such Justices the same shall be levied by distress and sale of the goods and chattels of the party on whom such order for payment shall be made and if such distress cannot be made or shall prove insufficient such Justices are hereby empowered to cause the party upon whom 10 the order shall be made to be apprehended and committed to any gaol or house of correction there to remain for any period not exceeding three months unless payment of the said amount and of all costs and expenses attending the recovery thereof shall be sooner made. Provided that the execution of such order shall be stayed for such time as such 15 Justices may order if the person from whom or from whose possession such cattle may have been taken or on whom such order for payment shall be made shall forthwith enter into a bond to the complainant with two sufficient sureties to the satisfaction of such Justices and in such amount as they may think reasonable conditioned to prosecute to 20 conviction within the time aforesaid the person guilty of having stolen such cattle and such conviction within the time aforesaid shall supersede the order so made by such Justices as aforesaid and no subsequent proceedings shall be had thereon or upon the said bond. Provided also that it shall be lawful for such Justices on the application of such party 25 and notice to the said complainant to extend the time aforesaid.

Penalty for possession of carcass of stolen cattle.

23. If any witness shall prove on oath before a Justice of the Peace that there is reasonable cause to suspect that the skin or carcass or any parts of the skin or carcass of any cattle stolen from any person is concealed in any dwelling-house or other place it shall be lawful for 30 such Justice to issue a warrant directing any constable to search such dwelling-house or place and if the skin or carcass of any cattle or any part of any such skin or carcass so suspected to have been stolen shall be found in the possession of any person in or at such dwelling-house or other place specified in such warrant with his knowledge it shall be 35 lawful for any Justice before whom such person shall be brought (unless such person shall satisfy the said Justice that he came lawfully by the same) to commit such person to the nearest gaol or lock-up in which he can be conveniently confined in order that he may be brought forward for trial at the next Court of Petty Sessions (unless he enter into such 40 bail with one or more sufficient securities as may be required for his appearance before such Court which any Justice is hereby authorized and required to take) and if such person so apprehended after proof upon oath of such finding of such skin or carcass or any part thereof as aforesaid shall not satisfy the Justices sitting at Petty Sessions in 45 open Court that he came lawfully thereby he shall forfeit and pay any sum not exceeding fifty pounds together with the charges previous to and attending his conviction.

Penalty for working another person's cattle.

24. If any person shall take use or in any manner work any cattle the property of any other person without the consent of the owner 50 or other person in lawful possession thereof such person so offending shall be deemed guilty of a misdemeanor and on being convicted thereof by any two Justices of the Peace in Petty Sessions assembled and in open Court shall forfeit and pay for every head of cattle so used any sum not exceeding twenty pounds together with the costs to be assessed 55 by such Justices or at the discretion of such Justices be imprisoned in any gaol or house of correction with or without hard labor for any period not exceeding twelve months.

Bar to further proceedings.

25. If any person convicted under the last foregoing section shall have paid the sum adjudged to be paid together with costs if awarded 60 under

under such conviction or shall have received a remission thereof from the Crown or shall have suffered the imprisonment awarded for the non-payment thereof he shall be released from all further or other proceedings for the same cause.

5 26. If the Justices before whom any person shall be brought under this Act charged with the offence of working another person's cattle shall from the evidence given against such person be of opinion that there ought to be a prosecution for felony it shall be lawful for such Justices to abstain from adjudicating in a summary manner
10 thereon and to deal with the case as one to be prosecuted at the Supreme or Circuit Court or Court of General Sessions and if the jury upon the trial of any person charged before any Court with the offence of stealing any cattle shall be of opinion that such person did not commit the felony with which he is charged but did commit
15 the misdemeanor before mentioned it shall be lawful for such jury to acquit such person of the felony and to find him guilty of such misdemeanor and he shall thereupon receive sentence accordingly although such person may never have been charged or accused of such misdemeanor before any Justices or otherwise.

Cases of felony

20 27. Upon non-payment of any fine forfeiture or penalty under any of the foregoing clauses of this Act relating to cattle stealing either immediately or within such period after the conviction as such Justices at the time of such conviction shall appoint and where no mode of proceeding is hereby prescribed such Justices shall commit
25 such offender to any gaol or house of correction in the said Colony with or without hard labor for any period not exceeding three months where the sum remaining unpaid shall not exceed ten pounds four months where the said sum shall exceed ten pounds and not exceed twenty pounds and six months where the said sum shall exceed twenty
30 pounds unless the said sums shall be sooner paid.

Non-payment of penalty.

28. Whosoever shall steal any dog shall on conviction thereof before two Justices of the Peace either be committed to the common gaol or house of correction there to be imprisoned or to be imprisoned and kept to hard labor for any term not exceeding six months or
35 shall forfeit and pay over and above the value of the said dog such sum of money not exceeding twenty pounds as to the said Justices shall seem meet and whosoever having been convicted of any such offence either against this or any former Act of Parliament shall afterwards steal any dog shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be
40 imprisoned for any term not exceeding eighteen months with or without hard labor.

Stealing dogs.

Second offence.

29. Whosoever shall unlawfully have in his possession or on his premises any stolen dog or the skin of any stolen dog knowing such
45 dog to have been stolen or such skin to be the skin of a stolen dog shall on conviction thereof before two Justices of the Peace be liable to pay such sum of money not exceeding twenty pounds as to such Justices shall seem meet and whosoever having been convicted of any such offence either against this or any former Act of Parliament shall
50 afterwards be guilty of any such offence as in this section before mentioned shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding eighteen months with or without hard labor.

Possession of stolen dogs.

Second offence.

30. Whosoever shall corruptly take any money or reward directly or indirectly under pretence or upon account of aiding any person to recover any dog which shall have been stolen or which shall be in the possession of any person not being the owner thereof shall be guilty of a misdemeanor and being convicted thereof shall be liable

Taking money to restore dogs.

at the discretion of the Court to be imprisoned for any term not exceeding eighteen months with or without hard labor.

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

31. Whosoever shall steal any bird beast or other animal ordinarily kept in a state of confinement or for any domestic purpose not being the subject of larceny at Common Law or shall wilfully kill 5 any such bird beast or animal with intent to steal the same or any part thereof shall on conviction thereof before a Justice of the Peace at the discretion of the Justice either be committed to the common gaol there to be imprisoned only or to be imprisoned and kept to hard labor for any term not exceeding six months or else shall 10 forfeit and pay over and above the value of the bird beast or other animal such sum of money not exceeding twenty pounds as to the Justice shall seem meet and whosoever having been convicted of any such offence either against this or any former Act of Parliament shall afterwards commit any offence in this section before mentioned 15 and shall be convicted thereof in like manner shall be committed to the common gaol or house of correction there to be kept to hard labor for such term not exceeding twelve months as the convicting Justice shall think fit.

Second offence.

Persons found in possession of stolen beasts &c. liable to penalties.

32. If any such bird or any of the plumage thereof or any 20 dog or any such beast or the skin thereof or any such animal or any part thereof shall be found in the possession or on the premises of any person any Justice may restore the same respectively to the owner thereof and any person in whose possession or on whose premises such bird or the plumage thereof or such beast or the skin 25 thereof or such animal or any part thereof shall be so found (such person knowing that the bird beast or animal has been stolen or that the plumage is the plumage of a stolen bird or that the skin is the skin of a stolen beast or that the part is a part of a stolen animal) shall on conviction before a Justice of the Peace be liable for the first 30 offence to such forfeiture and for every subsequent offence to such punishment as any person convicted of stealing any beast or bird is made liable to by the last preceding section.

Killing pigeons.

33. Whosoever shall unlawfully and wilfully kill wound or take any house dove or pigeon under such circumstances as shall not 35 amount to larceny at Common Law shall on conviction before a Justice of the Peace forfeit and pay over and above the value of the bird any sum not exceeding two pounds.

34. Whosoever shall unlawfully and wilfully take or destroy any fish in any water which shall run through or be in any land 40 adjoining or belonging to the dwelling-house of any person being the owner of such water or having a right of fishing therein shall be guilty of a misdemeanor and whosoever shall unlawfully and wilfully take or destroy any fish in any water not being such as hereinbefore mentioned but which shall be private property or in which there shall 45 be any private right of fishery shall on conviction thereof before a Justice of the Peace forfeit and pay over and above the value of the fish taken or destroyed if any such sum of money not exceeding five pounds as to the Justices shall seem meet.

Stealing or dredging for oysters in oyster fisheries.

35. Whosoever shall steal any oysters or oyster brood from any 50 oyster bed laying or fishery being the property of any other person and sufficiently marked out or known as such shall be guilty of felony and being convicted thereof shall be liable to be punished as in the case of simple larceny and whosoever shall unlawfully and wilfully use any dredge or any net instrument or engine whatsoever within the 55 limits of any oyster bed laying or fishery being the property of any other person and sufficiently marked out or known as such for the purpose of taking oysters or oyster brood although none shall be actually taken or shall unlawfully and wilfully with any net instrument

ment or engine drag upon the ground or soil of any such fishery shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding three months with or without hard labor and with or without solitary confinement and it shall be sufficient in any indictment to describe either by name or otherwise the bed laying or fishery in which any of the said offences shall have been committed without stating the same to be in any particular parish township or vill. Provided that nothing in this section contained shall prevent any person from catching or fishing for any floating fish within the limits of any oyster fishery with any net instrument or engine adapted for taking floating fish only.

Form of indictment.

Proviso as to floating fish.

As to larceny of written instruments.

36. Whosoever shall steal or shall for any fraudulent purpose destroy cancel or obliterate the whole or any part of any valuable security other than a document of title to lands shall be guilty of felony of the same nature and in the same degree and punishable in the same manner as if he had stolen any chattel of like value with the share interest or deposit to which the security so stolen may relate or with the money due on the security so stolen or secured thereby and remaining unsatisfied or with the value of the goods or other valuable thing represented mentioned or referred to in or by the security.

Bonds bills notes &c.

37. Whosoever shall steal or shall for any fraudulent purpose destroy cancel obliterate or conceal the whole or any part of any document of title to lands shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for the term of three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and in any indictment for any such offence relating to any document of title to lands it shall be sufficient to allege such document to be or to contain evidence of the title or of part of the title of the person or of some one of the persons having an interest whether vested or contingent legal or equitable in the real estate to which the same relates and to mention such real estate or some part thereof.

Deeds &c. relating to real property.

Form of indictment.

38. Whosoever shall either during the life of the testator or after his death steal or for any fraudulent purpose destroy cancel obliterate or conceal the whole or any part of any will codicil or other testamentary instrument whether the same shall relate to real or personal estate or to both shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding five nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and it shall not in any indictment for such offence be necessary to allege that such will codicil or other instrument is the property of any person. Provided that nothing in this or the last preceding section mentioned nor any proceeding conviction or judgment to be had or taken thereupon shall prevent lessen or impeach any remedy at law or in equity which any party aggrieved by any such offence might or would have had if this Act had not been passed but no conviction of any such offender shall be received in evidence in any action at Law or Suit in Equity against him and no person shall be liable to be convicted of any of the felonies in this and the last preceding section mentioned by any evidence whatever in respect of any act done by him if he shall at any time previously to his being charged with such offence have first disclosed such

Wills or codicils.

Other remedies not to be affected.

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 *bona fide* instituted by any party aggrieved or if he shall have first disclosed the same in any compulsory examination or deposition before any Court upon the hearing of any matter in Bankruptcy or Insolvency. 5

Stealing records or other legal documents.

39. Whosoever shall steal or shall for any fraudulent purpose take from its place of deposit for the time being or from any person having the lawful custody thereof or shall unlawfully and maliciously cancel obliterate injure or destroy the whole or 10 any part of any original document whatsoever of or belonging to any Court of Record or relating to any matter civil or criminal begun depending or terminated in any such Court or of any original document whatsoever of or belonging to any Court of Equity or relating to any cause or matter begun depending or terminated in any such Court or of any original document in anywise relating to the business of any office or employment under Her Majesty and being or remaining in any office appertaining to any Court of Justice or in any Government or Public Office shall be guilty of felony and being convicted thereof shall be liable at the discretion of 20 the Court to be kept to hard labor for the term of three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and it shall not in any indictment for such offence be necessary to allege that the article in respect of which the offence is committed is the property of 25 any person.

Form of indictment.

As to larceny of things attached to or growing on land.

Metal glass wood &c. fixed to house or land.

40. Whosoever shall steal or shall rip cut sever or break with intent to steal any glass or wood-work belonging to any building whatsoever or any lead iron copper brass or other metal or any utensil 30 or fixture whether made of metal or other material or of both respectively fixed in or to any building whatsoever or any thing made of metal fixed in any land being private property or for a fence to any dwelling-house garden or area or in any square or street or in any place dedicated to public use or ornament or in any burial ground 35 shall be guilty of felony and being convicted thereof shall be liable to be punished as in the case of simple larceny and in the case of any such thing fixed in any such square street or place as aforesaid it shall not be necessary to allege the same to be the property of any person. 40

Trees in pleasure grounds of the value of one pound or elsewhere of the value of five pounds.

41. Whosoever shall steal or shall cut break root up or otherwise destroy or damage with intent to steal the whole or any part of any tree sapling or shrub or any underwood respectively growing in any ground adjoining or belonging to any dwelling-house shall (in case the value of the article or articles stolen or the amount 45 of the injury done shall exceed the sum of one pound) be guilty of felony and being convicted thereof shall be liable to be punished as in the case of simple larceny and whosoever shall steal or shall cut break root up or otherwise destroy or damage with intent to steal the whole or any part of any tree sapling or shrub or 50 any underwood respectively growing elsewhere than in any of the situations in this section before mentioned shall (in case the value of the article or articles stolen or the amount of the injury done shall exceed the sum of five pounds) be guilty of felony and being convicted thereof shall be liable to be punished as in the case of 55 simple larceny.

Stealing trees shrubs &c. whosoever growing and of any value above 1s.

42. Whosoever shall steal or shall cut break root up or otherwise destroy or damage with intent to steal the whole or any part of any tree

- tree sapling or shrub or any underwood wheresoever the same may be respectively growing the stealing of such article or articles or the injury done being to the amount of a shilling at the least shall on conviction thereof before a Justice of the Peace forfeit and pay over and above the value of the article or articles stolen or the amount of the injury done such sum of money not exceeding five pounds as to the Justice shall seem meet And whosoever having been convicted of any such offence either against this or any former Act of Parliament shall afterwards commit any of the said offences in this section before mentioned and shall be convicted thereof in like manner shall for such second offence be imprisoned and kept to hard labor for such term not exceeding twelve months as the convicting Justice shall think fit And whosoever having been twice convicted of any such offence (whether both or either of such convictions shall have taken place before or after the passing of this Act) shall afterwards commit any of the offences in this section before mentioned shall be guilty of felony and being convicted thereof shall be liable to be punished in the same manner as in the case of simple larceny.
43. Whosoever shall steal or shall cut break or throw down with intent to steal any part of any live or dead fence or any wooden post pale wire or rail set up or used as a fence or any stile or gate or any part thereof respectively or any dead wood lying on land in the occupation of another person shall on conviction thereof before a Justice of the Peace forfeit and pay over and above the value of the article or articles so stolen or the amount of the injury done such sum of money not exceeding five pounds as to Justice shall seem meet And whosoever having been convicted of any such offence either against this or any former Act of Parliament shall afterwards commit any of the said offences in this section before mentioned and shall be convicted thereof in like manner shall be committed to the common gaol there to be kept to hard labor for such term not exceeding twelve months as the convicting Justice shall think fit.
44. If the whole or any part of any tree sapling or shrub or any underwood or any part of any live or dead fence or any post pale wire rail stile or gate or any part thereof or any dead wood as mentioned in the last foregoing section being of the value of one shilling at the least shall be found in the possession of any person or on the premises of any person with his knowledge and such person being taken or summoned before a Justice of the Peace shall not satisfy the Justice that he came lawfully by the same he shall on conviction by the Justice forfeit and pay over and above the value of the articles or articles so found any sum not exceeding two pounds.
45. Whosoever shall steal or shall destroy or damage with intent to steal any plant root fruit or vegetable production growing in any garden orchard pleasure ground nursery ground hothouse greenhouse or conservatory shall on conviction thereof before a Justice of the Peace at the discretion of the Justice either be committed to gaol there to be imprisoned only or to be imprisoned and kept to hard labor for any term not exceeding six months or else shall forfeit and pay over and above the value of the article or articles so stolen or the amount of the injury done such sum of money not exceeding twenty pounds as to the Justice shall seem meet And whosoever having been convicted of any such offence either against this or any former Act of Parliament shall afterwards commit any of the offences in this section before mentioned shall be guilty of felony and being convicted thereof shall be liable to be punished in the same manner as in the case of simple larceny.

punishable on summary conviction for first and second offence—third offence felony.

Punishment for second offence.

For third offence.

Stealing &c. any live or dead fence wooden fence stile or gate.

Second offence.

Suspected person in possession of wood &c. not satisfactorily accounting for it.

Stealing &c. any fruit or vegetable production in garden &c. punishable on summary conviction for first offence.

second offence felony.

Stealing &c. vegetable productions not growing in gardens &c.

46. Whosoever shall steal or shall destroy or damage with intent to steal any cultivated root or plant used for the food of man or beast or for medicine or for distilling or for dyeing or for or in the course of any manufacture and growing in any land open or inclosed not being a garden orchard pleasure ground or nursery 5 ground shall on conviction thereof before a Justice of the Peace at the discretion of the Justice either be committed to the common gaol there to be imprisoned only or to be imprisoned and kept to hard labor for any term not exceeding one month or else shall forfeit and pay over and above the value 10 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 month unless payment be sooner made 15 And whosoever having been convicted of any such offence either against this or any former Act of Parliament shall afterwards commit any of the said offences in this section before mentioned and shall be convicted thereof in like manner shall be committed to the common gaol or house of correction there to be kept to hard labor for such 20 term not exceeding six months as the convicting Justice shall think fit.

Second offence.

As to larceny from mines.

Ore of metal coal &c.

47. Whosoever shall steal or sever with intent to steal the ore of any metal or any coal or mineral from any mine bed or vein thereof respectively shall be guilty of felony and being convicted thereof shall 25 be liable at the discretion of the Court to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Miners removing ore with intent to defraud.

48. Whosoever being employed in or about any mine shall take remove or conceal any ore of any metal or any mineral found or 30 being in such mine with intent to defraud any proprietor of or any adventurer in such mine or any workman or miner employed therein shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years with or without hard labor and with or without 35 solitary confinement.

As to larceny from the person and other like offences.

Robbery or stealing from the person.

49. Whosoever shall rob any person or shall steal any chattel money or valuable security from the person of another shall be guilty of felony and being convicted thereof shall be liable at the discretion 40 of the Court to be kept to hard labor for any term not exceeding ten years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

On trial for robbery jury may convict of an assault with intent to rob.

50. If upon the trial of any person upon any indictment for 45 robbery it shall appear to the jury upon the evidence that the defendant did not commit the crime of robbery but that he did commit an assault with intent to rob the defendant shall not by reason thereof be entitled to be acquitted but the jury shall be at liberty to return as their verdict that the defendant is guilty of an assault 50 with intent to rob and thereupon such defendant shall be liable to be punished in the same manner as if he had been convicted upon an indictment for feloniously assaulting with intent to rob and no person so tried as is herein lastly mentioned shall be liable to be afterwards prosecuted for an assault with intent to commit the robbery for which 55 he was so tried.

51. Whosoever shall assault any person with intent to rob shall be guilty of felony and being convicted thereof shall (save and except in the cases where a greater punishment is provided by this Act) be liable at the discretion of the Court to be kept to hard labour for the term of three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Assault with intent to rob.

52. Whosoever shall being armed with any offensive weapon or instrument rob or assault with intent to rob any person or shall together with one or more other person or persons rob or assault with intent to rob any person or shall rob any person and at the time of or immediately before or immediately after such robbery shall wound beat strike or use any other personal violence to any person shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Robbery or assault by a person armed or by two or more or robbery and wounding.

53. Whosoever shall send deliver or utter or directly or indirectly cause to be received knowing the contents thereof any letter or writing demanding of any person with menaces and without any reasonable or probable cause any property chattel money valuable security or other valuable thing shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping.

Letter demanding money &c. with menaces.

54. Whosoever shall with menaces or by force demand any property chattel money valuable security or other valuable thing of any person with intent to steal the same shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for the term of three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Demanding money &c. with menaces or by force with intent to steal.

55. Whosoever shall send deliver or utter or directly or indirectly cause to be received knowing the contents thereof any letter or writing accusing or threatening to accuse any other person of any crime punishable by law with death or hard labor for not less than seven years or of any assault with intent to commit any rape or of any attempt or endeavour to commit any rape or of any infamous crime as hereinafter defined with a view or intent in any of such cases to extort or gain by means of such letter or writing any property chattel money valuable security or other valuable thing from any person shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping And the abominable crime of buggery committed either with mankind or 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.

Letter threatening to accuse of crime with intent to extort.

"Infamous crime" defined.

56. Whosoever shall accuse or threaten to accuse either the person to whom such accusation or threat shall be made or any other person

Accusing or threatening to accuse with intent to extort.

person of any of the infamous or other crimes lastly hereinbefore mentioned with the view or intent in any of the cases last aforesaid to extort or gain from such person so accused or threatened to be accused or from any other person any property chattel money valuable security or other valuable thing shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and if a male under the age of sixteen years with or without whipping. 10

Inducing a person by violence or threats to execute deeds &c. with intent to defraud.

