

# CRIMINAL LAW CONSOLIDATION BILL.

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Legislative Council.

27<sup>o</sup> VICTORIA, 1863.

## A BILL

To consolidate and amend the Criminal Law.

[MR. HARGRAVE ;—9 July, 1863.]

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 and by the authority of the same as follows :—

1. This Act shall commence and take effect on and after the first day of January one thousand eight hundred and sixty-four and shall be styled and may be cited as the "Criminal Law Consolidation Act of 1863."

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

"Document of title to goods" Any India warrant dock warrant 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 either by indorsement or by delivery the possessor of such document to transfer or receive any goods thereby represented or therein mentioned or referred to.

"Document of title to land" Any deed map paper or parchment written or printed or partly written and partly printed being or containing evidence of the title or any part of the title to any land or to any estate therein.

"Trustee" Any trustee on some express trust created by some deed will or instrument in writing and the heir or personal representative of any such trustee and any other person upon or to whom the duty of such trust shall have devolved



<i>Preliminary.</i>	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 Act relating to joint stock companies bankruptcy or insolvency.	
Valuable security.	“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 bank and any debenture deed bond bill note warrant order or other security whatsoever for money or for payment of money and any document of title to land or goods as hereinbefore defined.	5 10
Property.	“Property” Every description of real and personal property 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 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.	15 20
Day.	“Day” The period commencing at six of the clock in the morning of each day and ending at nine of the clock in the evening of the same day.	
Night.	“Night” The period commencing at nine of the clock in the evening of each day and ending at six of the clock in the morning of the next succeeding day.	25
Current gold and silver coin.	“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 part of Her Majesty’s dominions whether within the Colony or otherwise.	30
Copper coin.	“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 or otherwise in any part of Her Majesty’s said dominions.	35
The Queen’s current coin.	“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.	40
False or counterfeit coin.	“False or counterfeit 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 and also any piece of metal whatever so gilt silvered washed coloured cased or altered as to resemble or be apparently intended to resemble or pass for any of the Queen’s current coin whatever.	45 50
Court.	“Court” any Court having criminal jurisdiction summary or otherwise.	
Cattle.	“Cattle” any horse mare gelding colt or filly or any bull cow ox heifer or calf.	
Sheep.	“Sheep” any ram ewe sheep or lamb.	55
Alpaca.	“Alpaca” any alpaca llama or vicuna or any cross thereof.	
Gaol.	“Gaol” any place of imprisonment now or hereafter lawfully authorized by proclamation of the Governor for the imprisonment or correction of offenders.	

“Justice”



Preliminary.

"Justice" Justice of the Peace.

Justice.

"Penal servitude" Hard labor upon the roads or other public works of the Colony working in chains for such portion of the period as the Court shall determine.

Penal servitude.

- 5 3. The several Imperial and Colonial Acts and parts of Acts in the three several Schedules hereto are hereby repealed. Provided that every offence which shall have been wholly or partly committed against any of the said Acts or parts of Acts before the commencement of this Act shall be dealt with inquired of determined and punished  
10 and every penalty in respect of any such offence shall be recovered in the same manner—and every act duly done and every warrant and other instrument duly made or granted before such commencement shall continue and be of the same force and effect—and every right liability privilege and protection in respect of any matter or thing committed  
15 or done before such commencement shall continue and be of the same force and effect—and every action prosecution and other proceeding which shall have been initiated before such commencement in 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  
20 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 burials.

Repeal of existing enactments.  
Proviso.

4. The remainder of this Act shall be divided into the following seven parts—relating  
25 First to Accessories and Abettors.  
Second to Larceny and other like offences.  
Third to Malicious Injuries to Property.  
Fourth to Forgery.  
Fifth to Offences against the Coin.  
30 Sixth to Offences against the Person.  
Seventh to Miscellaneous Matters.

Division into parts.

## ACCESSORIES AND ABETTERS.

## PART I.

5. Every principal in the second degree and every accessory  
35 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 in felony treated as principals

6. Whosoever shall counsel procure or command any other person to commit any felony and whosoever shall become an accessory  
40 after the fact to any felony whether the same in either case 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 or after the fact as the case may be to the principal felony together with the principal felon or after the conviction of the  
45 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 or after the fact as the case may be to the same felony if convicted as  
50 an accessory may be punished.