57. Whosoever with intent to defraud or injure any other person shall by any unlawful violence to or restraint of or threat of violence to or restraint of the person of another or by accusing or threatening to accuse any person of any treason felony or infamous crime as hereinbefore defined compel or induce any person to execute make accept indorse alter or destroy the whole or any part of any valuable security or to write impress or affix his name or the name of any other person or of any company firm or co-partnership or the seal of any body corporate company or society upon or to any paper or parchment in order that the same may be afterwards made or converted into or used or dealt with as a valuable security shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement. 25

It shall be immaterial from whom the menaces proceed.

58. It shall be immaterial whether the menaces or threats hereinbefore mentioned be of violence injury or accusation to be caused or made by the offender or by any other person.

As to sacrilege burglary and housebreaking.

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Breaking and entering a church or chapel and committing any felony.

59. Whosoever shall break and enter any church chapel or other place of Worship and commit any felony therein or being in any church chapel or other place of Worship shall commit any felony therein and break out of the same shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement. 35

Burglary by breaking out.

Burglary.

60. Whosoever shall enter the dwelling-house of another with intent to commit any felony therein or being in such dwelling-house shall commit any felony therein and shall in either case break out of the said dwelling-house in the night shall be deemed guilty of burglary and if convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement. 40

What building within the curtilage shall be deemed part of the dwelling-house.

61. No building although within the same curtilage with any dwelling-house and occupied therewith shall be deemed to be part of such dwelling-house for any of the purposes of this Act unless there shall be a communication between such building and dwelling-house either immediate or by means of a covered and inclosed passage leading from the one to the other. 50

Entering a dwelling-house in the night with intent to commit any felony.

62. Whosoever shall enter any dwelling-house in the night with intent to commit any felony therein shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding seven years 55

years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

63. Whosoever shall break and enter any building and commit any felony therein such building being within the curtilage of a dwelling-house and occupied therewith but not being part thereof according to the provision hereinbefore mentioned or being in any such building shall commit any felony therein and break out of the same shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Breaking into any building within the curtilage which is no part of the dwelling-house and committing any felony.

64. Whosoever shall break and enter any dwelling-house school-house shop warehouse or counting-house and commit any felony therein or being in any dwelling-house school-house shop warehouse or counting-house shall commit any felony therein and break out of the same shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Breaking into any house shop warehouse &c. and committing any felony.

65. Whosoever shall break and enter any dwelling-house church chapel or other place of Divine Worship or any building within the curtilage school-house shop warehouse or counting-house with intent to commit any felony therein shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding seven years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Housebreaking &c. with intent to commit any felony.

66. Whosoever shall be found by night armed with any dangerous or offensive weapon or instrument whatsoever with intent to break or enter into any dwelling-house or other building whatsoever and to commit any felony therein or shall be found by night having in his possession without lawful excuse (the proof of which excuse shall lie on such person) any picklock key crow jack bit or other implement of housebreaking or shall be found by night having his face blackened or otherwise disguised with intent to commit any felony or shall be found by night in any dwelling-house or other building whatsoever with intent to commit any felony therein shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for the term of three years or to be imprisoned for any term not exceeding two years with or without hard labor.

Being armed with intent to break and enter any house in the night.

67. Whosoever shall be convicted of any such misdemeanor as in the last preceding section mentioned committed after a previous conviction either for felony or such misdemeanor shall on such subsequent conviction be liable at the discretion of the Court to be kept to hard labor for any term not exceeding ten years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor.

The like after a previous conviction for felony &c.

As to larceny in the house.

68. Whosoever shall steal in any dwelling-house any chattel money or valuable security to the value in the whole of five pounds or more shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years and not less than three years

Stealing in a dwelling-house to the value of £5.

or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Stealing in a dwelling-house with menaces.

69. Whosoever shall steal any chattel money or valuable security in any dwelling-house and shall by any menace or threat put any one being therein in bodily fear shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding ten years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement. 5 10

As to larceny in manufactories.

Stealing goods in process of manufacture.

70. Whosoever shall steal to the value of ten shillings any material whilst laid placed or exposed during any stage process or progress of manufacture in any building field or other place shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding ten years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement. 15

As to larceny in ships wharfs &c.

20

Stealing from ships docks wharfs &c.

71. Whosoever shall steal any goods or merchandise in any vessel barge or boat of any description whatsoever in any haven or in any port of entry or discharge or upon any navigable river or canal or in any creek or basin belonging to or communicating with any such haven port river or canal or shall steal any goods or merchandise from any dock wharf or quay adjacent to any such haven port river canal creek or basin shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding ten years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement. 25 30

Stealing from ship in distress or wrecked.

72. Whosoever shall plunder or steal any part of any ship or vessel which shall be in distress or wrecked stranded or cast on shore or any goods merchandise or articles of any kind belonging to such ship or vessel shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement. 35

Persons in possession of shipwrecked goods not giving a satisfactory account.

73. If any goods merchandise or articles of any kind belonging to any ship or vessel in distress or wrecked stranded or cast on shore shall be found in the possession of any person or on the premises of any person with his knowledge and such person being taken or summoned before a Justice of the Peace shall not satisfy the Justice that he came lawfully by the same then the same shall by order of the Justice be forthwith delivered over to or for the use of the rightful owner thereof and the offender shall on conviction of such offence before the Justice at the discretion of the Justice either be imprisoned only or be imprisoned and kept to hard labor for any term not exceeding six months or else shall forfeit and pay over and above the value of the goods merchandise or articles such sum of money not exceeding twenty pounds as to the Justice shall seem meet. 40 45 50

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

74. If any person shall offer or expose for sale any goods merchandise or articles whatsoever which shall have been unlawfully taken or shall be reasonably suspected so to have been taken from any ship or vessel in distress or wrecked stranded or cast on shore in every such case 55

case any person to whom the same shall be offered for sale or any officer of the Customs or Excise or peace officer may lawfully seize the same and shall with all convenient speed carry the same or give notice of such seizure to some Justice of the Peace and if the person
 5 who shall have offered or exposed the same for sale being summoned by such Justice shall not appear and satisfy the Justice that he came lawfully by such goods merchandise or articles then the same shall by order of the Justice be forthwith delivered over to or for the use of the rightful owner thereof upon payment of a reasonable reward (to be
 10 ascertained by the Justice) to the person who seized the same and the offender shall on conviction of such offence by the Justice at the discretion of the Justice either be imprisoned only or be imprisoned and kept to hard labor for any term not exceeding six months or else shall forfeit and pay over and above the value of the goods merchandise or
 15 articles such sum of money not exceeding twenty pounds as to the Justice shall seem meet.

As to larceny or embezzlement by clerks servants or persons in the Public Service.

75. Whosoever being a clerk or servant or being employed for
 20 the purpose or in the capacity of a clerk or servant shall steal any chattel money or valuable security belonging to or in the possession or power of his master or employer shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding ten years and not
 25 less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping.

Larceny by clerks or servants.

76. Whosoever being a clerk or servant or being employed
 30 for the purpose or in the capacity of a clerk or servant shall fraudulently embezzle any chattel money or valuable security which shall be delivered to or received or taken into possession by him for or in the name or on the account of his master or employer or any part thereof shall be deemed to have feloniously stolen the same from his master or
 35 employer although such chattel money or security was not received into the possession of such master or employer otherwise than by the actual possession of his clerk servant or other person so employed and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding ten years
 40 and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping.

Embezzlement by clerks or servants.

77. Whosoever being employed in the public service of Her
 45 Majesty or being a constable or other person employed in the police shall steal any chattel money or valuable security belonging to or in the possession or power of Her Majesty or intrusted to or received or taken into possession by him by virtue of his employment shall be guilty of felony and being convicted thereof shall be liable at the
 50 discretion of the Court to be kept to hard labor for any term not exceeding fourteen years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Larceny by persons in the public service or by the police.

78. Whosoever being employed in the public service of Her
 55 Majesty or being a constable or other person employed in the police and intrusted by virtue of such employment with the receipt custody management or control of any chattel money or valuable security shall embezzle any chattel money or valuable security which shall be intrusted

Embezzlement by persons in the Queen's service or by the police.

Form of warrant of
commitment and
indictment.

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

Person indicted for
embezzlement as a
clerk &c. not to be
acquitted if the
offence turn out to
be larceny and *vice*
versâ.

intrusted to or received or taken into possession by him by virtue of his employment or any part thereof or in any manner fraudulently apply or dispose of the same or any part thereof to his own use or benefit or for any purpose whatsoever except for the public service shall be deemed to have feloniously stolen the same from Her Majesty 5 and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fourteen years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and in every case of larceny embezzlement or fraudulent application or disposition of 10 any chattel money or valuable security in this and the last preceding section mentioned it shall be lawful in the warrant of commitment by the Justices of the Peace before whom the offender shall be charged and in the indictment to be preferred against such offender to lay the property of any such chattel money or valuable security in Her 15 Majesty.

79. For preventing difficulties in the prosecution of offenders in any case of embezzlement fraudulent application or disposition hereinbefore mentioned it shall be lawful to charge in the indictment and proceed against the offender for any number of distinct acts of 20 embezzlement or of fraudulent application or disposition not exceeding three which may have been committed by him against Her Majesty or against the same master or employer within the space of six months from the first to the last of such acts and in every such indictment where the offence shall relate to any money or any valuable security 25 it shall be sufficient to allege the embezzlement or fraudulent application or disposition to be of money without specifying any particular coin or valuable security and such allegation so far as regards the description of the property shall be sustained if the offender shall be proved to have embezzled or fraudulently applied or disposed of any 30 amount although the particular species of coin or valuable security of which such amount was composed shall not be proved or if he shall be proved to have embezzled or fraudulently applied or disposed of any piece of coin or any valuable security or any portion of the value thereof although such piece of coin or valuable security may have been 35 delivered to him in order that some part of the value thereof should be returned to the party delivering the same or to some other person and such part shall have been returned accordingly.

80. If upon the trial of any person indicted for embezzlement or fraudulent application or disposition as aforesaid it shall be 40 proved that he took the property in question in any such manner as to amount in law to larceny he shall not by reason thereof be entitled to be acquitted but the jury shall be at liberty to return as their verdict that such person is not guilty of embezzlement or fraudulent application or disposition but is guilty of simple larceny 45 or of larceny as a clerk servant or person employed for the purpose or in the capacity of a clerk or servant or as a person employed in the public service or in the police as the case may be and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such 50 larceny and if upon the trial of any person indicted for larceny it shall be proved that he took the property in question in any such manner as to amount in law to embezzlement or fraudulent application or disposition as aforesaid he shall not by reason thereof be entitled to be acquitted but the jury shall be at liberty to return as their verdict 55 that such person is not guilty of larceny but is guilty of embezzlement or fraudulent application or disposition as the case may be and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such embezzlement
fraudulent

fraudulent application or disposition and no person so tried for embezzlement fraudulent application or disposition or larceny as aforesaid shall be liable to be afterwards prosecuted for larceny fraudulent application or disposition or embezzlement upon the same facts.

5

As to larceny by tenants or lodgers.

81. Whosoever shall steal any chattel or fixture let to be used by him or her in or with any house or lodging whether the contract shall have been entered into by him or her or by her husband or by any person on behalf of him or her or her husband shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping and in case the value of such chattel or fixture shall exceed the sum of five pounds shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding seven years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping and in every case of stealing any chattel in this section mentioned it shall be lawful to prefer an indictment in the common form as for larceny and in every case of stealing any fixture in this section mentioned to prefer an indictment in the same form as if the offender were not a tenant or lodger and in either case to lay the property in the owner or person letting to hire.

Tenant or lodger stealing chattel or fixture let to hire with house or lodgings.

As to frauds by agents bankers or factors.

82. Whosoever having been intrusted either solely or jointly with any other person as a banker merchant broker attorney or other agent with any money or security for the payment of money with any direction in writing to apply pay or deliver such money or security or any part thereof respectively or the proceeds or any part of the proceeds of such security for any purpose or to any person specified in such direction shall in violation of good faith and contrary to the terms of such direction in anywise convert to his own use or benefit or the use or benefit of any person other than the person by whom he shall have been so intrusted such money security or proceeds or any part thereof respectively and whosoever having been intrusted either solely or jointly with any other person as a banker merchant broker attorney or other agent with any chattel or valuable security or any power of attorney for the sale or transfer of any share or interest in any public stock or fund or in any stock or fund of any body corporate company or society for safe custody or for any special purpose without any authority to sell negotiate transfer or pledge shall in violation of good faith and contrary to the object or purpose for which such chattel security or power of attorney shall have been intrusted to him sell negotiate transfer pledge or in any manner convert to his own use or benefit or the use or benefit of any person other than the person by whom he shall have been so intrusted such chattel or security or the proceeds of the same or any part thereof or the share or interest in the stock or fund to which such power of attorney shall relate or any part thereof shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding ten years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement but nothing in this section contained relating to agents shall affect any trustee in or under any instrument whatsoever

Agent banker &c. embezzling money or selling securities &c. intrusted to him

or goods &c. intrusted to him for safe custody.

Punishment.

Not to affect trustees
or mortgagees

nor bankers &c. re-
ceiving money due
on securities

or disposing of secu-
rities on which they
have a lien.

Bankers &c. fraudu-
lently selling &c.
property intrusted to
their care.

Persons under
powers of attorney
fraudulently selling
property.

Factors obtaining
advances on the
property of their
principals.

Clerks wilfully
assisting.

Cases excepted
where the pledge
does not exceed the
amount of their lien.

whatsoever or any mortgagee of any property real or personal in respect of any act done by such trustee or mortgagee in relation to the property comprised in or affected by any such trust or mortgage nor shall restrain any banker merchant broker attorney or other agent from receiving any money which shall be or become actually due and payable upon or by virtue of any valuable security according to the tenor and effect thereof in such manner as he might have done if this Act had not been passed nor from selling transferring or otherwise disposing of any securities or effects in his possession upon which he shall have any lien claim or demand entitling him by law so to do unless such sale transfer or other disposal shall extend to a greater number or part of such securities or effects than shall be requisite for satisfying such lien claim or demand.

83. Whosoever being a banker merchant broker attorney or agent and being intrusted either solely or jointly with any other person with the property of any other person for safe custody shall with intent to defraud sell negotiate transfer pledge or in any manner convert or appropriate the same or any part thereof to or for his own use or benefit or the use or benefit of any person other than the person by whom he was so intrusted shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to any of the punishments which the Court may award as hereinbefore last mentioned.

84. Whosoever being intrusted either solely or jointly with any other person with any power of attorney for the sale or transfer of any property shall fraudulently sell or transfer or otherwise convert the same or any part thereof to his own use or benefit or the use or benefit of any person other than the person by whom he was so intrusted shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to any of the punishments which the Court may award as hereinbefore last mentioned.

85. Whosoever being a factor or agent intrusted either solely or jointly with any other person for the purpose of sale or otherwise with the possession of any goods or of any document of title to goods shall contrary to or without the authority of his principal in that behalf for his own use or benefit or the use or benefit of any person other than the person by whom he was so intrusted and in violation of good faith make any consignment deposit transfer or delivery of any goods or document of title so intrusted to him as in this section before mentioned as and by way of a pledge lien or security for any money or valuable security borrowed or received by such factor or agent at or before the time of making such consignment deposit transfer or delivery or intended to be thereafter borrowed or received or shall contrary to or without such authority for his own use or benefit or the use or benefit of any person other than the person by whom he was so intrusted and in violation of good faith accept any advance of any money or valuable security on the faith of any contract or agreement to consign deposit transfer or deliver any such goods or document of title shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to any of the punishments which the Court may award as hereinbefore last mentioned and every clerk or other person who shall knowingly and wilfully act and assist in making any such consignment deposit transfer or delivery or in accepting or procuring such advance as aforesaid shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to any of the same punishments. Provided that no such factor or agent shall be liable to any prosecution for consigning depositing transferring or delivering any such goods or documents of title in case the same shall not be made a security for or subject to the

the payment of any greater sum of money than the amount which at the time of such consignment deposit transfer or delivery was justly due and owing to such agent from his principal together with the amount of any bill of exchange drawn by or on account of such principal and accepted by such factor or agent.

86. Whosoever being a trustee of any property for the use or benefit either wholly or partially of some other person or for any public or charitable purpose shall with intent to defraud convert or appropriate the same or any part thereof to or for his own use or benefit or the use or benefit of any person other than such person as aforesaid or for any purpose other than such public or charitable purpose as aforesaid or otherwise dispose of or destroy such property or any part thereof shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to any of the punishments which the Court may award as hereinbefore last mentioned Provided that where any civil proceeding shall have been taken against any person to whom the provisions of this section may apply no person who shall have taken such civil proceeding shall commence any prosecution under this section without the sanction of the Court or Judge before whom such civil proceeding shall have been had or shall be pending.

Trustees fraudulently disposing of property guilty of a misdemeanor.

No prosecution shall be commenced without the sanction of some Judge.

87. Whosoever being a director member or public officer of any body corporate or public company shall fraudulently take or apply for his own use or benefit or for any use or purposes other than the use or purposes of such body corporate or public company any of the property of such body corporate or public company shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to any of the punishments which the Court may award as hereinbefore last mentioned.

Directors &c. of any body corporate or public company fraudulently appropriating property

88. Whosoever being a director public officer or manager of any body corporate or public company shall as such receive or possess himself of any of the property of such body corporate or public company otherwise than in payment of a just debt or demand and shall with intent to defraud omit to make or to cause or direct to be made a full and true entry thereof in the books and accounts of such body corporate or public company shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to any of the punishments which the Court may award as hereinbefore last mentioned.

or keeping fraudulent accounts

89. Whosoever being a director manager public officer or member of any body corporate or public company shall with intent to defraud destroy alter mutilate or falsify any book paper writing or valuable security belonging to the body corporate or public company or make or concur in the making of any false entry or omit or concur in omitting any material particular in any book of account or other document shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to any of the punishments which the Court may award as hereinbefore last mentioned.

or wilfully destroying books &c.

90. Whosoever being a director manager or public officer of any body corporate or public company shall make circulate or publish or concur in making circulating or publishing any written statement or account which he shall know to be false in any material particular with intent to deceive or defraud any member shareholder or creditor of such body corporate or public company or with intent to induce any person to become a shareholder or partner therein or to intrust or advance any property to such body corporate or public company or to enter into any security for the benefit thereof shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to any of the punishments which the Court may award as hereinbefore last mentioned.

or publishing fraudulent statements.

No person to be exempt from answering question in any Court but no person making a disclosure in any compulsory proceeding to be liable to prosecution.

91. Nothing in any of the last ten preceding sections of this Act contained shall enable or entitle any person to refuse to make a full and complete discovery by answer to any bill in Equity or to answer any question or interrogatory in any civil proceeding in any Court or upon the hearing of any matter Insolvency and no person shall be liable to be convicted of any of the misdemeanors in any of the said sections mentioned by any evidence whatever in respect of any Act done by him if he shall at any time previously to his being charged with such offence have first disclosed such act on oath in consequence of any compulsory process of any Court of Law or Equity in any action suit or proceeding which shall have been *bonâ fide* instituted by any party aggrieved or if he shall have first disclosed the same in any compulsory examination or deposition before any Court upon the hearing of any matter in Insolvency.

No remedy at Law or in Equity shall be affected.

92. Nothing in any of the last eleven preceding sections of this Act contained nor any proceeding conviction or judgment to be had or taken thereon against any person under any of the said sections shall prevent lessen or impeach any remedy at Law or in Equity which any party aggrieved by any offence against any of the said sections might have had if this Act had not been passed but no conviction of any such offender shall be received in evidence in any action at Law or suit in Equity against him and nothing in the said sections contained shall affect or prejudice any agreement entered into or security given by any trustee having for its object the restoration or repayment of any trust property misappropriated.

Convictions shall not be received in evidence in civil suits.

93. No prosecution under any of the preceding sections of this Act relating to frauds by trustees shall be instituted in any Court of General or Quarter Sessions.

As to obtaining money &c. by false pretences.

False pretences.

94. Whosoever shall by any false pretence obtain from any other person any chattel money or valuable security with intent to defraud shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding five nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement Provided that if upon the trial of any person indicted for such misdemeanor it shall be proved that he obtained the property in question in any such manner as to amount in law to larceny he shall not by reason thereof be entitled to be acquitted of such misdemeanor and no person tried for such misdemeanor shall be liable to be afterwards prosecuted for larceny upon the same facts Provided also that it shall be sufficient in any indictment for obtaining or attempting to obtain any such property by false pretences to allege that the party accused did the act with intent to defraud without alleging an intent to defraud any particular person and without alleging any ownership of the chattel money or valuable security and on the trial of any such indictment it shall not be necessary to prove intent to defraud any particular person but it shall be sufficient to prove that the party accused did the act charged with an intent to defraud.

No acquittal because the offence amounts to larceny.

Form of indictment and evidence.

Where any money or thing is caused to be paid or delivered to any person other than the person making a false pretence.

95. Whosoever shall by any false pretence cause or procure any money to be paid or any chattel or valuable security to be delivered to any other person for the use or benefit or on account of the person making such false pretence or of any other person with intent to defraud shall be deemed to have obtained such money chattel or valuable security within the meaning of the last preceding section.

96. Whosoever with intent to defraud or injure any other person shall by any false pretence fraudulently cause or induce any other person to execute make accept indorse or destroy the whole or any part of any part of any valuable security or to write impress or affix his name or the name or seal of any other person upon any paper or parchment in order that the same may be afterwards made or converted into or used or dealt with as a valuable security shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for the term of three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Inducing persons by fraud to execute deeds and other instruments.

As to receiving stolen goods.

97. Whosoever shall receive any chattel money valuable security or other property whatsoever the stealing taking extorting obtaining embezzling or otherwise disposing whereof shall amount to a felony either at Common Law or by virtue of this Act knowing the same to have been feloniously stolen taken extorted obtained embezzled or disposed of shall be guilty of felony and may be indicted and convicted either as an accessory after the fact or for a substantive felony and in the latter case whether the principal felon shall or shall not have been previously convicted or shall or shall not be amenable to justice and every such receiver howsoever convicted shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding ten years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping Provided that no person howsoever tried for receiving as aforesaid shall be liable to be prosecuted a second time for the same offence.

Receiving where the principal is guilty of felony.

98. In any indictment containing a charge of feloniously stealing any property it shall be lawful to add a count or several counts for feloniously receiving the same or any part or parts thereof knowing the same to have been stolen and in any indictment for feloniously receiving any property knowing it to have been stolen it shall be lawful to add a count for feloniously stealing the same and where any such indictment shall have been preferred and found against any person the prosecutor shall not be put to his election but it shall be lawful for the jury who shall try the same to find a verdict of guilty either of stealing the property or of receiving the same or any part or parts thereof knowing the same to have been stolen and if such indictment shall have been preferred and found against two or more persons it shall be lawful for the jury who shall try the same to find all or any of the said persons guilty either of stealing the property or of receiving the same or any part or parts thereof knowing the same to have been stolen or to find one or more of the said persons guilty of stealing the property and the other or others of them guilty of receiving the same or any part or parts thereof knowing the same to have been stolen.

Indictment for stealing and receiving.

99. Whenever any property whatsoever shall have been stolen taken extorted obtained embezzled or otherwise disposed of in such a manner as to amount to a felony either at Common Law or by virtue of this Act any number of receivers at different times of such property or of any part or parts thereof may be charged with substantive felonies in the same indictment and may be tried together notwithstanding that the principal felon shall not be included in the same indictment or shall not be in custody or amenable to justice.

Separate receivers may be included in the same indictment in the absence of the principal.

On an indictment for jointly receiving persons may be convicted of separately receiving.

100. If upon the trial of any two or more persons indicted for jointly receiving any property it shall be proved that one or more of such persons separately received any part or parts of such property it shall be lawful for the Jury to convict upon such indictment such of the said persons as shall be proved to have received any part or parts 5 of such property.

Receiving where the principal has been guilty of a misdemeanor.

101. Whosoever shall receive any chattel money valuable security or other property whatsoever the stealing taking obtaining converting or disposing whereof is made a misdemeanor by this Act knowing the same to have been unlawfully stolen taken obtained 10 converted or disposed of shall be guilty of a misdemeanor and may be indicted and convicted thereof whether the person guilty of the principal misdemeanor shall or shall not have been previously convicted thereof or shall or shall not be amenable to justice and every such receiver being convicted thereof shall be liable at the discretion 15 of the Court to be kept to hard labor for any term not exceeding five years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping. 20

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

102. 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 25 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.

As to restitution and recovery of stolen property.

30

The owner of stolen property prosecuting thief or receiver to conviction shall have restitution of his property.

103. If any person guilty of any such felony or misdemeanor as is mentioned in this Act in stealing taking obtaining extorting embezzling converting or disposing of or in knowingly receiving any chattel money valuable security or other property whatsoever shall be indicted for such offence by or on the behalf of the owner of the property 35 or his executor or administrator and convicted thereof in such case the property shall be restored to the owner or his representative and in every case in this section aforesaid the Court before whom any person shall be tried for any such felony or misdemeanor shall have power to award from time to time writs of restitution for the said 40 property or to order the restitution thereof in a summary manner Provided that if it shall appear before any award or order made that any valuable security shall have been *bonâ fide* paid or discharged by some person liable to the payment thereof or being a negotiable instrument shall have been *bonâ fide* taken or received by transfer or delivery 45 by some person for a just and valuable consideration without any notice or without any reasonable cause to suspect that the same had by any felony or misdemeanor been stolen taken obtained extorted embezzled converted or disposed of in such case the Court shall not award or order the restitution of such security Provided also that 50 nothing in this section contained shall apply to the case of any prosecution of any trustee banker merchant, attorney factor broker or other agent intrusted with the possession of goods or documents of title to goods for any misdemeanor against this Act.

Provision as to valuable and negotiable securities.

Not to apply to prosecutions of trustees bankers &c.

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

104. Whosoever shall corruptly take any money or reward 55 directly or indirectly under pretence or upon account of helping any person to any chattel money valuable security or other property whatsoever

soever which shall by any felony or misdemeanor have been stolen taken obtained extorted embezzled converted or disposed of as in this Act before mentioned shall (unless he shall have used all due diligence to cause the offender to be brought to trial for the same) be guilty of
 5 felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding seven years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without
 10 solitary confinement and if a male under the age of eighteen years with or without whipping.

105. Whosoever shall publicly advertise a reward for the return of any property whatsoever which shall have been stolen or lost and shall in such advertisement use any words purporting that no questions will be asked or shall make use of any words in any public advertise-
 15 ment purporting that a reward will be given or paid for any property which shall have been stolen or lost without seizing or making any inquiry after the person producing such property or shall promise or offer in any such public advertisement to return to any pawnbroker or other person who may have bought or advanced money by way of
 20 loan upon any property stolen or lost the money so paid or advanced or any other sum of money or reward for the return of such property or shall print or publish any such advertisement shall forfeit the sum of fifty pounds for every such offence to any person who will sue for the same by action of debt to be recovered with full costs of suits.

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

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PART III.

MALICIOUS INJURIES TO PROPERTY.

Injuries by fire to buildings and goods therein.

106. Whosoever shall unlawfully and maliciously set fire to any church chapel or other place of worship shall be guilty of
 30 felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor.

Setting fire to a church or chapel.

107. Whosoever shall unlawfully and maliciously set fire to any dwelling-house any person being therein shall be guilty of felony
 35 and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor.

Setting fire to a dwelling-house any person being therein.

108. Whosoever shall unlawfully and maliciously set fire to
 40 any house stable coachhouse outhouse warehouse, office shop mill barn storehouse granary hovel shed or fold or to any farm building or to any building or erection used in farming land or in carrying on any trade or manufacture or any branch thereof whether the same shall then be in the possession of the offender or in the possession of any
 45 other person with intent thereby to injure or defraud any person shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor.

Setting fire to a house outhouse manufactory farm building &c.

109.

Setting fire to any railway station.

109. Whosoever shall unlawfully and maliciously set fire to any station enginehouse warehouse or other building belonging or appertaining to any railway port dock or harbour or to any canal or other navigation shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor 5 for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor.

Setting fire to any public building.

110. Whosoever shall unlawfully and maliciously set fire to any building other than such as are in the last four sections mentioned 10 or devoted or dedicated to public use or ornament or erected or maintained by public subscription or contribution shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not 15 exceeding two years with or without hard labor.

Setting fire to other buildings.

111. Whosoever shall unlawfully and maliciously set fire to any building other than such as are in the last five sections mentioned shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not 20 exceeding fourteen years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor.

Setting fire to goods in any building the setting fire to which is felony.

112. Whosoever shall unlawfully and maliciously set fire to any matter or thing being in against or under any building under such 25 circumstances that if the building were thereby set fire to the offence would amount to felony shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fourteen years and not less than three years or to be imprisoned for any term not exceeding two years 30 with or without hard labor.

Attempting to set fire to buildings.

113. Whosoever shall unlawfully and maliciously by any overt act attempt to set fire to any building or any matter or thing in the last preceding section mentioned under such circumstances that if the same were thereby set fire to the offender would be guilty of felony 35 shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding ten and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor.

Injuries by explosive substances to buildings and goods therein. 40

Destroying or damaging a house with gunpowder any person being therein.

114. Whosoever 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 or of any building whereby the life of any person shall be endangered shall be guilty of felony and being convicted thereof shall be 45 liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor.

Attempting to destroy buildings with gunpowder.

115. Whosoever shall unlawfully and maliciously place or throw in into upon under against or near any building any gunpowder or 50 other explosive substance with intent to destroy or damage any building or engine machinery working tools fixtures goods or chattels shall whether or not any explosion take place and whether or not any damage be caused be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude 55 for any term not exceeding ten years and not less than three years or to

to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping.

Injuries to buildings by rioters &c.

- 5 116. If any persons riotously and tumultuously assembled together to the disturbance of the public peace shall unlawfully and with force demolish or pull down or destroy or begin to demolish pull down or destroy any building or erection whatsoever or any machinery whether fixed or movable every such offender shall be guilty of felony
 10 and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.
- 15 117. If any persons riotously and tumultuously assembled together to the disturbance of the public peace shall unlawfully and with force injure or damage any such building erection or machinery as is in the last preceding section mentioned every such offender shall be guilty of a misdemeanor and being convicted thereof shall be liable
 20 at the discretion of the Court to be kept to hard labor for any term not exceeding seven years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor Provided that if upon the trial of any person for any felony in the last preceding section mentioned the jury shall not be satisfied
 25 that such person is guilty thereof but shall be satisfied that he is guilty of any offence in this section mentioned then the jury may find him guilty thereof and he may be punished accordingly.

Rioters demolishing church building &c.

Rioters injuring building machinery &c.

Injuries to buildings by tenants.

- 30 118. Whosoever being possessed of any dwelling house or other building or part of any dwelling house or other building held for any term of years or other less term or at will or held over after the termination of any tenancy shall unlawfully and maliciously pull down or demolish or begin to pull down or demolish the same or any part thereof or shall unlawfully and maliciously pull down or sever from
 35 the freehold any fixture being fixed in or to such dwelling house or building or part of such dwelling house or building shall be guilty of a misdemeanor.

Tenants of houses &c. maliciously injuring them.

Injuries to manufactures machinery &c.

- 40 119. Whosoever 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 cotton hair mohair or alpaca 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 being in the loom or frame or on any machine or engine or on
 45 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 cotton hair mohair or alpaca or of any one or more of those materials mixed with each other or mixed with any other material
 50 or shall unlawfully and maliciously cut break or destroy or damage with intent to destroy or render useless any loom frame machine engine rack tackle tool or implement whether fixed or movable prepared for or employed in carding spinning throwing weaving fulling shearing or otherwise manufacturing or preparing any such goods or articles or shall

Destroying goods in process of manufacture certain machinery &c.

shall by force enter into any house shop building or place with intent to commit any of the offences in this section mentioned shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping. 5

Destroying machines
in other manufac-
tures threshing
machines &c.

120. Whosoever shall unlawfully and maliciously cut break or destroy or damage with intent to destroy or to render useless any machine or engine whether fixed or movable used or intended to be used for sowing reaping mowing thrashing ploughing or draining or for performing any other agricultural operation or any machine or engine or any tool or implement whether fixed or movable prepared for or employed in any manufacture whatsoever (except the manufacture of silk woollen linen cotton hair mohair or alpaca 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) shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding five years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping. 10 15 20 25

Injuries to corn trees and vegetable productions.

25

Setting fire to crops
of corn &c.

121. Whosoever shall unlawfully and maliciously set fire to any crop of hay grass corn grain or pulse or of any cultivated vegetable produce whether standing or cut down or to any part of any wood coppice or plantation of trees or to any heath gorse furze or fern wheresoever the same may be growing shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding five years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping. 30 35

Setting fire to stacks
of corn &c.

122. Whosoever shall unlawfully and maliciously set fire to any stack of corn grain pulse tares hay straw haulm stubble or of any cultivated vegetable produce or of furze gorse heath fern turf peat coals charcoal wood or bark or to any steer of wood or bark shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years—or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping. 40 45

Attempting to set
fire to any crops of
corn &c. or to any
stack or steer.

123. Whosoever shall unlawfully and maliciously by any overt act attempt to set fire to any such matter or thing as in either of the last two preceding sections mentioned under such circumstances that if the same were thereby set fire to the offender would be under either of such sections guilty of felony shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding ten and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping. 50 55

124. Whosoever shall unlawfully and maliciously cut or otherwise destroy any hopbinds growing on poles in any plantation of hops shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labour for any term not exceeding fifteen years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping.

Destroying hopbinds.

125. Whosoever 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 growing in any park pleasure ground garden orchard or avenue or in any ground adjoining or belonging to any dwelling house (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 kept to hard labor for any term not exceeding five nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping.

Destroying or damaging trees shrubs &c. to the value of more than £1 growing in a pleasure ground &c.

126. Whosoever 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 growing elsewhere than in any park pleasure ground garden orchard or avenue or in any ground adjoining to or belonging to any dwelling house (in case the amount of injury done shall exceed the sum of five pounds) shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding five nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping.

Destroying or damaging trees shrubs &c. of the value of more than £5 growing elsewhere than in a pleasure ground &c.

127. Whosoever 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 growing the injury done being to the amount of one shilling at the least shall on conviction thereof before a Justice of the Peace at the discretion of the Justice either be committed to the common gaol or house of correction there to be imprisoned only or to be imprisoned and kept to hard labor for any term not exceeding three months or else shall 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 whosoever having been convicted of any such offence either against this or any former Act of Parliament shall afterwards commit any of the said offences in this section before mentioned and shall be convicted thereof in like manner shall for such second offence be committed to gaol there to be kept to hard labor for such term not exceeding twelve months as the convicting Justice shall think fit and whosoever having been twice convicted of any such offence (whether both or either of such convictions shall have taken place before or after the passing of this Act) shall afterwards commit any of the said offences in this section before mentioned shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping.

Damaging trees wheresoever growing to the amount of 1s.

Second offence.

Third offence.

128. Whosoever 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 hot-house

Destroying any fruit or vegetable production in a garden.

Second offence.

house greenhouse or conservatory shall on conviction thereof before a Justice of the Peace at the discretion of the Justice either be committed to gaol there to be imprisoned only or to be imprisoned and kept to hard labor for any term not exceeding six 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 whosoever having been convicted of any such offence either against this or any former Act of Parliament shall afterwards commit any of the said offences in this section before-mentioned shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding five nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping.

Destroying &c. vegetable productions not growing in gardens &c.

Second offence.

129. Whosoever 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 shall on conviction thereof before a Justice of the Peace at the discretion of the Justice either be committed to gaol there to be imprisoned only or to be imprisoned and kept to hard labor for any term not exceeding one 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 month unless payment be sooner made and whosoever having been convicted of any such offence either against this or any former Act of Parliament shall afterwards commit any of the said offences in this section before-mentioned and shall be convicted thereof in like manner shall be committed to gaol there to be kept to hard labor for such term not exceeding six months as the convicting Justice shall think fit.

Injuries to fences.

35

Destroying &c. any fence wall stile or gate.

Second offence.

130. Whosoever 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 shall on conviction thereof before a Justice of the Peace 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 whosoever having been convicted of any such offence either against this or any former Act of Parliament shall afterwards commit any of the said offences in this section before-mentioned and shall be convicted thereof in like manner shall be committed to gaol there to be kept to hard labor for such term not exceeding twelve months as the convicting Justice shall think fit.

Injuries to mines.

Setting fire to a coal mine.

131. Whosoever shall unlawfully and maliciously set fire to any mine of coal cannel coal anthracite or other mineral fuel shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years—or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping.

132.

132. Whosoever shall unlawfully and maliciously by any overt act attempt to set fire to any mine under such circumstances that if the mine were thereby set fire to the offender would be guilty of felony shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding ten years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping.

10 133. Whosoever shall unlawfully and maliciously cause any water to be conveyed or run into any mine or into any subterranean 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
15 pull down fill up or obstruct or damage with intent to destroy obstruct or render useless any airway waterway drain pit level or shaft of or belonging to any mine shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding five years and not less than three
20 years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping
Provided that this provision shall not extend to any damage committed underground by any owner of any adjoining mine in working the
25 same or by any person duly employed in such working.

134. Whosoever shall unlawfully and maliciously pull down or destroy or damage with intent to destroy or render useless any steam engine or other engine for sinking draining ventilating or working or for in anywise assisting in sinking draining ventilating or working
30 any mine or any appliance or apparatus in connection with any such steam or other engine 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
35 unfinished state or shall unlawfully and maliciously stop obstruct or hinder the working of any such steam or other engine or of any such appliance or apparatus as aforesaid with intent thereby to destroy or damage any mine or to hinder obstruct or delay the working thereof or shall unlawfully and maliciously wholly or partially cut through
40 sever break or unfasten or damage with intent to destroy or render useless any rope chain or tackle of whatsoever material the same shall be made used in any mine or in or upon any inclined plane railway or other way or other work whatsoever in anywise belonging or appertaining to or connected with or employed in any mine or the working
45 or business thereof shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding five years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a
50 male under the age of sixteen years with or without whipping.

Injuries to sea and river banks and to works on rivers canals &c.

135. Whosoever shall unlawfully and maliciously break down or cut down or otherwise damage or destroy any sea bank or sea wall or the bank dam or wall of or belonging to any river canal drain reservoir pool or marsh whereby any land or building shall be or shall be
55 in danger of being overflowed or damaged or shall unlawfully and maliciously throw break or cut down level undermine or otherwise
c 92—E destroy

Attempting to set fire to a mine.

Conveying water into a mine obstructing the shaft &c.

Damaging steam engines staiths waggonways &c. for working mines.

Destroying any sea bank or wall on any canal.

destroy any quay wharf jetty lock sluice floodgate weir tunnel towing-path drain watercourse or other work belonging to any port harbour dock or reservoir or on or belonging to any navigable river or canal shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping. 5

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

136. Whosoever 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 dam or wall of any river canal drain aqueduct marsh reservoir pool port harbour dock quay wharf jetty or lock or shall unlawfully and maliciously open or draw up any floodgate or sluice 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 shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding five years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping. 10 15 20

Injuries to ponds.

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

137. Whosoever shall unlawfully and maliciously cut through break down or otherwise destroy the dam floodgate or sluice of any fish pond 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 that may then be or that may thereafter be put therein or shall unlawfully and maliciously cut through break down or otherwise destroy the dam or floodgate of any mill pond reservoir or pool shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding five years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping. 25 30 35 40

Injuries to bridges viaducts and toll bars.

Injury to a public bridge.

138. Whosoever shall unlawfully and maliciously pull or throw down or in anywise destroy any bridge (whether over any stream of water or not) or any viaduct or aqueduct over or under which bridge viaduct or aqueduct any highway railway or canal shall pass or do any injury with intent and so as thereby to render such bridge viaduct or aqueduct or the highway railway or canal passing over or under the same, or any part thereof dangerous or impassable shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping. 45 50 55

139. Whosoever shall unlawfully and maliciously throw down level or otherwise destroy in whole or in part any turnpike gate or toll bar or any wall chain rail post bar or other fence belonging to any turnpike gate or toll bar or set up or erected to prevent passengers passing by without paying any toll directed to be paid by any Act of Parliament relating thereto or any house building or weighing engine erected for the better collection ascertainment or security of any such toll shall be guilty of a misdemeanor.

Destroying a turnpike gate toll house &c.

Injuries to railway carriages and telegraphs.

140. Whosoever by any unlawful act or by any wilful omission or neglect shall obstruct or cause to be obstructed any engine or carriage using any railway or shall aid or assist therein shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years, with or without hard labor.

Obstructing engines or carriages on railways.

141. Whosoever shall unlawfully and maliciously cut break throw down destroy injure or remove any battery machinery wire cable post or other matter or thing whatsoever being part of or being used or employed in or about any electric or magnetic telegraph or in the working thereof or shall unlawfully and maliciously prevent or obstruct in any manner whatsoever the sending conveyance or delivery of any communication by any such telegraph shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years with or without hard labor. Provided that if it shall appear to any Justice on the examination of any person charged with any offence against this section that it is not expedient to the ends of justice that the same should be prosecuted by indictment the Justice may proceed summarily to hear and determine the same and the offender shall on conviction thereof at the discretion of the Justice either be committed to gaol there to be imprisoned only or to be imprisoned and kept to hard labor for any term not exceeding three months or else shall forfeit and pay such sum of money not exceeding ten pounds as to the Justice shall seem meet.

Injuries to electric or magnetic telegraphs.

142. Whosoever shall unlawfully and maliciously by any overt act attempt to commit any of the offences in the last preceding section mentioned shall on conviction thereof before a Justice of the Peace at the discretion of the Justice either be committed to gaol there to be imprisoned only or to be imprisoned and kept to hard labor for any term not exceeding three months or else shall forfeit and pay such sum of money not exceeding ten pounds as to the Justice shall seem meet.

Attempt to injure such telegraphs.

Injuries to works of art.

143. Whosoever shall unlawfully and maliciously destroy or damage any book manuscript picture print statue bust or vase or any other article or thing kept for the purposes of art science or literature or as an object of curiosity in any museum gallery cabinet library or other repository which museum gallery cabinet library or other repository is either at all times or from time to time open for the admission of the public or of any considerable number of persons to view the same either by the permission of the proprietor thereof or by the payment of money before entering the same or any picture statue monument or other memorial of the dead painted glass or other ornament or work of art in any church chapel or other place of divine worship or in any public building burial ground public garden or ground or any statue or monument exposed to public view or any ornament

Destroying or damaging works of art in museums churches &c. or in public places.

ornament railing or fence surrounding such statue or monument shall be guilty of a misdemeanor and being convicted thereof shall be liable to be imprisoned for any term not exceeding six months with or without hard labor and if a male under the age of sixteen years with or without whipping provided that nothing herein contained shall be deemed to affect the right of any person to recover by action at law damages for the injury so committed. 5

Injuries to cattle and other animals.

Killing or maiming cattle.

144. Whosoever shall unlawfully and maliciously kill maim or wound any cattle shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement. 10

Killing or maiming other animals.