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

7. Every accessory after the fact to any felony (except only a receiver of stolen property or wherever it is otherwise enacted) whether the same be a felony at common law or by virtue of any Act passed or to be passed shall be liable to be imprisoned  
55 for any term not exceeding two years with or without hard labor. And the Court may if it think fit require the offender to enter

Punishment of accessories after the fact.

enter



## Preliminary.

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.

Prosecution of accessory although principal not attained.

8. 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 attained 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 attained.

Several accessories or receivers may be indicted together without principal.

9. 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.

Trial of accessories.

10. Any accessory either before or after the fact to any felony may be dealt with tried and punished by any Court competent 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 of this Act shall be liable to be afterwards prosecuted for the same offence.

Abettors in misdemeanors.

11. 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.

## PART II.

## LARCENY AND OTHER SIMILAR OFFENCES.

All larcenies to be of the same nature.

7 & 8 G. IV. c. 29.

12. 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 if the Imperial Act of 1827 relating to larceny and other offences connected therewith had not been repealed.

Punishment for larceny.

13. Whosoever shall be convicted of larceny or of any felony hereby made punishable like larceny shall (except in the cases otherwise provided for) be liable to penal servitude 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 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 charged and several takings proved.

15. If upon the trial of any indictment for larceny it shall 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



## PART II.

or that more than the space of *six* months elapsed between the first 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  
 5 the period of *six* months from the first to the last of such takings.

16. Whosoever shall commit the offence of larceny after a previous conviction for felony shall be liable to penal servitude for any term not exceeding *fifteen* years and not less than *three* years or to be imprisoned for any term not exceeding *four* years And  
 10 whosoever shall commit the offence of larceny or any offence hereby made punishable like larceny after a previous conviction for any indictable misdemeanor punishable under this Act shall be liable to penal servitude for any term not exceeding *seven* years and not less than *three* years or to be imprisoned for any term not exceeding  
 15 *two* years and in either of such cases such imprisonment may be with or without hard labor and with or without solitary confinement and if the offender is a male under the age of *sixteen* years with or without whipping.

17. Whenever the having any matter in the custody or possession of any person is mentioned in this Act as an offence 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  
 20 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.

18. Whosoever shall commit the offence of larceny or any offence hereby made punishable like larceny after having been twice summarily convicted of any offence punishable upon summary 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  
 30 commencement of this Act) shall be deemed guilty of felony and shall be liable to penal servitude 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*  
 40 years with or without whipping.

19. 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  
 45 guilty of larceny and may be convicted thereof upon an indictment for larceny but this shall not extend to any offence punishable on summary conviction.

20. Whosoever shall steal any cattle sheep or alpacas shall be guilty of felony and shall be liable to penal servitude for any term  
 50 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.

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

22. Any Justice upon complaint on oath that any cattle suspected to have been stolen are in the possession of any person may  
 summon

Larceny after conviction for felony.

Larceny after conviction of misdemeanor.

Custody or possession defined.

Larceny after two summary convictions.

Bailees fraudulently converting property guilty of larceny.

Stealing cattle sheep &amp;c.

Killing animals with intent to steal carcass &amp;c.

Restitution of stolen cattle.



## PART II.

Remedy of person  
making restitution.

summon such person to appear at a time and place mentioned in such summons before any two Justices or 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 and may also issue his warrant commanding any constable to seize and detain any such suspected cattle until such complaint shall have been disposed of and any two Justices may at the time and place appointed summarily hear and determine the case and if satisfied that such cattle were stolen within one year preceding from the complainant such Justices may adjudge him to be the owner of such cattle and may issue a warrant commanding any constable forthwith to seize such cattle wheresoever found and to give peaceable possession thereof to such complainant. Provided that nothing herein shall discharge any person from any subsequent criminal prosecution for felony or prevent the committal of such person for trial or deprive any person of any right he may have or might have had before the commencement of this Act.