145. Whosoever shall unlawfully and maliciously kill maim or wound any dog bird beast or other animal not being cattle but being either the subject of larceny at common law or by statute or being ordinarily kept in a state of confinement or for any domestic purpose shall on conviction thereof before a Justice of the Peace at the discretion of the Justice either be committed to gaol there to be imprisoned only or to be imprisoned and kept to hard labor for any term not exceeding six months or else shall forfeit and pay over and above the amount of injury done such sum of money not exceeding twenty pounds as to the Justice shall seem meet and whosoever having been convicted of any such offence shall afterwards commit any of the said offences in this section before mentioned and shall be convicted thereof in like manner shall be committed to gaol there to be kept to hard labor for such term not exceeding twelve months as the convicting Justice shall think fit. 15 20 25

Second offence.

Destruction of or Injuries to Ships.

30

Setting fire to a ship.

146. Whosoever shall unlawfully and maliciously set fire to cast away or in anywise destroy any ship or vessel whether the same be complete or in an unfinished state shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping. 35

Setting fire to ships to prejudice the owner or underwriters.

147. Whosoever shall unlawfully and maliciously set fire to or 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 has 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 shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping. 40 45 50

Attempting to set fire to a vessel.

148. Whosoever shall unlawfully and maliciously by any overt act attempt to set fire to cast away or destroy any ship or vessel under such circumstances that if the ship or vessel were thereby set fire to cast away or destroyed the offender would be guilty of felony shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding ten years and not less than three years or to be imprisoned for 55

for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping.

149. Whosoever shall unlawfully and maliciously place or throw
5 in into upon against or near any ship or vessel any gunpowder or
other explosive substance with intent to destroy or damage any ship or
vessel or any machinery working tools goods or chattels shall whether
or not any explosion take place and whether or not any injury be
effected be guilty of felony and being convicted thereof shall be liable
10 at the discretion of the Court to be kept to hard labor for any term
not exceeding ten years and not less than three years or to be imprisoned
for any term not exceeding two years with or without hard
labor and with or without solitary confinement and if a male under
the age of sixteen years with or without whipping.

Placing gunpowder
near a vessel with
intent to damage it.

150. Whosoever shall unlawfully and maliciously damage other-
15 wise than by fire gunpowder or other explosive substance any ship or
vessel whether complete or in an unfinished state with intent to destroy
the same or render the same useless shall be guilty of felony and being
convicted thereof shall be liable at the discretion of the Court to be
20 kept to hard labor for any term not exceeding five years and not
less than three years or to be imprisoned for any term not exceeding
two years with or without hard labor and with or without solitary
confinement and if a male under the age of sixteen years with or with-
out whipping.

Damaging ships
otherwise than by
fire.

151. Whosoever shall unlawfully mask alter or remove any
25 light or signal or unlawfully exhibit any false light or signal with
intent to bring any ship vessel or boat into danger or shall unlawfully
and maliciously do anything tending to the immediate loss or destruc-
tion of any ship vessel or boat and for which no punishment is herein-
30 before provided shall be guilty of felony and being convicted thereof
shall be liable at the discretion of the Court to be kept to hard labor
for any term not exceeding fifteen years nor less than three years or
to be imprisoned for any term not exceeding two years with or without
hard labor and with or without solitary confinement and if a male
35 under the age of sixteen years with or without whipping.

Exhibiting false
signals &c.

152. Whosoever shall unlawfully and maliciously cut away cast
adrift remove alter deface sink or destroy or shall unlawfully and
maliciously do any act with intent to cut away cast adrift remove alter
deface sink or destroy or shall in any other manner unlawfully and
40 maliciously injure or conceal any boat buoy buoy rope perch or mark
used or intended for the guidance of seamen for the purpose of navigation
shall be guilty of felony and being convicted thereof shall be liable at
the discretion of the Court to be kept to hard labor for any term not
exceeding five years and not less than three years or to be imprisoned
45 for any term not exceeding two years with or without hard labor and
with or without solitary confinement and if a male under the age of
sixteen years with or without whipping.

Removing or con-
cealing buoys and
other sea marks.

153. Whosoever shall unlawfully and maliciously destroy any
part of any ship or vessel which shall be in distress or wrecked
50 stranded or cast on shore or any goods merchandise or articles of any
kind belonging to such ship or vessel shall be guilty of felony and
being convicted thereof shall be liable at the discretion of the Court
to be kept to hard labor for any term not exceeding ten years and not
less than three years or to be imprisoned for any term not exceeding
55 two years with or without hard labor and with or without solitary
confinement.

Destroying wrecks
or any articles
belonging thereto.

Sending

Sending letters threatening to burn or destroy.

Sending letters threatening to burn or destroy houses buildings ships &c.

154. Whosoever shall send deliver or utter or directly or indirectly cause to be received knowing the contents thereof any letter or writing threatening 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 any grain hay or straw or other agricultural produce in or under any building or any ship or vessel or to kill maim or wound any cattle shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping.

Injuries not before provided for.

Persons committing malicious injuries not before provided for exceeding the amount of £5.

155. Whosoever shall unlawfully and 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 punishment is hereinbefore provided the damage injury or spoil being to an amount exceeding five pounds shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years with or without hard labor and in case any such offence shall be committed between the hours of nine of the clock in the evening and six of the clock in the next morning shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding five years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor.

Persons committing damage to any property in any case not previously provided for may be committed or fined and compelled by a Justice to pay compensation not exceeding five pounds.

156. Whosoever 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 punishment is hereinbefore provided shall on conviction thereof before a Justice of the Peace at the discretion of the Justice either be committed to gaol there to be imprisoned only or to be imprisoned and kept to hard labor for any term not exceeding two months or else shall forfeit and pay such sum of money not exceeding five pounds as to the Justice shall seem meet and also such further 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 last-mentioned sum of money shall in the case of private property be paid to the party aggrieved and in the case of property of a public nature or wherein any public right is concerned the money shall be applied in the same manner as every penalty imposed by a Justice of the Peace under this Act and if such sums 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 gaol 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 months unless such sums and costs be sooner paid. Provided that nothing herein contained shall extend to any case where the party 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 if this Act had not passed.

Application of the money awarded.

Not to extend to certain cases herein named.

157. The provisions in the last preceding section contained shall extend to any person who shall wilfully or maliciously commit any injury to any tree sapling shrub or underwood for which no punishment is hereinbefore provided.

Preceding section to extend to trees.

5 *Making gunpowder to commit offences and searching for the same.*

158. Whosoever shall make or manufacture or knowingly have in his possession any gunpowder or other explosive substance or any dangerous or noxious thing or any machine engine instrument or thing with intent thereby or by means thereof to commit or for the purpose of enabling any other person to commit any of the felonies in this Act mentioned shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping.

Making or having gunpowder &c. with intent to commit any felony against this Act.

159. 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.

Malice against owner of property unnecessary.

160. Every provision of this Act not hereinbefore so applied shall apply to every person who with intent to injure or defraud any other person shall do any of the acts hereinbefore made penal although the offender shall be in possession of the property against or in respect of which such act shall be done.

Provisions of this Act shall apply to persons in possession of the property injured.

161. It shall be sufficient in any indictment for any offence against this Act where it shall be necessary to allege an intent to injure or defraud to allege that the party accused did the act with intent to injure or defraud (as the case may be) without alleging an intent to injure or defraud any particular person and on the trial of any such offence it shall not be necessary to prove an intent to injure or defraud any particular person but it shall be sufficient to prove that the party accused did the act charged with an intent to injure or defraud (as the case may be).

Intent to injure or defraud particular persons need not be stated in any indictment.

PART IV.

FORGERY.

As to forging Her Majesty's Seal.

162. Whosoever shall forge or counterfeit or shall utter knowing the same to be forged or counterfeited the Great Seal of the United Kingdom of Great Britain and Ireland or the Seal of the Territory of New South Wales or shall forge or counterfeit the stamp or impression of the said seals or shall utter any document or instrument whatsoever having thereon or affixed thereto the stamp or impression of such forged or counterfeited seals knowing the same to be the stamp or impression of such forged or counterfeited seals or any forged or counterfeited stamp or impression made or apparently intended to resemble the stamp or impression of the said seals knowing the same to be forged or counterfeited or shall forge or alter or utter knowing the same to be forged or altered any document or instrument having the said stamp or impression thereon or affixed thereto shall be guilty of felony and being convicted thereof shall be liable at the discretion

Forging the great seal privy seal &c.

discretion of the Court to be kept to hard labor for any term not exceeding fifteen years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

As to forging transfers of stock &c.

5

Forging transfer of stock and power of attorney relating thereto.

163. Whosoever shall forge or alter or shall offer utter dispose of or put off knowing the same to be forged or altered any transfer of any share or interest of or in the capital stock of any body corporate company or society which now is or hereafter may be established by charter or by under or by virtue of any Imperial or Colonial Act of Parlia- 10 ment or shall forge or alter or shall offer utter dispose of or put off knowing the same to be forged or altered any power of attorney or other authority to transfer any share or interest of or in any such stock annuity public fund or capital stock or to receive any dividend or money payable in respect of any such share or interest or shall demand or endeavour to 15 have any such share or interest transferred or to receive any dividend or money payable in respect thereof by virtue of any such forged or altered power of attorney or other authority knowing the same to be forged or altered with intent in any of the cases aforesaid to defraud shall be guilty of felony and being convicted thereof shall be liable at 20 the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Personating the owner of certain stock and transferring or receiving or endeavouring to transfer or receive the dividends.

164. Whosoever shall falsely and deceitfully personate any 25 owner of any share or interest of or in the capital stock of any body corporate company or society which now is or hereafter may be established by charter or by under or by virtue of any Act of Parliament or any owner of any dividend or money payable in respect of any such share or interest as aforesaid and shall thereby transfer or endeavour 30 to transfer any share or interest belonging to any such owner or thereby receive or endeavour to receive any money due to any such owner as if such offender were the true and lawful owner shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen 35 years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Forging attestation to power of attorney for transfer of stock &c.

165. Whosoever shall forge any name handwriting or signature purporting to be the name handwriting or signature of a witness 40 attesting the execution of any power of attorney or other authority to transfer any share or interest of or in any such capital stock as is in either of the last two preceding sections mentioned or to receive any dividend or money payable in respect of any such share or interest or shall offer utter dispose of or put off any such power of attorney or 45 other authority with any such forged name handwriting or signature thereon knowing the same to be forged shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding five years and not less than three years or to be imprisoned for any term not exceed- 50 ing two years with or without hard labor and with or without solitary confinement.

As to forging Government debentures.

Forging debentures.

166. Whosoever shall forge or alter or shall offer utter dispose of or put off knowing the same to be forged or altered any debenture 55 of the Government of New South Wales or any receipt or certificate for

for interest accruing thereon with intent to defraud shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

167. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall make or cause or procure to be made or shall aid or assist in making or shall knowingly have in his custody or possession any frame mould or instrument having therein any words letters figures marks lines or devices peculiar to and appearing in the substance of any paper provided or to be provided or used for the aforesaid debentures or any machinery for working any threads into the substance of any paper or any such thread and intended to imitate such words letters figures marks lines threads or devices or any plate peculiarly employed for printing such debentures or any die or seal peculiarly used for preparing any such plate or for sealing such debentures or any plate die or seal intended to imitate any such plate die or seal as aforesaid shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding five years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Making plates &c. in imitation of those used for debentures.

168. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall make or cause to be made or assist in making any paper in the substance of which shall appear any words letters figures marks lines threads or other devices peculiar to and appearing in the substance of any paper provided or to be provided or used for such debentures as aforesaid or any part of such words letters figures marks lines threads or other devices and intended to imitate the same or shall knowingly have in his possession any paper whatsoever in the substance whereof shall appear any or any parts of such words letters figures marks lines threads or devices as aforesaid and intended to imitate the same or shall cause or assist in causing any or any part of such words letters figures marks lines threads or devices as aforesaid and intended to imitate the same to appear in the substance of any paper whatever or shall take or assist in taking any impression of any such plate die or seal as in the last preceding section mentioned shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding five years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Making paper in imitation of that used for debentures.

169. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall purchase or receive or knowingly have in his possession any paper manufactured and provided by or under the directions of the Government of New South Wales for the purpose of being used for debentures before such paper shall have been duly stamped signed and issued for public use or any such plate die or seal as in the last two preceding sections mentioned shall be guilty of a misdemeanour and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding three years with or without hard labor.

Having in possession paper plates or dies to be used for debentures &c.

As to forging bank notes.

170. Whosoever shall forge or alter or shall offer utter dispose of or put off knowing the same to be forged or altered any note of any person carrying on the business of banker commonly called a bank

Forging a bank note &c.

note with intent to defraud shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement. 5

Purchasing or receiving or having forged bank notes.

171. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall receive from any other person or have in his possession any forged bank note or blank bank note knowing the same to be forged shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be 10 kept to hard labor for any term not exceeding ten years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor.

Engraving or having any plate &c. for making notes of or other banks or having such plate &c. or uttering or having paper upon which a blank bank note &c. shall be printed.

172. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall engrave or in anywise 15 make upon any plate whatsoever or upon any wood stone or other material any promissory note bill of exchange or bank post bill or part of a promissory note bill of exchange or bank post bill purporting to be a bank note bank bill of exchange or bank post bill of the Governor and Company of the Bank of England or of the Governor 20 and Company of the Bank of Ireland or of any other body corporate company or person carrying on the business of bankers or to be a blank bank note blank promissory note blank bank bill of exchange or blank bank post bill of the Governor and Company of the Bank of England or of the Governor and Company of the Bank of Ireland 25 or of any such other body corporate company or person as aforesaid or to be a part of a bank note promissory note bank bill of exchange or bank post bill of the Governor and Company of the Bank of England or of the Governor and Company of the Bank of Ireland or of any such other body corporate company or person as aforesaid or 30 any name word or character resembling or apparently intended to resemble any subscription to any bill of exchange or promissory note issued by the Governor and Company of the Bank of England or the Governor and Company of the Bank of Ireland or by any such other body corporate company or person as aforesaid or shall use any such 35 plate wood stone or other material or any other instrument or device for the making or printing any bank note bank bill of exchange or bank post bill or blank bank note blank bank bill of exchange or blank bank post bill or part of a bank note bank bill of exchange or bank post bill or knowingly have in his custody or possession any such plate 40 wood stone or other material or any such instrument or device or shall knowingly offer utter dispose of or put off or have in his custody or possession any paper upon which any blank bank note blank bank bill of exchange or blank bank post bill of the Governor and Company of the Bank of England or of the Governor and Company of the 45 Bank of Ireland or of any such other body corporate company or person as aforesaid or part of a bank note bank bill of exchange or bank post bill or any name word or character resembling or apparently intended to resemble any such subscription shall be made or printed shall be guilty of felony and being convicted thereof shall be liable 50 at the discretion of the Court to be kept to hard labor for any term not exceeding ten years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Engraving on a plate &c. any word number or device resembling part of a bank note or bill or using or having any such plate &c. or uttering or having any paper

173. Whosoever without lawful authority or excuse (the proof 55 whereof shall lie on the party accused) shall engrave or in anywise make upon any plate whatsoever or upon any wood stone or other material any word number figure device character or ornament the impression taken from which shall resemble or apparently be intended to

to resemble any part of a bank note bank bill of exchange or bank post bill of the Governor and Company of the Bank of England or of the Governor and Company of the Bank of Ireland or of any other body corporate company or person carrying on the business of bankers 5 or shall use or knowingly have in his custody or possession any such plate wood stone or other material or any other instrument or device for the impressing or making upon any paper or other material any word number figure character or ornament which shall resemble or apparently be intended to resemble any part of a bank note bank bill 10 of exchange or bank post Bill of the Governor and Company of the Bank of England or of the Governor and Company of the Bank of Ireland or of any such other body corporate company or person as aforesaid or shall knowingly offer utter dispose of or put off or have in his custody or possession any paper or other material upon which 15 there shall be an impression of any such matter as aforesaid shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding ten years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard 20 labor and with or without solitary confinement.

174. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall make or use any frame mould or instrument for the manufacture of paper with the name or firm of any body corporate company or person carrying on the 25 business of bankers (other than and except the Banks of England and Ireland respectively) appearing visible in the substance of the paper or knowingly have in his custody or possession any such frame mould or instrument or make use sell expose to sale utter or dispose of or knowingly have in his custody or possession any paper in the substance 30 of which the name or firm of any such body corporate company or person shall appear visible or by any art or contrivance cause the name or firm of any such body corporate company or person to appear visible in the substance of the paper upon which the same shall be written or printed shall be guilty of felony and being convicted thereof 35 shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding ten years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Making or having mould for making paper with the name of any banker or making or having such paper.

As to forging deeds wills bills of exchange &c.

40 175. Whosoever with intent to defraud shall forge or alter or shall offer utter dispose of or put off knowing the same to be forged or altered any deed document or bond or shall forge any signature pur- 45 porting to be the signature of a witness attesting the execution of any deed document or bond or shall offer utter dispose of or put off any deed having thereon any such forged signature knowing the same to be forged shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without 50 hard labor and with or without solitary confinement.

Forging deeds bonds &c.

176. Whosoever with intent to defraud shall forge or alter or shall offer utter dispose of or put off knowing the same to be forged or altered any will testament codicil or testamentary instrument shall be guilty of felony and being convicted thereof shall be liable at the 55 discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Forging bills of exchange or promissory notes.

177. Whosoever shall forge or alter or shall offer utter dispose of or put off knowing the same to be forged or altered any bill of exchange or any acceptance or indorsement of any bill of exchange or promissory note or any indorsement of any such promissory note with intent to defraud shall be guilty of felony and being convicted thereof 5 shall be liable at the discretion of the Court to be kept to hard labour for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

Forging orders receipts &c. for money goods &c.

178. Whosoever shall forge or alter or shall offer utter dispose 10 of or put off knowing the same to be forged or altered any undertaking warrant order authority or request for the payment of money or for the delivery or transfer of any goods or chattels or of any note bill or other security for the payment of money or for procuring or giving credit or any indorsement on or assignment of any such undertaking 15 warrant order authority or request or any accountable receipt acquittance or receipt for money or for goods or for any note bill or other security for the payment of money or any indorsement on or assignment of any such accountable receipt with intent in any of the cases aforesaid to defraud shall be guilty of felony and being convicted 20 thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Any person making or accepting any bill note &c. by procuration without lawful authority or uttering any such bill note &c. so made or accepted with intent to defraud to be guilty of felony.

179. Whosoever with intent to defraud shall draw make sign 25 accept or indorse any bill of exchange or promissory note or any undertaking warrant order authority or request for the payment of money or for the delivery or transfer of goods or chattels or of any bill note or other security for money by procuration or otherwise for in the name or on the account of any other person without lawful 30 authority or excuse or shall offer utter dispose of or put off any such bill note undertaking warrant order authority or request so drawn made signed accepted or indorsed by procuration or otherwise without lawful authority or excuse as aforesaid knowing the same to have been so drawn made signed accepted or indorsed as aforesaid shall be guilty 35 of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding ten years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement. 40

Obliterating crossings on cheques.

180. Whenever any cheque or draft on any banker shall be crossed with the name of a bank or with two transverse lines or any abbreviation thereof whosoever shall obliterate add to or alter any such crossing or shall offer utter dispose of or put off any cheque or draft whereon any such obliteration addition or alteration has been made 45 knowing the same to have been made with intent in any of the cases aforesaid to defraud shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or 50 without hard labor and with or without solitary confinement.

As to forging records process instruments of evidence &c.

Forging proceedings of Courts of Record or Courts of Equity.

181. Whosoever shall forge or fraudulently alter or shall offer utter dispose of or put off knowing the same to be forged or fraudu- 55 lently altered any record writ return panel process rule order warrant interrogatory deposition affidavit affirmation recognizance cognovit actionem or warrant of attorney or any original document whatsoever of

of or belonging to any Court of Record or any bill petition process notice rule answer pleading interrogatory deposition affidavit affirmation report order or decree or any original document whatsoever of or belonging to the Supreme Court of New South Wales or any document
 5 or writing or any copy of any document or writing used or intended to be used as evidence in any Court in this section mentioned shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding five years and not less than three years or to be imprisoned for any
 10 term not exceeding two years with or without hard labor and with or without solitary confinement.

182. Whosoever being the officer having the custody of the records of any Court or who shall utter any false copy or certificate of any record knowing the same to be false and whosoever other than
 15 such officer or deputy shall sign or certify any copy or certificate of any record as such officer or deputy and whosoever shall forge or fraudulently alter or offer utter dispose of or put off knowing the same to be forged or fraudulently altered any copy or certificate of any record or shall offer utter dispose of or put off any copy or certificate
 20 of any record having thereon any false or forged name handwriting or signature knowing the same to be false or forged and whosoever shall forge the seal of any Court of Record or shall forge or fraudulently alter any process of any Court or shall serve or enforce any forged process of any Court whatsoever knowing the same to be forged
 25 or shall deliver or cause to be delivered to any person any paper falsely purporting to be any such process or a copy thereof or to be any judgment decree or order of any Court of law or equity or a copy thereof knowing the same to be false or shall act or profess to act under any such false process knowing the same to be false shall be
 30 guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding five years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Forging copies or certificates of records process of Courts not of Record and using forged process.

183. Whosoever shall forge or fraudulently alter or shall offer
 35 utter dispose of or put off knowing the same to be forged or fraudulently altered any instrument whether written or printed or partly written and partly printed which is or shall be made evidence by any Act passed or to be passed and for which offence no punishment is herein
 40 provided shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding five years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Forging instruments made evidence by any Act of Parliament.