23. Any person from whom or from whose possession any cattle shall have been taken under any such warrant 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 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 or to issue his warrant for the apprehension of such party selling and any two Justices may at the time and place appointed summarily hear and determine the case and may make such order for repayment of amount with such costs as shall to such Justices appear reasonable and in case such amount shall not be paid forthwith or at the time to be appointed by such Justices the same may be levied by distress and sale in the usual manner and if such distress cannot be made or shall prove insufficient such Justices are hereby empowered to cause the party upon whom the order shall be made to be apprehended and committed to gaol for any period not exceeding *three* months unless payment of the amount and of the costs and expenses attending the recovery be sooner made. Provided that the execution of such order shall be stayed for such time as such 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 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 and no subsequent proceedings shall be had thereon or upon the said bond. Provided also that such Justices may on the application of such party and a notice to the complainant extend the time aforesaid.

Possession of carcass  
&c. of stolen cattle.

24. If any witness shall prove on oath before a Justice that there is reasonable cause to suspect that the skin or carcass or any parts of the skin or carcass of any stolen cattle is concealed in any dwelling-house or other place such Justice may issue a warrant directing any constable to search such dwelling-house or place and if any such skin or carcass or part thereof be found in the possession of any person in or at such dwelling-house or other place with his knowledge



## PART II.

knowledge any Justice before whom such person shall be brought (unless he shall satisfy such Justice that he came lawfully by the same) may commit such person to the nearest gaol or lock-up in order that he may be brought up for trial at the next Petty Sessions (unless  
 5 he enter into such 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 Petty Sessions  
 10 that he came lawfully thereby he shall be liable to a penalty not exceeding *fifty* pounds together with the charges previous to and attending his conviction.

25. If any person shall take use or in any manner work any cattle the property of any other person without the consent of the  
 15 owner or other person in lawful possession thereof such person so offending shall be deemed guilty of a misdemeanor and on being convicted thereof by the Petty Sessions shall be liable to a penalty for every head of cattle so used not exceeding *twenty* pounds together with costs assessed by the Justices or be imprisoned with or without  
 20 hard labor for any period not exceeding *twelve* months.

26. If any person convicted under the last foregoing section shall have paid the sum adjudged to be paid together with costs if  
 awarded under such conviction or shall have received a remission thereof from the Crown or shall have suffered the imprisonment  
 25 awarded for the non-payment thereof he shall be released from all further or other proceedings for the same cause.

27. If the Petty Sessions before whom any person shall be brought as aforesaid for the offence of working another person's cattle shall from the evidence be of opinion that there ought to be a prosecution for felony the Court may abstain from adjudicating in a summary  
 30 manner thereon and may deal with the case as one to be prosecuted accordingly and if the jury upon the trial of any person charged 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  
 35 the misdemeanor before mentioned such jury may acquit such person of the felony and find him guilty of such misdemeanor and he shall thereupon receive sentence accordingly although such person may never have been charged with such misdemeanor before any Justices or otherwise.

28. Upon non-payment of any penalty under any of the foregoing sections relating to cattle-stealing either immediately or within  
 40 such period after the conviction as the Justices at the time of such conviction shall appoint and where no mode of proceeding is hereby prescribed such Justices shall commit the offender to gaol with or  
 45 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* pounds unless the said respective sums shall be sooner paid.

29. Whosoever shall steal any dog shall on summary conviction  
 50 thereof before two Justices be liable to imprisonment with or without hard labor for any term not exceeding *six* months or to a penalty over and above the value of the dog not exceeding *twenty* pounds and whosoever after conviction of any such offence either under this or any  
 55 former Act shall steal any dog shall be guilty of a misdemeanor and be liable to imprisonment for any term not exceeding *eighteen* months with or without hard labor.

30. Whosoever shall unlawfully have in his possession or on his premises any stolen dog or the skin of any stolen dog knowing in  
 60 either case the fact of the stealing shall on summary conviction thereof before



## PART II.

Second offence.

before two Justices be liable to a penalty not exceeding *twenty* pounds and whosoever after conviction of any such offence either under this or any former Act shall be guilty of any such offence shall be guilty of a misdemeanor and be liable to imprisonment with or without hard labor for any term not exceeding *eighteen* months.

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Taking money to restore dogs.

31. Whosoever shall corruptly take any money or reward directly or indirectly under pretence or upon account of aiding any person to recover any stolen dog or any dog in the possession of any person not being the owner thereof shall be guilty of a misdemeanor and be liable to imprisonment with or without hard labor for any term not exceeding *eighteen* months.

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Stealing tame beasts or birds not subjects of common law larceny.