45 *As to forging registers of deeds.*

184. Whosoever shall forge or fraudulently alter or shall offer
 utter dispose of or put off knowing the same to be forged or fraudu-
 50 lently altered any memorial affidavit affirmation entry certificate indorsement document or writing made or issued under the provisions of any Act passed or hereafter to be passed for or relating to the registry of deeds or shall forge or counterfeit the seal of or belonging to any office for the registry of deeds or any stamp or impression of any such seal or shall forge any name handwriting or signature purporting to be the name handwriting or signature of any person to any such memo-
 55 rial affidavit affirmation entry certificate indorsement document or writing which shall be required or directed to be signed by or by virtue of any Act passed or to be passed or shall offer utter dispose of or
 put

Forgery as to the registry of deeds.

put off any such memorial or other writing as in this section before mentioned having thereon any such forged stamp or impression of any such seal or any such forged name handwriting or signature knowing the same to be forged shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding ten years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement. 5

As to forging orders &c. of Justices of the Peace.

10

Forging orders of
Justices recog-
nizances affidavits
&c.

185. Whosoever with intent to defraud shall forge or alter or shall offer utter dispose of or put off knowing the same to be forged or altered any summons conviction order or warrant of any Justice of the Peace or any recognizance purporting to have been entered into before any Justice of the Peace or other Officer authorized to take the same or any examination deposition affidavit affirmation or solemn declaration taken or made before any Justice of the Peace shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for the term of three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement. 15 20

As to falsely acknowledging recognizances &c.

Acknowledging
recognizance bail
cognovit &c. in the
name of another.

186. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall in the name of any other person acknowledge any recognizance or bail or any cognovit actionem or judgment or any deed or other instrument before any Court Judge or other person lawfully authorized in that behalf shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding seven years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement. 25 30

As to forging marriage licenses.

Forging or uttering
marriage license or
certificate.

187. Whosoever shall forge or fraudulently alter any license of or certificate for marriage or shall offer utter dispose of or put off any such license or certificate knowing the same to be forged or fraudulently altered shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding seven years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement. 35 40

As to forging registers of births marriages and deaths.

Forging registers
of births baptisms
marriages deaths
or burials.

188. Whosoever shall unlawfully destroy deface or injure or cause or permit to be destroyed defaced or injured any register of births baptisms marriages deaths or burials which now is or hereafter shall be by law authorized or required to be kept or any part of any such register or any certified copy of any such register or any part thereof or shall forge or fraudulently alter in any such register any entry relating to any birth baptism marriage death or burial or any part of any such register or any certified copy of such register or of any part thereof or shall knowingly and unlawfully insert or cause or permit 45 50

permit to be inserted in any such register or in any certified copy
 thereof any false entry of any matter relating to any birth baptism
 marriage death or burial or shall knowingly and unlawfully give any
 false certificate relating to any birth baptism marriage death or burial
 5 or shall certify any writing to be a copy or extract from any such
 register knowing such writing or the part of such register whereof
 such copy or extract shall be so given to be false in any material par-
 ticular or shall forge or counterfeit the seal of or belonging to the
 office of the Registrar General or shall offer utter dispose of or put off
 10 any such register entry certified copy certificate or seal knowing the
 same to be false forged or altered or shall offer utter dispose of or
 put off any copy of any entry in any such register knowing such entry
 to be false forged or altered shall be guilty of a misdemeanor and
 being convicted thereof shall be liable at the discretion of the Court
 15 to be kept to hard labor for any term not exceeding five years or to
 any fine not exceeding five hundred pounds or to be imprisoned for
 any term not exceeding three years with or without hard labor and
 with or without solitary confinement.

189. Whosoever shall knowingly and wilfully insert or cause
 20 or permit to be inserted in any copy of any register directed or
 required by law to be transmitted to any registrar or other officer any
 false entry of any matter relating to any baptism marriage or burial
 or shall forge or alter or shall offer utter dispose of or put off knowing
 the same to be forged or altered any copy of any register so directed
 25 or required to be transmitted as aforesaid or shall knowingly and
 wilfully sign or verify any copy of any register so directed or required
 to be transmitted as aforesaid which copy shall be false in any part
 thereof knowing the same to be false or shall unlawfully destroy deface
 or injure or shall for any fraudulent purpose take from its place of
 30 deposit or conceal any such copy of any register shall be guilty of
 felony and being convicted thereof shall be liable at the discretion of
 the Court to be kept to hard labor for any term not exceeding five
 years or to any fine not exceeding two hundred pounds or to be
 imprisoned for any term not exceeding three years with or without
 35 hard labor and with or without solitary confinement.

Making false entries
 in copies of register
 sent to registrar.

As to demanding property upon forged instruments.

190. Whosoever with intent to defraud shall demand receive or
 obtain or cause or procure to be delivered or paid to any person or
 endeavour to receive or obtain or to cause or procure to be delivered
 40 or paid to any person any chattel money security for money or other
 property whatsoever under upon or by virtue of any forged or altered
 instrument whatsoever knowing the same to be forged or altered or
 under upon or by virtue of any probate or letters of administration
 knowing the will testament codicil or testamentary writing on which
 45 such probate or letters of administration shall have been obtained to
 have been forged or altered or knowing such probate or letters of
 administration to have been obtained by any false oath affirmation or
 affidavit shall be guilty of felony and being convicted thereof shall be
 liable at the discretion of the Court to be kept to hard labor for any
 50 term not exceeding ten years and not less than three years or to
 be imprisoned for any term not exceeding two years with or without
 hard labor and with or without solitary confinement.

Demanding property
 upon forged instru-
 ments.

As to other matters.

191. Where by this or by any other Act any person is or shall
 55 hereafter be made liable to punishment for forging or altering or for
 offering uttering disposing of or putting off knowing the same to
 be

Forging any instru-
 ment however desig-
 nated which is in
 law a will bill of
 exchange &c.

be forged or altered any instrument or writing designated in such Act by any special name or description and such instrument or writing however designated shall be in law a will testament codicil or testamentary writing or a deed or bond or a bill of exchange or a promissory note for the payment of money or an indorsement on or assignment of a bill of exchange or promissory note for the payment of money or an acceptance of a bill of exchange or an undertaking warrant order authority or request for the payment of money or an indorsement on or assignment of an undertaking warrant order authority or request for the payment of money within the true intent and meaning of this Act in every such case the person forging or altering such instrument or writing or offering uttering disposing of or putting off such instrument or writing knowing the same to be forged or altered may be indicted as an offender against this Act and punished accordingly.

Forging &c. in the Colony documents purporting to be made or actually made out of the Colony forging &c. in the Colony bills of exchange &c. purporting to be payable out of the Colony.

192. Where the forging or altering any writing or matter whatsoever or the offering uttering disposing of or putting off any writing or matter whatsoever knowing the same to be forged or altered is in this Act expressed to be an offence if any person shall in New South Wales forge or alter or offer utter dispose of or put off knowing the same to be forged or altered any such writing or matter in whatsoever place or country out of New South Wales (whether under the dominion of Her Majesty or not) such writing or matter may purport to be made or may have been made and in whatever language the same or any part thereof may be expressed every such person and every person aiding abetting or counselling such person shall be deemed to be an offender within the meaning of this Act and shall be punishable thereby in the same manner as if the writing or matter had purported to be made or had been made in New South Wales and if any person shall in New South Wales forge or alter or offer utter dispose of or put off knowing the same to be forged or altered any bill of exchange or any promissory note for the payment of money or any indorsement on or assignment of any bill of exchange or promissory note for the payment of money or any acceptance of any bill of exchange or any undertaking warrant order authority or request for the payment of money or for the delivery or transfer of any goods or security or any deed or bond for the payment of money (whether such deed or bond shall be made only for the payment of money or for the payment of money together with some other purpose) or any indorsement on or assignment of any such undertaking warrant order authority request deed or bond in whatsoever place or country out of New South Wales whether under the dominion of Her Majesty or not the money payable or secured by such bill note undertaking warrant order authority request deed or bond may be or may purport to be payable and in whatever language the same respectively or any part thereof may be expressed and whether such bill note undertaking warrant order authority or request be or be not under seal every such person and every person aiding abetting or counselling such person shall be deemed to be an offender within the meaning of this Act and shall be punishable thereby in the same manner as if the money had been payable or had purported to be payable in New South Wales.

Description of instrument in indictments for forgery.

193. In any indictment for forging altering offering uttering disposing or putting off any instrument it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known or by the purport thereof without setting out any copy or fac-simile thereof or otherwise describing the same or the value thereof.

Description of instrument in indictments for engraving &c.

194. In any indictment for engraving or making the whole or any part of any instrument matter or thing whatsoever or for using

or

or having the unlawful custody or possession of any plate or other material upon which the whole or any part of any instrument matter or thing whatsoever shall have been engraved or made or for having the unlawful custody or possession of any paper upon which the whole
 5 or any part of any instrument matter or thing whatsoever shall have been made or printed it shall be sufficient to describe such instrument matter or thing by any name or designation by which the same may be usually known without setting out any copy or fac-simile of the whole or any part of such instrument matter or thing.

10 195. It shall be sufficient in any indictment for forging altering uttering offering disposing of or putting off any instrument whatsoever where it shall be necessary to allege an intent to defraud to
 15 allege that the party accused did the act with intent to defraud without alleging an intent to defraud any particular person and on the trial of any such offence it shall not be necessary to prove an intent to defraud any particular person but it shall be sufficient to prove that the party accused did the act charged with an intent to defraud.

Intent to defraud particular persons need not be alleged or proved.

196. If it shall be made to appear by information on oath or affirmation before a Justice of the Peace that there is reasonable
 20 cause to believe that any person has in his custody or possession without lawful authority or excuse any note or bill of any person carrying on the business of banker or any frame mould or implement for making paper in imitation of the paper used for such notes or bills or any such paper or any plate having thereon any words forms
 25 devices or characters capable of producing or intended to produce the impression of any such note or bill or any part thereof or any tool implement or material used or employed or intended to be used or employed in or about any of the operations aforesaid or any forged security document or instrument whatsoever or any machinery frame
 30 mould plate die seal paper or other matter or thing used or employed or intended to be used or employed in the forgery of any security document or instrument whatsoever such Justice may if he think fit grant a warrant to search for the same and if the same shall be found upon such search it shall be lawful to seize and carry the same before
 35 some Justice of the Peace to be by him disposed of according to law and all such matters and things so seized as aforesaid shall by order of the Court where any such offender shall be tried or in case there shall be no such trial then by order of some Justice of the Peace be defaced and destroyed or otherwise disposed of as such Court or
 40 Justice shall direct.

Search for paper or implements employed in any forgery and for forged instruments.

197. Whosoever shall after the commencement of this Act be convicted of any offence which shall have been subjected by any Act or Acts to the same pains and penalties as are imposed by the Act
 45 passed in the fifth year of the reign of Queen Elizabeth intituled "*An Act against Forgers of false Deeds and Writings*" for any of the offences first enumerated in the said Act shall be guilty of felony and shall in lieu of such pains and penalties be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fourteen years and not less than three years or to be imprisoned for any
 50 term not exceeding two years with or without hard labor and with or without solitary confinement.

Other punishments substituted for those of the 5. Elizabeth c. 14 which have been adopted in other Acts.

198. Where by any Act now in force any person falsely making forging counterfeiting erasing or altering any matter whatsoever or
 55 uttering publishing offering disposing of putting away or making use of any matter whatsoever knowing the same to have been falsely made forged counterfeited erased or altered or any person demanding or endeavouring to receive or have any thing or to do or cause to be done any Act upon or by virtue of any matter whatsoever knowing such matter to have been falsely made forged counterfeited erased or altered

All forgeries which were capital before the 1 William IV. c. 66 and are not otherwise punishable under this Act shall be punished with hard labor for life &c.

would according to the provisions contained in any such Act be guilty of felony and would before the passing of the Act of the first year of King William the Fourth chapter sixty-six have been liable to suffer death as a felon or where by any Act now in force any person falsely personating another or falsely acknowledging any thing in the name 5 of another or falsely representing any other person than the real party to be such real party or wilfully making a false entry in any book account or document or in any manner wilfully falsifying any part of any book account or document or wilfully making a transfer of any stock annuity or fund in the name of any person not being the owner 10 thereof or knowingly taking any false oath or knowingly making any false affidavit or false affirmation or demanding or receiving any money or other thing by virtue of any probate or letters of administration knowing the will on which such probate shall have been obtained to have been false or forged or knowing such probate or letters of 15 administration to have been obtained by means of any false oath or false affirmation would according to the provisions contained in any such Act be guilty of felony and would before the passing of the said Act of the first year of King William the Fourth have been liable to suffer death as a felon or where by any Act now in force any person 20 making or using or knowingly having in his custody or possession any frame mould or instrument for the making of paper with certain words visible in the substance thereof or any person making such paper or causing certain words to appear visible in the substance of any paper would according to the provisions contained in any such Act be guilty 25 of felony and would before the passing of the said Act of the first year of King William the Fourth have been liable to suffer death as a felon then and in each of the several cases aforesaid if any person shall after the commencement of this Act be convicted of any such felony as is hereinbefore in this section mentioned or of aiding abetting counselling 30 or procuring the commission thereof and the same shall not be punishable under any of the other provisions of this Act every such person shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without 35 hard labor and with or without solitary confinement.

PART V.

OFFENCES RELATING TO THE COIN.

Counterfeiting the gold or silver coin.

199. Whosoever shall falsely make or counterfeit any coin resembling or apparently intended to resemble or pass for any of the 40 Queen's current gold or silver coin shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement. 45

Colouring counterfeit coin or any pieces of metal with intent to make them pass for gold or silver coin.

200. Whosoever shall gild or silver or shall with any wash or materials capable of producing the colour or appearance of gold or of silver or by any means whatsoever wash case over or colour any coin whatsoever resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin or shall gild or silver or 50 shall with any wash or materials capable of producing the colour or appearance

appearance of gold or of silver or by any means whatsoever wash case over or colour any piece of silver or copper or of coarse gold or coarse silver or of any metal or mixture of metals respectively being of a fit size and figure to be coined and with intent that the same shall
 5 be coined into false and counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin or shall gild or shall with any wash or materials capable of producing the colour or appearance of gold or by any means whatsoever wash case over or colour any of the Queen's current silver coin or file or
 10 in any manner alter such coin with intent to make the same resemble or pass for any of the Queen's current gold coin or shall gild or silver or shall with any wash or materials capable of producing the colour or appearance of gold or silver or by any means whatsoever wash case over or colour any of the Queen's current copper coin or file or in any
 15 manner alter such coin with intent to make the same resemble or pass for any of the Queen's current gold or silver coin shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not
 20 exceeding two years with or without hard labor and with or without solitary confinement.

Colouring or altering genuine coin with intent to make it pass for a higher coin.

201. Whosoever shall impair diminish or lighten any of the Queen's current gold or silver coin with intent that the coin so impaired diminished or lightened may pass for the Queen's current
 25 gold or silver coin shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labour for any term not exceeding ten years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Impairing the gold or silver coin with intent &c.

30 202. Whosoever shall unlawfully have in his custody or possession any filings or clippings or any gold or silver bullion or any gold or silver in dust solution or otherwise which shall have been produced or obtained by impairing diminishing or lightening any of the Queen's current gold or silver coin knowing the same to have been so produced
 35 or obtained shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding five years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Unlawful possession of filings or clippings of gold or silver coin.

40 203. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall buy sell receive pay or put off or offer to buy sell receive pay or put off any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin at or for a lower rate or value
 45 than the same imports or was apparently intended to import shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and
 50 with or without solitary confinement and in any indictment for any such offence as in this section aforesaid it shall be sufficient to allege that the party accused did buy sell receive pay or put off or did offer to buy sell receive pay or put off the false or counterfeit coin at or for a lower rate or value than the same imports or was apparently intended to
 55 import without alleging at or for what rate price or value the same was bought sold received paid or put off or offered to be bought sold received paid or put off.

Buying or selling &c. counterfeit gold or silver coin for lower value than its denomination.

204. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall import or receive from
 beyond

Importing counterfeit coin from beyond seas.

beyond the seas any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin knowing the same to be false or counterfeit shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding 5 fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Exporting counterfeit coin.

205. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall export or put on board 10 any ship vessel or boat for the purpose of being exported any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current coin knowing the same to be false or counterfeit shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be imprisoned 15 for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Uttering counterfeit gold or silver coin.

206. Whosoever shall tender utter or put off any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin knowing the same 20 to be false or counterfeit shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding one year with or without hard labor and with or without solitary confinement.

Uttering accompanied by possession of other counterfeit coin or followed by a second uttering.

207. Whosoever shall tender utter or put off any false or 25 counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin knowing the same to be false or counterfeit and shall at the time of such tendering uttering or putting off have in his custody or possession besides the false or counterfeit coin so tendered uttered or put off any other piece of false 30 or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin or shall either on the day of such tendering uttering or putting off or within the space of ten days then next ensuing tender utter or put off any false or counterfeit coin resembling or apparently intended to resemble or 35 pass for any of the Queen's current gold or silver coin knowing the same to be false or counterfeit shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement. 40

Having three or more pieces of counterfeit gold or silver coin in possession &c. with intent &c.

208. Whosoever shall have in his custody or possession three 40 or more pieces of false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin knowing the same to be false or counterfeit and with intent to utter or put off the same or any of them shall be guilty of a mis- 45 demeanor and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for the term of three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Every second offence of uttering &c. after a previous conviction shall be felony.

209. Whosoever having been convicted either before or after 50 the passing of this Act of any such misdemeanor or crime and offence as in any of the last three preceding sections mentioned or of any felony against this or any former Act relating to the coin shall afterwards commit any of the misdemeanors or crimes and offences in any of the said sections mentioned shall be guilty of felony and being 55 convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

210. Whosoever shall with intent to defraud tender utter or put off as or for any of the Queen's current gold or silver coin any coin not being such current gold or silver coin or any medal or piece of metal or mixed metals resembling in size figure and colour the current coin as or for which the same shall be so tendered uttered or put off such coin medal or piece of metal or mixed metals so tendered uttered or put off being of less value than the current coin as or for which the same shall be so tendered uttered or put off shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding one year with or without hard labor and with or without solitary confinement.

Uttering foreign coin medals &c. as current coin with intent to defraud.

211. Whosoever shall falsely make or counterfeit any coin resembling or apparently intended to resemble or pass for any of the Queen's current copper coin and whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall knowingly make or mend or begin or proceed to make or mend or buy or sell or have in his custody or possession any instrument tool or engine adapted and intended for the counterfeiting any of the Queen's current copper coin or shall buy sell receive pay or put off or offer to buy sell receive pay or put off any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current copper coin at or for a lower rate or value than the same imports or was apparently intended to import shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding five years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Counterfeiting &c. copper coin.

212. Whosoever shall tender utter or put off any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current copper coin knowing the same to be false or counterfeit or shall have in his custody or possession three or more pieces of false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current copper coin knowing the same to be false or counterfeit and with intent to utter or put off the same or any of them shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding one year with or without hard labor and with or without solitary confinement.

Uttering base copper coin.

213. Whosoever shall deface any of the Queen's current gold silver or copper coin by stamping thereon any names or words whether such coin shall or shall not be thereby diminished or lightened shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding one year with or without hard labor.

Defacing the coin by stamping words thereon.

214. No tender of payment in money made in any gold silver or copper coin so defaced by stamping as in the last preceding section mentioned shall be allowed to be a legal tender and whosoever shall tender utter or put off any coin so defaced shall on conviction thereof before two Justices be liable to forfeit and pay any sum not exceeding forty shillings Provided that it shall not be lawful for any person to proceed for any such last-mentioned penalty without the consent of Her Majesty's Attorney General for New South Wales.

Tender of coin so defaced not to be a legal tender and penalty for uttering the same.

215. Whosoever shall make or counterfeit any kind of coin not being the Queen's current gold or silver coin but resembling or apparently intended to resemble or pass for any gold or silver coin of any Foreign Prince State or Country shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to

Counterfeiting foreign gold and silver coin.

to be kept to hard labor for any term not exceeding five years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Bringing such counterfeit coin into the United Kingdom.

216. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall bring or receive into the United Kingdom any such false or counterfeit coin resembling or apparently intended to resemble or pass for any gold or silver coin of any Foreign Prince State or Country knowing the same to be false or counterfeit shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding five years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Penalty for uttering such counterfeit coin

217. Whosoever shall tender utter or put off any such false or counterfeit coin resembling or apparently intended to resemble or pass for any gold or silver coin of any Foreign Prince State or Country knowing the same to be false or counterfeit shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding six months with or without hard labor.

Second offence of uttering counterfeit foreign coin.

218. Whosoever having been so convicted as in the last preceding section mentioned shall afterwards commit the like offence of tendering uttering or putting off any such false or counterfeit coin as aforesaid knowing the same to be false or counterfeit shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and whosoever having been so convicted of a second offence shall afterwards commit the like offence of tendering uttering or putting off any such false or counterfeit coin as aforesaid knowing the same to be false or counterfeit shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Third offence.

Persons counterfeiting foreign coin other than gold and silver coin.

219. Whosoever shall falsely make or counterfeit any kind of coin not being the Queen's current coin but resembling or apparently intended to resemble or pass for any copper coin or any other coin made of any metal or mixed metals of less value than the silver coin of any Foreign Prince State or Country shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court for the first offence to be imprisoned for any term not exceeding one year and for the second offence to be kept to hard labor for any term not exceeding five years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Penalty on persons having more than five pieces of such counterfeit foreign coin in their possession.

220. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall have in his custody or possession any greater number of pieces than five pieces of false or counterfeit coin resembling or apparently intended to resemble or pass for any gold or silver coin of any Foreign Prince State or Country or any such copper or other coin as in the last preceding section mentioned shall on conviction thereof before any Justice of the Peace forfeit and lose all such false and counterfeit coin which shall be cut in pieces and destroyed by order of such Justice and shall for every such offence forfeit and pay any sum of money not exceeding *forty* shillings nor less than *ten* shillings for every such piece of false and counterfeit coin which shall be found in the custody or possession of such

such person one moiety to the informer and the other moiety to Her Majesty for the public uses of this Colony and in case any such penalty shall not be forthwith paid it shall be lawful for any such Justice to commit the person who shall have been adjudged to pay the same to the gaol there to be kept to hard labor for the space of three months or until such penalty shall be paid.

221. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall knowingly make or mend or begin or proceed to make or mend or buy or sell or have in his custody or possession any puncheon counter puncheon matrix stamp die pattern or mould in or upon which there shall be made or impressed or which will make or impress or which shall be adapted and intended to make or impress the figure stamp or apparent resemblance of both or either of the sides of any of the Queen's current gold or silver coin or of any coin of any Foreign Prince State or Country or any part or parts of both or either of such sides or shall make or mend or begin or proceed to make or mend or shall buy or sell or have in his custody or possession any edger edging or other tool collar instrument or engine adapted and intended for the marking of coin round the edges with letters grainings or other marks or figures apparently resembling those on the edges of any such coin as in this section aforesaid knowing the same to be so adapted and intended as aforesaid or shall make or mend or begin or proceed to make or mend or shall buy or sell or have in his custody or possession any press for coinage or any cutting engine for cutting by force of a screw or of any other contrivance round blanks out of gold silver or other metal or mixture of metals or any other machine knowing such press to be a press for coinage or knowing such engine or machine to have been used or to be intended to be used for or in order to the false making or counterfeiting of any such coin as in this section aforesaid shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

222. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall knowingly convey out of Her Majesty's Mint any puncheon counter puncheon matrix stamp die pattern mould edger edging or other tool collar instrument press or engine used or employed in or about the coining of coin or any useful part of any of the several matters aforesaid or any coin bullion metal or mixture of metals shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

223. Where any coin shall be tendered as the Queen's current gold or silver coin to any person who shall suspect the same to be diminished otherwise than by reasonable wearing or to be counterfeit it shall be lawful for such person to cut break bend or deface such coin and if any coin so cut broken bent or defaced shall appear to be diminished otherwise than by reasonable wearing or to be counterfeit the person tendering the same shall bear the loss thereof but if the same shall be of due weight and shall appear to be lawful coin the person cutting breaking bending or defacing the same is hereby required to receive the same at the rate it was coined for and if any dispute shall arise whether the coin so cut broken bent or defaced be diminished in manner aforesaid or counterfeit it shall be heard and finally determined in a summary manner by any Justice of the Peace who

Making mending or having possession of any coining tools felony.

Conveying tools or moneys out of the Mint without authority felony.

Coin suspected to be diminished or counterfeit may be cut by any person to whom it is tendered.

Who shall bear the loss.

who is hereby empowered to examine upon oath as well the parties as any other person in order to the decision of such dispute and all receivers of Her Majesty's Revenue are hereby required to cut break or deface or cause to be cut broken or defaced every piece of counterfeit or unlawfully diminished gold or silver coin which shall be tendered 5 to them in payment of any part of Her Majesty's Revenue.

Provision for the discovery and seizure of counterfeit coin and coining tools for securing them as evidence and for ultimately disposing of them.

224. If any person shall find or discover in any place whatever or in the custody or possession of any person having the same without lawful authority or excuse any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current 10 gold silver or copper coin or any coin of any Foreign Prince State or Country or any instrument tool or engine whatsoever adapted and intended for the counterfeiting of any such coin or any filings or clippings or any gold or silver bullion or any gold or silver in dust solution or otherwise which shall have been produced or obtained by 15 diminishing or lightening any of the Queen's current gold or silver coin it shall be lawful for the person so finding or discovering and he is hereby required to seize the same and to carry the same forthwith before some Justice of the Peace and where it shall be proved on the oath of a credible witness before any Justice of the Peace that there 20 is reasonable cause to suspect that any person has been concerned in counterfeiting the Queen's current gold silver or copper coin or any such foreign or other coin as in this Act before mentioned or has in his custody or possession any such false or counterfeit coin or any instrument tool or engine whatsoever adapted and intended for 25 the making or counterfeiting of any such coin or any other machine used or intended to be used for making or counterfeiting any such coin or any such filings clippings or bullion or any such gold or silver in dust solution or otherwise as aforesaid it shall be lawful for any Justice of the Peace by warrant under his hand to cause any 30 place whatsoever belonging to or in the occupation or under the control of such suspected person to be searched either in the day or in the night and if any such false or counterfeit coin or any such instrument tool or engine or any such machine or any such filings clippings or bullion or any such gold or silver in dust solution or 35 otherwise as aforesaid shall be found in any place so searched to cause the same to be seized and carried forthwith before some Justice of the Peace and whensoever any such false or counterfeit coin or any such instrument tool or engine or any such machine or any such filings clippings or bullion or any such gold or silver in dust solution or 40 otherwise as aforesaid shall in any case whatsoever be seized and carried before a Justice of the Peace he shall if necessary cause the same to be secured for the purpose of being produced in evidence against any person who may be prosecuted for any offence against this Act and all such false and counterfeit coin and all instruments tools 45 and engines adapted and intended for the making or counterfeiting of coin and all such machines and all such filings clippings and bullion and all such gold and silver in dust solution or otherwise as aforesaid after they shall have been produced in evidence or when they shall have been seized and shall not be required to be produced in evidence 50 shall forthwith be delivered up to the Deputy Master of Her Majesty's Mint in Sydney or to any person authorized by him to receive the same.

What shall be sufficient proof of coin being counterfeit.

225. Where upon the trial of any person charged with any offence against this Act so far as it relates to coinage it shall be 55 necessary to prove that any coin produced in evidence against such person is false or counterfeit it shall not be necessary to prove the same to be false and counterfeit by the evidence of any officer of Her Majesty's Mint but it shall be sufficient to prove the same to be false or counterfeit by the evidence of any other credible witness.

226.

226. Every offence of falsely making or counterfeiting any coin or of buying selling receiving paying tendering uttering or putting off or of offering to buy sell receive pay utter or put off any false or counterfeit coin against the provisions of this Act shall be deemed to be complete although the coin so made or counterfeited or bought sold received paid tendered uttered or put off or offered to be bought sold received paid uttered or put off shall not be in a fit state to be uttered or the counterfeiting thereof shall not be finished or perfected.

Where the counterfeiting coin shall be complete.

227. It shall be lawful for any person whatsoever to apprehend any person who shall be found committing any offence against the provisions of this Act in relation to the coinage and to convey or deliver him to some peace officer constable or officer of police in order to his being conveyed as soon as reasonably may be before a Justice of the Peace or some other proper officer to be dealt with according to law.

Any person may apprehend any person committing any indictable offence against this Act.

228. Where any person shall have been convicted of any offence against this Act or any former Act relating to the coin shall afterwards be indicted for any offence against this Act relating to coinage committed subsequent to such conviction it shall be sufficient in any such indictment after charging such subsequent offence to state the substance and effect only (omitting the formal part) of the indictment and conviction for the previous offence and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for the previous offence purporting to be signed by the Clerk of the Court or other Officer having or purporting to have the custody of the Records of the Court where the offender was first convicted or by the deputy of such Clerk or Officer shall upon proof of the identity of the person of the offender be sufficient evidence of the previous conviction without proof of the signature or official character or authority of the person appearing to have signed the same or of his custody or right to the custody of the Records of the Court and for every such certificate a fee of six shillings and eight-pence and no more shall be demanded or taken and the proceedings upon any indictment for committing any offence after a previous conviction or convictions shall be as follows (that is to say) the offender shall in the first instance be arraigned upon so much only of the indictment as charges the subsequent offence and if he plead not guilty or if the Court order a plea of not guilty to be entered on his behalf the jury shall be charged in the first instance to inquire concerning such subsequent offence only and if they find him guilty or if on arraignment he plead guilty he shall then and not before be asked whether he had been previously convicted as alleged in the indictment and if he answer that he had been so previously convicted the Court may proceed to sentence him accordingly but if he deny that he had been so previously convicted or stand mute of malice or will not answer directly to such question the jury shall then be charged to inquire concerning such previous conviction or convictions and in such case it shall not be necessary to swear the jury again but the oath already taken by them shall for all purposes be deemed to extend to such last mentioned inquiry Provided that if upon the trial of any person for any such subsequent offence such person shall give evidence of his good character it shall be lawful for the prosecutor in answer thereto to give evidence of the conviction of such person for the previous offence or offences before such verdict of guilty shall be returned and the jury shall inquire concerning such previous conviction or convictions at the same time that they inquire concerning such subsequent offence.

What shall be sufficient evidence of conviction for a previous offence.

When the previous conviction is to be proved on the trial.

PART VI.

OFFENCES AGAINST THE PERSON.

Homicide.

Murder.

229. Whosoever shall be convicted of murder shall suffer death as a felon. 5

230. The body of every person executed for murder shall be buried within the precincts of the prison in which he shall have been last confined after conviction and the sentence of the Court shall so direct.

Sentence for murder.

231. Upon every conviction for murder the Court shall pronounce sentence of death and the same may be carried into execution and all other proceedings upon such sentence and in respect thereof may be had and taken in the same manner in all respects as sentence of death might have been pronounced and carried into execution and all other proceedings thereupon and in respect thereof might have been had and taken before the passing of this Act. 10 15

Conspiring or soliciting to commit murder.

232. All persons who shall conspire confederate and agree to murder any person whether he be a subject of Her Majesty or not and whether he be within the Colony or not and whosoever shall solicit encourage persuade or endeavour to persuade or shall propose to any person to murder any other person whether he be a subject of Her Majesty or not and whether he be within the Colony or not shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not more than ten and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor. 20 25

Manslaughter.

233. Whosoever shall be convicted of manslaughter shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor or to pay such fine as the Court shall award in addition to or without any such other discretionary punishment as aforesaid. 30

Indictment for murder or manslaughter.

234. In any indictment for murder or manslaughter or for being an accessory to any murder or manslaughter it shall not be necessary to set forth the manner in which or the means by which the death of the deceased was caused but it shall be sufficient in any indictment for murder to charge that the defendant did feloniously wilfully and of his malice aforethought kill and murder the deceased And it shall be sufficient in any indictment for manslaughter to charge that the defendant did feloniously kill and slay the deceased And it shall be sufficient in any indictment against any accessory to any murder or manslaughter to charge the principal with the murder or manslaughter (as the case may be) in the manner hereinbefore specified and then to charge the defendant as an accessory in the manner heretofore used and accustomed. 35 40 45

Excusable homicide.

235. No punishment or forfeiture shall be incurred by any person who shall kill another by misfortune or in his own defence or in any other manner without felony.

Petit treason.

236. Every offence which before the commencement of the Act of the ninth year of the reign of King George the Fourth chapter thirty-one would have been deemed to be petit treason shall be deemed to be murder only and no greater offence and all persons guilty in respect thereof whether as principals or accessories shall be dealt with indicted tried and punished as principals and accessories in murder. 50 55

237. When any murder or manslaughter shall be committed on land out of the Colony and whether the person killed were a subject of Her Majesty or not every offence committed by any subject of Her Majesty in respect of any such case whether
 5 the same shall amount to the offence of murder or of manslaughter or of being accessory to murder or manslaughter may be dealt with inquired of tried determined and punished in the said Colony in the same manner in all respects as if such offence had been actually committed therein provided that nothing herein contained shall
 10 prevent any person from being tried in any place out of the said Colony for any murder or manslaughter committed out of the said Colony in the same manner as such person might have been tried before the passing of this Act.

Murder or manslaughter abroad.

238. Where any person being feloniously stricken poisoned or
 15 otherwise hurt upon the sea or at any place out of the Colony shall die of such stroke poisoning or hurt in the said Colony every offence committed in respect of any such case whether the same shall amount to the offence of murder or of manslaughter or of being accessory to murder or manslaughter may be dealt with inquired of tried deter-
 20 mined and punished in the said Colony in the same manner in all respects as if such offence had been wholly committed therein.

Provision for the trial of murder and manslaughter where the death or cause of death only happens

Attempts to murder.

239. Whoever shall administer to or cause to be administered to or to be taken by any person any poison or other destructive thing or
 25 shall by any means whatsoever wound or cause any grievous bodily harm to any person with intent in any of the cases aforesaid to commit murder shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be
 30 imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Administering poison or wounding with intent to murder.

240. Whosoever by the explosion of gunpowder or other explosive substance shall destroy or damage any building with intent to commit murder shall be guilty of felony and being convicted thereof shall be
 35 liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Destroying or damaging a building with gunpowder with intent to murder.

241. Whosoever shall set fire to any ship or vessel or any part
 40 thereof or any part of the tackle apparel or furniture thereof or any goods or chattels being therein or shall cast away or destroy any ship or vessel with intent in any of such cases to commit murder shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not
 45 exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Setting fire to or casting away a ship with intent to murder.

242. Whosoever shall attempt to administer to or shall attempt to cause to be administered to or to be taken by any person any poison
 50 or other destructive thing or shall shoot at any person or shall by drawing a trigger or in any other manner attempt to discharge any kind of loaded arms at any person or shall attempt to drown suffocate or strangle any person with intent in any of the cases aforesaid to commit murder shall whether any bodily injury be effected or
 55 not be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Attempting to administer poison or shooting or attempting to shoot or attempting to drown &c. with intent to murder.

By any other means attempting to commit murder.

243. Whosoever shall by any means other than those specified in any of the preceding sections of this Act attempt to commit murder shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned 10 for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Letters threatening to murder.

Sending letters threatening to murder.

244. Whosoever shall maliciously send deliver or utter or directly or indirectly cause to be received knowing the contents thereof any 15 letter or writing threatening to kill or murder any person shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding ten years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor 20 and with or without solitary confinement and if a male under the age of sixteen years with or without whipping.

Acts causing or tending to cause danger to life or bodily harm.

Impeding a person endeavouring to save himself from shipwreck.

245. Whosoever shall unlawfully and maliciously prevent or impede any person being on board of or having quitted any ship or 25 vessel which shall be in distress or wrecked stranded or cast on shore in his endeavour to save his life or shall unlawfully and maliciously prevent or impede any person in his endeavour to save the life of any such person as in this section first aforesaid shall be guilty of felony and being convicted thereof shall be liable at the discretion of the 30 Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement.

Shooting or attempting to shoot or wounding with intent to do grievous bodily harm.

246. Whosoever shall unlawfully and maliciously by any 35 means whatsoever wound or cause any grievous bodily harm to any person or shoot at any person or by drawing a trigger or in any other manner attempt to discharge any kind of loaded arms at any person with intent in any of the cases aforesaid to maim disfigure or disable any person or to do some other grievous bodily harm to any person 40 or with intent to resist or prevent the lawful apprehension or detainer of himself or of any other person shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two 45 years with or without hard labor and with or without solitary confinement.

What shall constitute loaded arms.

247. Any gun pistol or other arms which shall be loaded in the barrel with gunpowder or any other explosive substance and ball shot slug or other destructive material shall be deemed to be loaded arms 50 within the meaning of this Act although the attempt to discharge the same may fail from want of proper priming or from any other cause.

Inflicting bodily injury with or without weapon.

248. Whosoever shall unlawfully and maliciously wound or inflict any grievous bodily harm upon any other person either with or 55 without any weapon or instrument shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding three years or to be imprisoned for any term not exceeding two years with or without hard labor.

249. Whosoever shall by any means whatsoever attempt to choke suffocate or strangle any other person or shall by any means calculated to choke suffocate or strangle attempt to render any other person insensible unconscious or incapable of resistance with intent in any of such cases thereby to enable himself or any other person to commit or with intent in any of such cases thereby to assist any other person in committing any indictable offence shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor.

Attempting to choke &c. in order to commit any indictable offence.

250. Whosoever shall unlawfully apply or administer to or cause to be taken by or attempt to apply or administer to or attempt to cause to be administered to or taken by any person any chloroform laudanum or other stupefying or overpowering drug matter or thing with intent in any of such cases thereby to enable himself or any other person to commit or with intent in any of such cases thereby to assist any other person in committing any indictable offence shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor.

Using chloroform &c. to commit any indictable offence.

251. Whosoever shall unlawfully and maliciously administer to or cause to be administered to or taken by any other person any poison or other destructive or noxious thing so as thereby to endanger the life of such person or so as thereby to inflict upon such person any grievous bodily harm shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding ten years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor.

Maliciously administering poison so as to endanger life or inflict grievous bodily harm.

252. Whosoever shall unlawfully and maliciously administer to or cause to be administered to or taken by any other person any poison or other destructive or noxious thing with intent to injure aggrieve or annoy such person shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding three years or to be imprisoned for any term not exceeding two years with or without hard labor.

Maliciously administering poison &c. with intent to injure aggrieve or annoy any other person.

253. If upon the trial of any person for any felony in the last but one preceding section mentioned the jury shall not be satisfied that such person is guilty thereof but shall be satisfied that he is guilty of any misdemeanor in the last preceding section mentioned then and in every such case the jury may acquit the accused of such felony and find him guilty of such misdemeanor and thereupon he shall be liable to be punished in the same manner as if convicted upon an indictment for such misdemeanor.

If the jury be not satisfied that any person charged is guilty of felony but guilty of misdemeanor they may find him guilty accordingly.

254. Whosoever being legally liable either as a master or mistress to provide for any apprentice or servant necessary food clothing or lodging shall wilfully and without lawful excuse refuse or neglect to provide the same or shall unlawfully and maliciously do or cause to be done any bodily harm to any such apprentice or servant so that the life of such apprentice or servant shall be endangered or the health of such apprentice or servant shall have been or shall be likely to be permanently injured shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding three years or to be imprisoned for any term not exceeding two years with or without hard labor.

Not providing apprentices or servants with food &c. whereby life endangered.

Exposing children
whereby life endan-
gered.

255. Whosoever shall unlawfully abandon or expose any child being under the age of two years whereby the life of such child shall be endangered or the health of such child shall have been or shall be likely to be permanently injured shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to 5
be kept to hard labor for any term not exceeding three years or to be imprisoned for any term not exceeding two years with or without hard labor.

Causing bodily
injury by gunpowder.

256. Whosoever shall unlawfully and maliciously by the explosion of gunpowder or other explosive substance burn maim disfigure 10
disable or do any grievous bodily harm to any person shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and with or without 15
solitary confinement and if a male under the age of sixteen years with or without whipping.

Causing gunpowder
to explode or sending
to any person an ex-
plosive substance or
throwing corrosive
fluid on a person with
intent to do grievous
bodily harm.

257. Whosoever shall unlawfully and maliciously cause any gun-
powder or other explosive substance to explode or send or deliver to 20
or cause to be taken or received by any person any explosive substance or any other dangerous or noxious thing or put or lay at any place or
cast or throw at or upon or otherwise apply to any person any corro-
sive fluid or any 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 whether any 25
bodily injury be effected or not be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard
labor for any term not exceeding fifteen years nor less than three years
or to be imprisoned for any term not exceeding two years with or with-
out hard labor and with or without solitary confinement and if a male 30
under the age of sixteen years with or without whipping.

Placing gunpowder
near a building with
intent to do bodily
injury to any person.

258. Whosoever shall unlawfully and maliciously place or throw
in into upon against or near any building ship or vessel any gun-
powder or other explosive substance with intent to do any bodily
injury to any person shall whether or not any explosion take place 35
and whether or not any bodily injury be effected be guilty of felony
and being convicted thereof shall be liable at the discretion of the
Court to be kept to hard labor for any term not exceeding ten years
and not less than three years or to be imprisoned for any term
not exceeding two years with or without hard labor and with or with- 40
out solitary confinement and if a male under the age of sixteen years
with or without whipping.

Setting spring guns
&c. with intent to
inflict grievous
bodily harm.

259. Whosoever shall set or place or cause to be set or placed
any engine calculated to destroy human life or inflict grievous bodily
harm with the intent that the same or whereby the same may destroy 45
or inflict grievous bodily harm upon a trespasser or other person coming
in contact therewith shall be guilty of a misdemeanor and being con-
victed thereof shall be liable at the discretion of the Court to be kept
to hard labor for the term of three years or to be imprisoned for any
term not exceeding two years with or without hard labor and whoso- 50
ever shall knowingly and wilfully permit any such engine which may
have been set or placed in any place then being in or afterwards coming
into his possession or occupation by some other person to continue so
set or placed shall be deemed to have set and placed such engine
with such intent as aforesaid Provided that nothing in this section 55
contained shall extend to make it illegal to set or place any gin or
trap such as may have been or may be usually set or placed with
the intent of destroying vermin Provided also that nothing in this
section shall be deemed to make it unlawful to set or place or cause
to

to be set or placed or to be continued set or placed from sunset to sunrise any engine which shall be set or placed or caused or continued to be set or placed in a dwelling-house for the protection thereof.

260. Whosoever shall unlawfully and maliciously put or throw Placing wood &c. on a railway with intent to endanger passengers.
 5 upon or across any railway any wood stone or other matter or thing
 or shall unlawfully and maliciously take up remove or displace any
 rail sleeper or other matter or thing belonging to any railway or shall
 unlawfully and maliciously turn move or divert any points or other
 machinery belonging to any railway or shall unlawfully and mali-
 10 ciously make or show hide or remove any signal or light upon or
 near to any railway or shall unlawfully and maliciously do or
 cause to be done any other matter or thing with intent in any of
 the cases aforesaid to endanger the safety of any person travelling
 or being upon such railway shall be guilty of felony and being
 15 convicted thereof shall be liable at the discretion of the Court to
 be kept to hard labor for any term not exceeding fifteen years nor less
 than three years or to be imprisoned for any term not exceeding four
 years with or without hard labor and if a male under the age of six-
 teen years with or without whipping.