32. 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 any such bird beast or animal with intent to steal the same or any part thereof shall on summary conviction thereof before a Justice be liable to imprisonment with or without hard labor for any term not exceeding *six* months or to a penalty over and above the value of the bird beast or other animal not exceeding *twenty* pounds and whosoever after conviction of any such offence under this or any former Act shall commit any such offence shall be liable to imprisonment with or without hard labor for any term not exceeding *twelve* months.

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Second offence.

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Possession of stolen tame beasts &amp;c.

33. If any such bird or any of the plumage thereof or any 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 not the owner any Justice may summarily restore the same respectively to such owner and any person in whose possession or on whose premises the same shall be so found knowing the fact of the stealing shall on summary conviction before a Justice be liable for the first offence to such penalty and for every subsequent offence to such punishment as any person convicted of stealing any beast or bird is made liable to by this Act.

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Killing pigeons.

34. Whosoever shall unlawfully and wilfully kill wound or take any house dove or pigeon under such circumstances as shall not amount to larceny at common law shall on summary conviction before a Justice be liable to a penalty over and above the value of the bird not exceeding *two* pounds.

35

Stealing fish.

35. Whosoever shall unlawfully and wilfully take or destroy any fish in any water which shall run through or be in any land adjoining or belonging to the dwelling-house of any person being the owner of such water or having a right of 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 be any private right of fishery shall on summary conviction thereof before a Justice be liable to a penalty over and above the value of any fish taken or destroyed not exceeding *five* pounds.

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Stealing or dredging for oysters in oyster fisheries.

36. Whosoever shall steal any oysters or oyster brood from any oyster bed laying or fishery being the property of any other person and sufficiently marked out or known as such shall be deemed guilty of felony and be liable to be punished as in the case of larceny and whosoever shall unlawfully and wilfully use any dredge or any net instrument or engine whatsoever within the 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 or engine drag upon the ground or soil of any such fishery shall be deemed guilty of a misdemeanor and be liable to be imprisoned for any term not exceeding

50

55

three



## PART II.

Form of indictment.

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  
 5 stating the same to be in any particular parish township or hamlet  
 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.

Proviso as to floating fish.

10 37. Whosoever shall steal or shall for any fraudulent purpose destroy cancel or obliterate or conceal from the owner the whole or  
 any part of any valuable security other than a document of title to land shall be guilty of felony of the same nature and in the same  
 15 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.

Valuable securities not relating to land.

20 38. Whosoever shall steal or shall for any fraudulent purpose destroy cancel obliterate or conceal from the owner the whole or any part of any document of title to land shall be guilty of felony and shall be liable to penal servitude for any term not exceeding five  
 25 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 in any indictment for any such offence it shall be sufficient to allege such document to be or to contain evidence of the title or of part of the title of some person having  
 30 any estate vested or contingent legal or equitable in the land to which the same relates and to mention such land or estate or some part thereof.

Documents of title to land.

Form of indictment.

39. Whosoever shall either during the life of the testator or after his death steal or for any fraudulent purpose destroy cancel  
 35 obliterate or conceal from any party interested the whole or any part of any will codicil or other testamentary instrument whether relating to land or personal property or to both shall be deemed guilty of felony and be liable to penal servitude for any term not exceeding fifteen  
 40 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 in any indictment for such offence it shall not be necessary to allege that such will codicil or other instrument is the property of any person Provided that nothing in this or the next  
 45 preceding section nor any proceeding conviction or judgment thereupon shall affect 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 passed But no conviction of any such offender shall be received in evidence in any action or suit against him and no person shall be liable to be convicted of any felony in this or the next  
 50 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 act on oath in consequence of any compulsory process of any Court in any proceeding *bonâ fide* instituted by any party aggrieved or in any compulsory  
 55 examination or deposition before any Court upon the hearing of any matter in insolvency.

Wills.

Other remedies not affected.

40. Whosoever shall steal or shall for any fraudulent purpose take from its place of deposit or from any person having the lawful custody thereof or shall unlawfully and maliciously cancel obliterate  
 60 injure or destroy or conceal from any Court or any officer the whole or any part of any original document of or belonging to any Court of

Records or other legal documents.



## PART II.

Form of indictment.

Metal &amp;c. fixed to house or land.

Trees &amp;c. in private grounds.