20 261. Whosoever shall unlawfully and maliciously throw or Casting stone &c. upon a railway carriage with intent to endanger the safety of any person therein.
 cause to fall or strike at against into or upon any engine tender
 carriage or truck used upon any railway any wood stone or other
 matter or thing with intent to injure or endanger the safety of any
 person being in or upon such engine tender carriage or truck or in or
 25 upon any other engine tender carriage or truck of any train of which
 such first-mentioned engine tender carriage or truck shall form part
 shall be guilty of felony and being convicted thereof shall be liable at
 the discretion of the Court to be kept to hard labor for any term not
 exceeding fifteen years nor less than three years or to be imprisoned
 30 for any term not exceeding two years with or without hard labor.

262. Whosoever by any unlawful act or by any wilful omission Doing or omitting anything to endanger passengers by railway.
 or neglect shall endanger or cause to be endangered the safety of any
 person conveyed or being in or upon a railway or shall aid or assist
 therein shall be guilty of a misdemeanor and being convicted thereof
 35 shall be liable at the discretion of the Court to be imprisoned for any
 term not exceeding two years with or without hard labor.

263. Whosoever having the charge of any carriage or vehicle Drivers of carriages injuring persons by furious driving.
 shall by wanton or furious driving or racing or other wilful misconduct
 or by wilful neglect do or cause to be done any bodily harm to any
 40 person whatsoever shall be guilty of a misdemeanor and being con-
 victed thereof shall be liable at the discretion of the Court to be
 imprisoned for any term not exceeding two years with or without hard
 labor.

Assaults.

45 264. Whosoever shall by threats or force obstruct or prevent or Obstructing or assaulting a clergyman or other minister in the discharge of his duties.
 endeavour to obstruct or prevent any clergyman or other minister in
 or from celebrating Divine Service or otherwise officiating in any
 church chapel or other place of Divine Worship or in or from the
 performance of his duty in the lawful burial of the dead in any church-
 50 yard or other burial place or shall strike or offer any violence to or
 shall upon any civil process or under the pretence of executing any
 civil process arrest any clergyman or other minister who is engaged in
 or to the knowledge of the offender is about to engage in any of the
 rites or duties in this section aforesaid or who to the knowledge of the
 55 offender shall be going to perform the same or returning from the
 performance thereof shall be guilty of a misdemeanor and being con-
 victed thereof shall be liable at the discretion of the Court to be
 imprisoned for any term not exceeding two years with or without hard
 labor.

Assaulting a magistrate on account of his preserving wreck.

265. Whosoever shall assault and strike or wound any magistrate officer or other person whatsoever lawfully authorized in or on account of the exercise of his duty in or concerning the preservation of any vessel in distress or of any vessel goods or effects wrecked stranded or cast on shore or lying under water shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding five years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor. 5

Assault with intent to commit felony or on peace officers &c.

266. Whosoever shall assault any person with intent to commit 10 felony or shall assault resist or wilfully obstruct any peace officer in the due execution of his duty or any person acting in aid of such officer or shall assault any person with intent to resist or prevent the lawful apprehension or detainer of himself or of any other person for any offence shall be guilty of a misdemeanor and being convicted 15 thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years with or without hard labor.

Assaults with intent to obstruct the sale of grain or its free passage.

267. Whosoever shall beat or use any violence or threat of violence to any person with intent to deter or hinder him from buying selling or otherwise disposing of or to compel him to buy sell or other- 20 wise dispose of any wheat or other grain flour meal malt or potatoes in any market or other place or shall beat or use any such violence or threat to any person having the care or charge of any wheat or other grain flour meal malt or potatoes whilst on the way to or from any city market town or other place with intent to stop the conveyance of the 25 same shall on conviction thereof before two Justices of the Peace be liable to be imprisoned and kept to hard labor in gaol for any term not exceeding three months. Provided that no person who shall be punished for any such offence by virtue of this section shall be punished for the same offence by virtue of any other law whatsoever. 30

Assaults on seamen &c.

268. Whosoever shall unlawfully and with force hinder or prevent any seaman keelman or caster from working at or exercising his lawful trade business or occupation or shall beat or use any violence to any such person with intent to hinder or prevent him from working at or exercising the same shall on conviction thereof before two 35 Justices of the Peace be liable to be imprisoned and kept to hard labor in the common gaol or house of correction for any term not exceeding three months. Provided that no person who shall be punished for any such offence by reason of this section shall be punished for the same offence by virtue of any other law whatsoever. 40

Assaults arising from combination.

269. Whosoever in pursuance of any unlawful combination or conspiracy to raise the rate of wages or of any unlawful combination or conspiracy respecting any trade business or manufacture or respecting any person concerned or employed therein shall unlawfully assault any person shall be guilty of a misdemeanor and being convicted 45 thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years with or without hard labor.

Persons committing any common assault or battery may be imprisoned or compelled by two Magistrates to pay fine and costs not exceeding £5.

270. Where any person shall unlawfully assault or beat any other person two Justices of the Peace upon complaint by or on behalf of the party aggrieved may hear and determine such offence and the 50 offender shall upon conviction thereof before them at the discretion of the Justices either be committed to gaol there to be imprisoned with or without hard labor for any term not exceeding two months or else shall forfeit and pay such fine as shall appear to them to be meet not exceeding together with the costs (if ordered) the sum 55 of five pounds and if such fine as shall be so awarded together with the costs (if ordered) shall not be paid either immediately after the conviction or within such period as the said Justices shall at the time of the conviction appoint they may commit the offender to gaol there

there to be imprisoned with or without hard labor for any term not exceeding two months unless such fine and costs be sooner paid.

271. When any person shall be charged before two Justices of the Peace with an assault or battery upon any male child whose age shall not in the opinion of such Justices exceed fourteen years or upon any female either upon the complaint of the party aggrieved or otherwise the said Justices if the assault or battery is of such an aggravated nature that it cannot in their opinion be sufficiently punished under the provisions hereinbefore contained as to common assaults and batteries may proceed to hear and determine the same in a summary way and if the same be proved may convict the person accused and every such offender shall be liable to be imprisoned in gaol with or without hard labor for any period not exceeding six months or to pay a fine not exceeding (together with costs) the sum of twenty pounds and in default of payment to be imprisoned in gaol for any period not exceeding six months unless such fine and costs be sooner paid and if the Justices shall so think fit in any of the said cases shall be bound to keep the peace and be of good behaviour for any period not exceeding six months from the expiration of such sentence.

Persons convicted of aggravated assaults on females and boys under fourteen years of age may be imprisoned or fined.

272. If the Justices upon the hearing of any such case of assault or battery upon the merits where the complaint was preferred by or on the behalf of the party aggrieved under either of the last two preceding sections shall deem the offence not to be proved or shall find the assault or battery to have been justified or so trifling as not to merit any punishment and shall accordingly dismiss the complaint they shall forthwith make out a certificate under their hands stating the fact of such dismissal and shall deliver such certificate to the party against whom the complaint was preferred.

If the Magistrates dismiss the complaint they shall make out a certificate to that effect.

273. If any person against whom any such complaint as in either of the last three preceding sections mentioned shall have been preferred by or on the behalf of the party aggrieved shall have obtained such certificate or having been convicted shall have paid the whole amount adjudged to be paid or shall have suffered the imprisonment or imprisonment with hard labor awarded in every such case he shall be released from all further or other proceedings civil or criminal for the same cause.

Certificate or conviction shall be a bar to any other proceedings.

274. Provided that in case the Justices shall find the assault or battery complained of to have been accompanied by any attempt to commit felony or shall be of opinion that the same is from any other circumstance a fit subject for a prosecution by indictment they shall abstain from any adjudication thereupon and shall deal with the case in all respects in the same manner as if they had no authority finally to hear and determine the same. Provided also that nothing herein contained shall authorize any Justices to hear and determine any case of assault or battery in which any question shall arise as to the title to any lands tenements or hereditaments or any interest therein or accruing therefrom or as to any bankruptcy or insolvency or any execution under the process of any Court of Justice.

These provisions not to apply to certain cases.

275. Whosoever shall be convicted upon an indictment of any assault occasioning actual bodily harm shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding three years or to be imprisoned for any term not exceeding two years with or without hard labor and whosoever shall be convicted upon an indictment for a common assault shall be liable at the discretion of the Court to be imprisoned for any term not exceeding one year with or without hard labor.

Assault occasioning bodily harm.

Common assault.

Rape abduction and defilement of women.

276. Whosoever shall be convicted of the crime of rape shall suffer death as a felon.

Rape.

Procuring the defilement of girl under age.

277. Whosoever shall by false pretences false representations or other fraudulent means procure any woman or girl under the age of twenty-one years to have illicit carnal connection with any man shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years with or without hard labor. 5

Punishment provided for certain indecent assaults upon female children under ten years of age.

278. Every person who shall be convicted of any assault with intent to commit rape or any assault with intent unlawfully and carnally to know and abuse any girl under the age of ten years shall be liable at the discretion of the Court to be kept to hard labor for any term not more than ten years nor less than five years or to be imprisoned for any term not exceeding two years with or without hard labor. 10

Offenders may be found guilty of assault with intent &c.

279. Where any person shall be tried on any information or indictment charging him with the commission of the crime of rape or with having unlawfully and carnally known and abused any girl under the age of ten years it shall be lawful for the jury to acquit him of the crime or offence so charged and to find a verdict against him (if the evidence shall warrant such finding) of guilty of assault with intent to commit the same and such person shall upon such finding be deemed and taken to be convicted within the meaning of the preceding section and such verdict may be found in respect of any such girl under the age of ten years notwithstanding that she may or shall have consented to the act or acts proved against the prisoner. 15

Punishment for offences against female children above ten and under twelve years of age.

280. Every person who shall be convicted of the offence of unlawfully and carnally knowing and abusing any girl above the age of ten years and under the age of twelve years shall be liable at the discretion of the Court to be kept to hard labor for any term not more than five years nor less than three years or to be imprisoned for any term not less than two years with or without hard labor and on any information or indictment for such offence it shall be lawful for the jury to acquit the prisoner of the same and to find a verdict against him (if the evidence shall warrant such finding) of guilty of an attempt to commit the same offence and the Court may upon such finding sentence him to hard labor with or without imprisonment for any term not exceeding three years. 20 30 35

Indecent assault upon a female child under twelve years of age a misdemeanor.

281. If any person shall unlawfully and indecently assault any female child under the age of twelve years whether such assault be with or without the consent of such child every such offender shall be guilty of a misdemeanor and being convicted thereof shall be kept to hard labor for any term not exceeding three years and if any person who shall have been convicted of the misdemeanor hereinbefore mentioned shall afterwards commit any such misdemeanor such person shall be deemed guilty of felony and being convicted thereof shall at the discretion of the Court be kept to hard labor for not more than five years nor less than three years or to be imprisoned for not less than two years with or without hard labor. 40 45

Second conviction a felony.

Practice on trial of such felony.

282. In any indictment or information for the felony mentioned in the four preceding sections it shall be sufficient to state that the offender was at a certain time and place convicted of an indecent assault upon a female child without otherwise describing such previous conviction and a certificate containing the substance and effect only (omitting the formal part) of the indictment or information and of the conviction for such indecent assault purporting to be signed by the clerk or other officer having the custody of the records of the Court where the offender was so convicted shall upon proof of the identity of the person of the offender be sufficient evidence of such conviction without proof of the signature or of the official character of the person appearing to have signed the same Provided always that it shall not be lawful on the trial of any person for any such felony to charge the jury 50 55

jury to inquire concerning such previous conviction until after they have inquired concerning such felony and shall have found such person guilty of the same and whenever in such indictment or information such previous conviction shall be stated the reading of such statement to the jury as part of the indictment or information shall be deferred until after such finding as aforesaid. Provided nevertheless that if upon the trial for such felony as aforesaid such person shall offer evidence of his good character it shall be lawful for the prosecutor in answer thereto to give evidence of such previous conviction before such verdict of guilty shall have been returned and the jury shall then inquire concerning such previous conviction at the same time that they inquire concerning such felony.

283. When any person shall be charged before two Justices of the Peace or before any Police or Stipendiary Magistrate with an assault upon any female whatever or upon any male child whose age shall not in the opinion of such Justices or Police or Stipendiary Magistrate exceed fourteen years either upon the complaint of the party aggrieved or otherwise it shall be lawful for the said Justices or Police or Stipendiary Magistrate if the assault is of such an aggravated nature that it cannot in their or his opinion be sufficiently punished under the provisions of the Act fourteenth Victoria number eighty-three and the Acts of the Imperial Parliament thereby adopted to proceed to hear and determine in a summary way and if they shall find the same to be proved to convict the person accused and every offender so convicted shall be liable to be imprisoned with or without hard labor for a period not exceeding six calendar months or to pay a fine not exceeding (together with costs) the sum of twenty pounds and in default of payment to be imprisoned as aforesaid with or without hard labor for a period not exceeding six calendar months unless such fine and costs be sooner paid and if the Magistrate or Magistrates shall so think fit shall be bound to keep the peace and be of good behaviour for any period not exceeding six calendar months from the expiration of such sentence and such conviction shall be a bar to all future proceedings civil or criminal for or in respect of the same assault.

Power of punishing on summary conviction assaults committed on females and male children under fourteen years of age and occasioning actual bodily harm extended.

284. Where under the last preceding section any recognizance to keep the peace or to be of good behaviour is entered into by any person as principal or surety before the Court of General or Quarter Sessions of the Peace or before any Justice or Justices of the Peace it shall be lawful for any such Court of General or Quarter Sessions of the Peace as aforesaid upon application made to such Court to declare such recognizance to be forfeited upon proof of a conviction of the party bound by such recognizance of any offence which is in law a breach of the condition of the same and upon further proof that a notice in writing signed by the person seeking to put such recognizance in force has seven clear days before the commencement of such Sessions been personally served upon or left at the usual place of abode of the party or each of the parties (if more than one) who entered into such recognizance that an application will be made to the said Court of General or Quarter Sessions that the said recognizance shall be declared forfeited and if such recognizance shall be declared forfeited all such proceedings shall be had thereon as in the case of a recognizance forfeited at such Court of General or Quarter Sessions and all the provisions of the Act of Council passed in the second year of the reign of Her present Majesty number eight applicable to recognizances forfeited at such Court shall apply to a recognizance which shall upon such application and proof as hereinbefore mentioned be declared to be forfeited and upon notice in writing of such intended application to the said General or Quarter Sessions being given to any

Court of General or Quarter Sessions may upon proof of conviction and notice to parties declare a recognizance to keep the peace or to be of good behaviour to be forfeited.

any Justice or Justices before whom any such recognizance shall have been taken four clear days before the commencement of the said Sessions the said Justice or Justices shall transmit the said recognizance to the Clerk of the Peace of the District within which the said recognizance shall have been taken with a certificate that the said 5 recognizance is sent to him by reason of such last-mentioned notice having been so given as aforesaid.

Detention of persons committed to prison for not entering into recognizance limited.

285. No person committed to prison under any warrant or order of one Justice of the Peace for not entering into recognizances or finding sureties to keep the peace or to be of good behaviour shall 10 be detained under such warrant or order for more than twelve calendar months from the time of such commitment and upon each such committal the Justice issuing the warrant shall limit the particular term of detention of the person committed and such term shall be expressed in the warrant. 15

Abduction of a woman against her will from motives of lucre.

286. Where any woman of any age shall have any interest whether legal or equitable present or future absolute conditional or contingent in any real or personal estate or shall be a presumptive heiress or co-heiress or presumptive next of kin or one of the presumptive next of kin to any one having such interest whosoever shall from motive of 20 lucre take away or detain such woman against her will with intent to marry or carnally know her or to cause her to be married or carnally known by any other person and whosoever shall fraudulently allure take away or detain such woman being under the age of twenty-one years out of the possession and against the will of her father or mother or of 25 any other person having the lawful care or charge of her with intent to marry or carnally know her or to cause her to be married or carnally known by any other person shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding ten years and not 30 less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and whosoever shall be convicted of any offence against this section shall be incapable of taking any estate or interest legal or equitable in any real or personal property of such woman or in which she shall have any such interest or which shall 35 come to her as such heiress coheiress or next of kin as aforesaid and if any such marriage as aforesaid shall have taken place such property shall upon such conviction be settled in such manner as the Supreme Court shall upon any information at the suit of the Attorney General appoint. 40

Fraudulent abduction of a girl under age against the will of her father &c.

Offender incapable of taking any of her property.

Forceful abduction of any woman with intent to marry her.

287. Whosoever shall by force take away or detain against her will any woman of any age with intent to marry or carnally know her or to cause her to be married or carnally known by any other person shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not 45 exceeding ten years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor.

Abduction of a girl under sixteen years of age.

288. Whosoever shall unlawfully take or cause to be taken any unmarried girl being under the age of sixteen years out of the possession and against the will of her father or mother or of any other person 50 having the lawful care or charge of her shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years with or without hard labor.

Child stealing.

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Child stealing.

289. Whosoever shall unlawfully either by force or fraud lead or take away or decoy or entice away or detain any child under the age of fourteen years with intent to deprive any parent guardian or other person having the lawful care or charge of such child of the possession

possession of such child or with intent to steal any article upon or about the person of such child to whomsoever such article may belong and whosoever shall with any such intent receive or harbour any such child knowing the same to have been by force or fraud led taken
 5 decoyed enticed away or detained as in this section before mentioned shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding five years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and
 10 if a male under the age of sixteen years with or without whipping Provided that no person who shall have claimed any right to the possession of such child or shall be the mother or shall have claimed to be the father of an illegitimate child shall be liable to be prosecuted by virtue hereof on account of the getting possession of such child or
 15 taking such child out of the possession of any person having the lawful charge thereof.

Bigamy.

290. Whosoever being married shall marry any other person Bigamy.
 during the life of the former husband or wife whether the second
 20 marriage shall have been solemnized in the Colony or elsewhere shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding five years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor and
 25 any such offence may be dealt with inquired of tried determined and punished in this Colony in the same manner in all respects as if the offence had been actually committed therein Provided that nothing in this section contained shall extend to any second marriage contracted elsewhere than in this Colony by any other than a subject of Her
 30 Majesty or to any person marrying a second time whose husband or wife shall have been continually absent from such person for the space of seven years then last past and shall not have been known by such person to be living within that time or shall extend to any person who at the time of such second marriage shall have been divorced from the
 35 bond of the first marriage or to any person whose former marriage shall have been declared void by the sentence of any Court of competent jurisdiction.

Offence may be dealt with where offender shall be apprehended.

Not to extend to second marriages, &c., herein stated.

Attempts to procure abortion.

291. Every woman being with child who with intent to procure
 40 her own miscarriage shall unlawfully administer to herself any poison or other noxious thing or shall unlawfully use any instrument or other means whatsoever with the like intent and whosoever with intent to procure the miscarriage of any woman whether she be or be not with child shall unlawfully administer to her or cause to be taken by her
 45 any poison or other noxious thing or shall unlawfully use any instrument or other means whatsoever with the like intent shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding fifteen years nor less than three years or to be imprisoned for any term not
 50 exceeding two years with or without hard labor and with or without solitary confinement.

Administering drugs or using instruments to procure abortion.

292. Whosoever shall unlawfully supply or procure any poison
 or other noxious thing or any instrument or thing whatsoever knowing
 that the same is intended to be unlawfully used or employed with
 55 intent to procure the miscarriage of any woman whether she be or be not with child shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding three years or to be imprisoned for any term not exceeding two years with or without hard labor.

Procuring drugs &c. to cause abortion.

Concealing the birth of a child.

Concealing the birth
of a child.

293. If any woman shall be delivered of a child every person who shall by any secret disposition of the dead body of the said child whether such child died before at or after its birth endeavour to conceal the birth thereof shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years with or without hard labor. Provided that if any person tried for the murder of any child shall be acquitted thereof it shall be lawful for the jury by whose verdict such person shall be acquitted to find in case it shall so appear in evidence that the child had recently been born and that such person did by some secret disposition of the dead body of such child endeavour to conceal the birth thereof and thereupon the Court may pass such sentence as if such person had been convicted upon an indictment for the concealment of the birth.

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Unnatural offences.

Sodomy and
bestiality.

294. Whosoever shall be convicted of the abominable crime of buggery committed either with mankind or with any animal shall suffer death as a felon.

Attempt to commit
an infamous crime.

295. Whosoever shall attempt to commit the said abominable crime or shall be guilty of any assault with intent to commit the same or of any indecent assault upon any male person shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be kept to hard labor for any term not exceeding ten years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labor.

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Carnal knowledge
defined.

296. Whenever upon the trial for any offence punishable under this Act it may be necessary to prove carnal knowledge it shall not be necessary to prove the actual emission of seed in order to constitute a carnal knowledge but the carnal knowledge shall be deemed complete upon proof of penetration only.

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Making gunpowder to commit offences and searching for the same.

Making or having
gunpowder &c. with
intent to commit any
felony against this
Act.

297. Whosoever 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 of the felonies in this Act mentioned shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and if a male under the age of sixteen years with or without whipping.

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Justices may issue
warrants for search-
ing houses &c. in
which explosive
substances are
suspected to be made
for the purpose of
committing felonies
against this Act.

298. Any Justice of the Peace in any place in which any such gunpowder or other explosive dangerous or noxious substance or thing or any such machine engine instrument or thing is suspected to be made kept or carried for the purpose of being used in committing any of the felonies in that portion of this Act which relates to offences against the person mentioned upon reasonable cause assigned upon oath by any person may issue a warrant under his hand and seal for searching in the daytime any house mill magazine store-house warehouse shop cellar yard wharf or other place or any carriage wagon cart ship boat or vessel in which the same is suspected to be made kept or carried for such purpose as hereinbefore mentioned and 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 machines engines instruments or things found upon such search which he shall have good

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good cause to suspect to be intended to be used in committing any such offence and the barrels packages cases and other receptacles in which the same shall be the same powers and protections which are given to persons searching for unlawful quantities of gunpowder under 7 William 4 No. 7. the warrant of a Justice by the Act seventh William Fourth number seven.

Miscellaneous Offences.

299. If any person whosoever shall compass imagine invent
devise or intend to deprive or depose our Most Gracious Lady the
10 Queen Her Heirs or Successors from the style honor or Royal name
of the Imperial Crown of the United Kingdom or of this Colony or
any other of Her Majesty's dominions or to levy war against Her
Majesty Her Heirs or Successors within any part of this Colony in
order by force or constraint to compel her or them to change her or
15 their measures or counsels or in order to put any force or constraint
upon or to intimidate or overawe both Houses or either House of Par-
liament or to move or stir any foreigner or stranger with force to
invade this or any other of Her Majesty's dominions or countries under
the obeisance of Her Majesty Her Heirs or Successors and such com-
20 passing imaginations inventions devices or intentions or any of them
shall express utter or declare by publishing any printing or writing
or by open and advised speaking or by any overt act or deed every
person so offending shall be guilty of felony and being convicted
thereof shall be liable at the discretion of the Court to be imprisoned
25 for any term not exceeding fifteen years and not less than seven years
with or without hard labor as the Court shall direct.
300. Provided that no person shall be prosecuted for any felony
under that portion of this Act which relates to offences against
the person in respect of such compassings imaginations inventions
30 devices or intentions as aforesaid in so far as the same are expressed
uttered or declared by open and advised speaking only unless infor-
mation of such compassings imaginations inventions devices and
intentions of the words by which the same were expressed uttered or
declared shall be given upon oath to one or more Justice or Justices
35 of the Peace within six days after such words shall have been spoken
and unless a warrant for the apprehension of the person by whom such
words shall have been spoken shall be issued within ten days next
after such information shall have been given as aforesaid and unless
such warrant shall be issued within two years after the passing of this
40 Act And that no person shall be convicted of any such compassings
inventions devices or intentions as aforesaid in so far as the same are
expressed uttered or declared by open or advised speaking as aforesaid
except upon his own confession in open Court or unless the words so
spoken shall be proved by two credible witnesses.
- 45 301. It shall be lawful in any indictment for any felony under
this Act to charge against the offender any number of the matters
acts or deeds by which such compassings imaginations inventions
devices or intentions as aforesaid or any of them shall have been
expressed uttered or declared.
- 50 302. Nothing herein contained shall lessen the force of or in
any manner affect anything enacted by the Statute passed in the
twenty-fifth year of King Edward the Third "*A Declaration which
Offences shall be adjudged Treason.*"
- 55 303. If the facts or matters alleged in an indictment for any
felony under that portion of this Act which relates to offences against
the person shall amount in law to treason such indictment shall
not by reason thereof be deemed void erroneous or defective and if
the facts or matters proved on the trial of any person indicted for
any felony under this Act shall amount in law to treason such person
shall

Treasonable felony.

Times limited for
prosecution warrant
&c.

More than one overt
act may be charged

Act 25 Ed. 3 c. 2
not affected.

Indictment for
felony valid though
facts amount to
treason.

shall not by reason thereof be entitled to be acquitted of such felony but no person tried for such felony shall be afterwards prosecuted for treason upon the same facts.

As to apprehension of offenders and other matters.

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.

A person loitering at night and suspected of any felony against this Act may be apprehended.

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

Application of forfeitures and penalties on summary convictions.

Proviso where several persons join in commission of same offence.

304. Any person found committing any offence punishable 5 either upon indictment or upon summary conviction by virtue of this Act may be immediately apprehended without a warrant by any person and forthwith taken together with such property if any as may be found in his possession before some neighbouring Justice of the Peace to be dealt with according to law and if any 10 credible witness shall prove upon oath before a Justice of the Peace a reasonable cause to suspect that any person has in his possession or on his premises any property whatsoever on or with respect to which any offence punishable either upon indictment or upon summary conviction by virtue of this Act shall have been committed the 15 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 authorized and if in his power is 20 required to apprehend and forthwith to take before a Justice of the Peace the party offering the same together with such property to be dealt with according to law.

305. Any constable or peace officer may take into custody without warrant any person whom he shall find lying or loitering 25 in any highway yard or other place during the night and whom he shall have good cause to suspect of having committed or being about to commit any felony against this Act and shall take such person as soon as reasonably may be before a Justice of the Peace to be dealt with according to law.

306. Where any person shall be charged on the oath of a 30 credible witness before any Justice of the Peace with any offence punishable on summary conviction under this Act the Justice may summon the person charged to appear at a time and place to be named in such summons and if he shall not appear accordingly then (upon 35 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 40 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.

307. Every sum of money which shall be forfeited on any 45 summary conviction for the value of any property stolen or taken or for the amount of any injury done (such value or amount to be assessed in each case by the convicting Justice) shall be paid to the party aggrieved except where he is unknown and in that case such sum 50 shall be applied in the same manner as a penalty and every sum which shall be imposed as a penalty by any Justice of the Peace whether in addition to such value or amount or otherwise shall be paid and applied in the same manner as other penalties recoverable before Justices of the Peace are to be paid and applied in cases where the Statute 55 imposing the same contains no direction for the payment thereof to any person Provided that where several persons shall join in the commission of the same offence and shall upon conviction thereof each be adjudged to forfeit a sum equivalent to the value of the property

property or to the amount of the injury in every such case no further sum shall be paid to the party aggrieved than such value or amount and the remaining sum or sums forfeited shall be applied in the same manner as any penalty imposed by a Justice of the Peace is herein-
5 before directed to be applied.

308. 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 imme-
10 diately after the conviction or within such period as the Justice shall at the time of the conviction appoint the convicting Justice (unless where otherwise specially directed) may commit the offender to the common gaol there to be imprisoned only or to be imprisoned and kept to hard labor according to the discretion of the Justice for any
15 term not exceeding two months where the amount of the sum forfeited or of the penalty imposed or of both (as the case may be) together with the costs shall not exceed five pounds and for any term not exceeding four months where the amount with costs shall not exceed ten pounds and for any term not exceeding six months in any other
20 case the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

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

Scale of imprisonment.

309. Where any person shall be summarily convicted before a Justice of the Peace of any offence against this Act and it shall be a first conviction the Justice may if he shall so think fit discharge the
25 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.

Justice may discharge the offender in certain cases.

310. In case any person convicted of any offence punishable upon summary conviction by virtue of this Act shall have paid the
30 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 non-payment thereof or the imprisonment adjudged in the first instance or shall have been so discharged from his conviction by any Justice as aforesaid in every
35 such case he shall be released from all further or other proceedings for the same cause.

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

311. In all cases where the sum adjudged to be paid on any summary conviction shall exceed five pounds or the imprisonment
adjudged shall exceed one month or the conviction shall take place
40 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 district wherein the cause of complaint shall have arisen provided that such person shall give to the
45 complainant a notice in writing of such appeal and of the cause and matter thereof within three days after such conviction and seven clear days at the least before such Sessions and shall also either remain in custody until the Sessions or shall enter into a recognizance with two sufficient sureties before a Justice of the Peace conditioned personally
50 to appear at the said Sessions and to try such appeal and to abide the judgment of the Court thereupon and to pay such costs as shall be by the Court awarded or if such appeal shall be against any conviction whereby only a penalty or other sum of money shall be adjudged to be paid shall deposit with the Clerk of Petty Sessions convicting such
55 a sum of money as such Justice shall deem to be sufficient to cover the sum so adjudged to be paid together with the costs of the conviction and the costs of the appeal and upon such notice being given and such recognizance being entered into or such deposit being made the Justice before whom such recognizance shall be entered into or such
60 deposit shall be made shall liberate such person if in custody and the

Appeal.

Court at such Sessions shall hear and determine the matter of the appeal and shall make such order therein with or without costs to either party as to the Court shall seem meet and in case of the dismissal of the appeal or the affirmance of the conviction shall order and adjudge the offender to be punished according to the conviction and to pay such costs as shall be awarded and shall if necessary issue process for enforcing such judgment and in any case where after any such deposit shall have been made as aforesaid the conviction shall be affirmed the Court may order the sum thereby adjudged to be paid together with the costs of the conviction and the costs of the appeal to be paid out of the money deposited and the residue thereof if any to be repaid to the party convicted and in any case where after any such deposit the conviction shall be quashed the Court shall order the money deposited to be repaid to the party convicted and in every case where any conviction shall be quashed on appeal as aforesaid the Clerk of the Peace or other proper officer shall forthwith indorse on the conviction a memorandum that the same has been so quashed and whenever any copy or certificate of such conviction shall be made a copy of such memorandum shall be added thereto and shall be sufficient evidence that the conviction has been quashed in every case where such copy or certificate would be sufficient evidence of such conviction.

No certiorari &c.

312. No such conviction or adjudication made on appeal therefrom shall be quashed for want of form or be removed by certiorari into the Supreme Court and no warrant of commitment shall be held void by reason of any defect therein provided it be therein alleged that the party has been convicted and there be a good and valid conviction to sustain the same.

Convictions to be returned to the Quarter Sessions.

313. 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 district wherein the offence shall have been committed there to be kept by the proper officer among the records of the Court and upon any information against any person for a subsequent offence a copy of such conviction certified by the proper officer of the Court or proved to be a true copy shall be sufficient evidence to prove a conviction for the former offence and the conviction shall be presumed to have been unappealed against until the contrary be shown.

Time for taking proceedings under this Act.

314. All actions and prosecutions to be commenced against any person for anything done in pursuance of this Act shall be commenced within six months after the fact committed and not otherwise and notice in writing of such action and of the cause thereof shall be given to the defendant one month at least before the commencement of the action and in any such action the defendant may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought or if a sufficient sum of money shall have been paid into Court after such action brought by or on behalf of the defendant and if a verdict shall pass for the defendant or the plaintiff shall become nonsuit or discontinue any such action after issue joined or if upon demurrer or otherwise judgment shall be given against the plaintiff the defendant shall recover his full costs as between attorney and client and have the like remedy for the same as any defendant has by law in other cases and though a verdict shall be given for the plaintiff in any such action such plaintiff shall not have costs against the defendant unless the Judge before whom the trial shall be shall certify his approbation of the action.

Notice of action.

General issue &c.

As to other matters.

Offences committed on the high seas.

315. All indictable offences mentioned in this Act which shall be committed on the high seas shall be deemed to be offences of the same

same nature and liable to the same punishments as if they had been committed upon the land and in any information for any such offence or for being an accessory to any such offence the offence shall be averred to have been committed "on the high seas" Provided that nothing herein contained shall alter or affect any of the laws relating to the Government of Her Majesty's land or naval forces.

316. All proceedings under this Act for the recovery of penalties or forfeitures shall be had and taken in a summary way and where not otherwise provided for may be carried on in the manner directed by the Imperial Act eleventh and twelfth Victoria chapter forty-three as adopted by the Colonial Act fourteenth Victoria number forty-three or according to the law in force for the time being regulating summary proceedings before Justices of the Peace out of Sessions and no information in writing shall be necessary previous to the issuing a summons and no information summons warrant conviction commitment or other proceeding before or by any Justices of the Peace for any offence under this Act shall be quashed or set aside or judged void or insufficient for want of form or be removed by *certiorari* or otherwise into Supreme Court and in any information summons warrant conviction commitment or other proceeding for any offence contrary to this Act it shall be sufficient if the offence be stated in the words thereof declaring the offence and in all proceedings under this Act the informer or party prosecuting shall be deemed a competent witness and it shall be lawful for the Justices to amend any proceedings before them on such terms as they shall think fit.

Proceedings in a summary way.

14 Vic. No. 43.

Want of form no *certiorari*.

Informer a competent witness.

317. In case of every felony punishable under this Act every principal in the second degree and every accessory before the fact shall be punishable in the same manner as the principal in the first degree is by this Act punishable and every accessory after the fact to any felony punishable under this Act (except only a receiver of stolen property) shall on conviction be liable at the discretion of the Court to be imprisoned for any term not exceeding two years with or without hard labor and with or without solitary confinement and every person who shall aid abet counsel or procure the commission of any misdemeanor punishable under this Act shall be liable to be indicted and punished as a principal offender.

Principals in the second degree and accessories.

Abettors in misdemeanors.

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

Abettors in offences punishable on summary conviction.

319. In any information for any offence punishable under this Act and committed after a previous conviction or convictions for any felony misdemeanor or offence or offences punishable upon summary conviction it shall be sufficient after charging the subsequent offence to state that the offender was at a certain time and place or at certain times and places convicted of felony or of an indictable misdemeanor or of an offence or offences punishable upon summary conviction (as the case may be) without otherwise describing the previous felony misdemeanor offence or offences and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for the previous felony or misdemeanor or a copy of any such summary conviction purporting to be signed by the clerk of the Court or other officer having the custody of the records of the Court where the offender was first convicted or to which such summary conviction shall have been returned or by the deputy of such clerk or officer (for which certificate or copy a fee of five shillings and

Form of indictment for a subsequent offence.

no

When the previous conviction is to be proved on the trial.

no more shall be demanded or taken) shall upon proof of the identity of the person of the offender be sufficient evidence of such conviction without proof of the signature or official character of the person appearing to have signed the same and the proceedings upon any indictment for committing any offence after a previous conviction or 5 convictions shall be as follows (that is to say) the offender shall in the first instance be arraigned upon so much only of the indictment as charges the subsequent offence and if he plead not guilty or if the Court order a plea of not guilty to be entered on his behalf the jury shall be charged in the first instance to inquire concerning such 10 subsequent offence only and if they find him guilty or if on arraignment he plead guilty he shall then and not before be asked whether he had been previously convicted as alleged in the indictment and if he answer that he had been so previously convicted the Court may proceed to sentence him accordingly but if he deny that he had been 15 so previously convicted or stand mute of malice or will not answer directly to such question the jury shall then be charged to inquire concerning such previous conviction or convictions and in such case it shall not be necessary to swear the jury again but the oath already taken by them shall for all purposes be deemed to extend to such last- 20 mentioned inquiry provided that if upon the trial of any person for any such subsequent offence such person shall give evidence of his good character it shall be lawful for the prosecutor in answer thereto to give evidence of the conviction of such person for the previous offence or offences before such verdict of guilty shall be returned and the jury 25 shall inquire concerning such previous conviction or convictions at the same time that they inquire concerning such subsequent offence.

Fine and sureties for keeping the peace in what cases.

320. Whenever any person shall be convicted of any indictable misdemeanor punishable under this Act the Court may if it shall think fit in addition to or in lieu of any of the punishments by this Act 30 authorized fine the offender and require him to enter into his own recognizances and to find sureties both or either for keeping the peace and being of good behaviour and in case of any felony punishable under this Act the Court may if it shall think fit require the offender to enter into his own recognizances and to find sureties both or either 35 for keeping the peace in addition to any punishment by this Act authorized. Provided that no person shall under this clause be imprisoned for any period exceeding one year for not finding sureties.

Hard labor.

321. Whenever imprisonment with or without hard labor may be awarded for any indictable offence under this Act the Court may 40 sentence the offender to be imprisoned or to be imprisoned and kept to hard labor in the common gaol or house of correction.

Solitary confinement and whipping.

322. Whenever solitary confinement may be awarded for any indictable offence under this Act the Court may direct the offender to be kept in solitary confinement for any portion or portions of his 45 imprisonment or of his imprisonment with hard labor not exceeding one month at any one time and not exceeding three months in any one year and whenever whipping may be awarded for any indictable offence under this Act the Court may sentence the offender to be once privately whipped and the number of strokes and the instrument with which they 50 shall be inflicted shall be specified by the Court in the sentence.

Summary proceedings in England may be under the 11 & 12 Vic. c. 43 and in Ireland under the 14 & 15 Vic. c. 93.

323. Every offence hereby made punishable on summary conviction may be prosecuted in the manner directed by the Act of the Session holden in the eleventh and twelfth years of Queen Victoria chapter forty-three so far as no provision is hereby made for any 55 matter or thing which may be required to be done in the course of such prosecution or in such other manner as may be directed by any Act that may be passed for like purposes and all provisions contained in the said Act shall be applicable to such prosecutions in the same manner as if they were incorporated in this Act.

Short Title.

324. This Bill shall be styled and may be cited as the "Criminal Law of 1862."

SCHEDULE.

References to Act.	Title of Act.	Extent of Repeal.
37 Geo. 3. c. 126 ...	An Act to prevent the counterfeiting any copper coin in this realm made or to be made current by proclamation or any foreign gold or silver coin and to prevent the bringing into this realm or uttering any counterfeit foreign gold or silver coin.	The whole except section one.
41 Geo. 3. c. 57	An Act for the better prevention of the forgery of the notes and bills of exchange of persons carrying on the business of bankers.	The whole.
43 Geo. 3. c. 139 ...	An Act for preventing the forging and counterfeiting of foreign bills of exchange and of foreign promissory notes and orders for the payment of money and for preventing the counterfeiting of foreign copper money.	The whole.
1 Geo. 4. c. 4	An Act for punishing criminally drivers of stage coaches and carriages for accidents occasioned by their wilful misconduct.	The whole.
1 Geo. 4. c. 92	An Act for the prevention of forging and counterfeiting of bank notes.	Sections one and two only.
4 Geo. 4. c. 54	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.	The whole.
7 Geo. 4. c. 64	An Act for improving the administration of criminal justice in England.	Sections nine ten and eleven only.
7 & 8 Geo. 4. c. 18...	An Act to prohibit the setting spring guns man traps and other engines calculated to destroy human life or inflict grievous bodily harm.	The whole.
7 & 8 Geo. 4. c. 29...	An Act for consolidating and amending the laws of England relative to larceny and other offences connected therewith.	The whole.
7 & 8 Geo. 4. c. 30...	An Act for consolidating and amending the laws in England relative to malicious injuries to property.	The whole.
9 Geo. 4. No. 1	An Act for adopting certain Acts of Parliament passed during the seventh and eighth years of the reign of King George the Fourth for the amendment of the law and the improvement of the administration of justice in criminal cases.	The whole except the adoption thereby of 7 & 8 Geo. 4. c. 27. and 7 & 8 Geo. 4. c. 28.
9 Geo. 4. c. 31	An Act for consolidating and amending the statutes in England relative to offences against the person.	The whole.
4 W. 4. No 4.....	An Act for adopting and applying certain Acts of Parliament relating to forgeries and an Act for abolishing the punishment of death in certain cases in New South Wales and for making further provision therein.	The whole.

References to Act.	Title of Act.	Extent of Repeal.
2 Vic. No. 10.....	An Act for adopting certain Acts of Parliament passed in the first year of the reign of Her Majesty Queen Victoria in the administration of justice in New South Wales in like manner as other laws of England are applied therein.	The whole except the adoption thereby of 1 V. c. 23. 1 V. c. 88. 1 V. c. 91. and sect. 5. of 1. V. c. 90.
9 Vic. No. 1	An Act for adopting an Act of the Imperial Parliament intituled "An Act for consolidating and amending the laws against offences relating to the coin."	The whole.
9 Vic. No. 2	An Act to adopt an Act for more effectually preventing embezzlement in the public service of Her Majesty in the Colony of New South Wales.	The whole.
9 Vic. No. 3	An Act to adopt an Act of the Imperial Parliament intituled "An Act to abolish the punishment of death in cases of forgery."	The whole.
9 Vic. No. 11.....	An Act to adopt certain provisions of an Act of the Imperial Parliament intituled "An Act for taking away the punishment of death in certain cases and substituting other punishments in lieu thereof."	The whole.
9 Vic. No. 14	An Act to punish summarily the stealing of dead wood.	The whole.
11 Vic. No. 30	An Act for the better punishment of indecent assaults upon female children.	The whole.
13 Vic. No. 2	An Act for the better protection of works of art and scientific and literary collections.	The whole.
13 Vic. No. 7... ..	An Act for the removal of defects in the administration of criminal justice.	Sections 1 2 & 3 only
13 Vic. No. 22	An Act for the more effectual prevention of frauds and abuses committed by persons employed in the manufacture of various articles of trade.	The whole.
14 Vic. No. 16	An Act to adopt and apply certain Acts in the administration of justice in New South Wales.	The whole.
16 Vic. No. 17	An Act for the better prevention of offences.	The whole.
16 Vic. No. 18	An Act for further improving the administration of criminal justice.	Sections 4 5 6 8 9 13 14 15 16 17 only.
17 Vic. No. 3	Cattle stealing prevention.....	The whole.
18 Vic. No. 9.....	An Act for the better prevention of aggravated assaults upon women and children and to amend the law respecting recognizances to keep the peace or for good behaviour.	Section 1 only.
19 Vic. No. 34	An Act for registering births marriages and deaths.	Sections 34 and 35.
20 Vic. No. 41	An Act to establish and regulate electric telegraphs.	Sections 10 11 and 12.
22 Vic. No. 9	An Act to amend the law relative to larceny by carriers and other bailees.	The whole.
22 Vic. No. 16	An Act for the prevention of frauds by trustees directors of companies and others in certain cases.	The whole.