Trees &amp;c. wheresoever growing.

Second offence.

Third offence.

Stealing &amp;c. any live or dead fence.

Record or relating to any matter civil or criminal begun depending or terminated in any such Court or of any original document of or belonging to any Court of Equity or relating to any cause or matter begun depending or terminated in any such Court or any original document in anywise relating to the business of any office or employ- 5  
ment under Her Majesty and being in any office appertaining to any Court of Justice or in any Government or Public Office shall be deemed guilty of felony and be liable to penal servitude for any term not exceeding *five* years nor less than *three* years or to be imprisoned for any term not exceeding *two* years with or without hard labor and with 10  
or without solitary confinement And in any indictment for such offence it shall not be necessary to allege that the article in respect of which the offence is committed is the property of any person.

41. Whosoever shall steal or shall rip cut sever or break with intent to steal any glass or wood-work belonging to any building or 15  
any metal whatsoever or any utensil or fixture whether made of metal or other material or of both respectively fixed in or to any building 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 20  
burial ground shall be deemed guilty of felony and be liable to be punished as in the case of larceny And in the case of any such thing fixed in any square street or place as aforesaid it shall not be necessary to allege the same to be the property of any person.

42. Whosoever shall steal or shall cut break root up or other- 25  
wise 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 or adjoining and being part of the demesne thereof shall (in case the value of the article or articles stolen or the amount of the injury done shall 30  
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 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 any underwood respectively growing elsewhere 35  
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 larceny. 40

43. 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 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 45  
summary conviction thereof before a Justice be liable to a penalty over and above the value of the article or articles stolen or the amount of the injury done not exceeding *five* pounds And whosoever after conviction of any such offence under this or any former Act shall be convicted in like manner of any such offence shall be liable to im- 50  
prisonment with or without hard labor for any term not exceeding *twelve* months And whosoever after two convictions of any such offence (whether both or either of such convictions shall have taken place before or after the commencement of this Act) shall commit any such offence shall be deemed guilty of felony and be liable to be 55  
punished in the same manner as in the case of larceny.

44. 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 60  
occupation



## PART II.

occupation of another person shall on summary conviction thereof before a Justice be liable to a penalty over and above the value of the article so stolen or the amount of the injury done not exceeding *five* pounds And whosoever after conviction of any such offence either Second offence.  
 5 under this or any former Act shall commit any such offence shall be liable to imprisonment with or without hard labor for any term not exceeding *twelve* months.

45. 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 Possession of wood &c. suspected to be stolen.  
 10 wire rail stile or gate or any part thereof or any dead wood as mentioned in the next preceding 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 shall not satisfy the Justice that  
 15 he came lawfully by the same he shall on summary conviction by the Justice be liable to a penalty over and above the value of the article so found not exceeding *two* pounds.

46. Whosoever shall steal or shall destroy or damage with intent to steal any plant root fruit or vegetable production growing in Stealing &c. any fruit in garden &c.  
 20 any garden orchard pleasure-ground nursery ground hothouse greenhouse or conservatory shall on summary conviction thereof before a Justice be liable either to imprisonment with or without hard labor for any term not exceeding *six* months or to a penalty over and above the value of the article so stolen or the amount of the injury done not  
 25 exceeding *twenty* pounds And whosoever after conviction of any such offence either under this or any former Act shall commit any such offence shall be deemed guilty of felony and be liable to be punished in the same manner as in the case of larceny. Second offence.

47. 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 Stealing &c. vegetables not in gardens &c.  
 30 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-ground shall on summary conviction thereof before a Justice be liable to imprisonment  
 35 with or without hard labor for any term not exceeding *one* month or to a penalty over and above the value of the article so stolen or the amount of the injury done not exceeding *twenty* shillings And whosoever after conviction of any such offence either under this or any former Act shall commit any offence shall be liable to imprisonment  
 40 with or without hard labor for any term not exceeding *six* months. Second offence.

48. Whosoever shall steal or sever with intent to steal the ore Ore of metal coal &c.  
 of any metal or any coal or mineral from any mine bed or vein thereof shall be deemed guilty of felony and be liable to imprisonment with or without hard labor and with or without solitary confinement for  
 45 any term not exceeding *two* years Whosoever being employed in or about any mine shall take remove or conceal any ore of any metal or any mineral found or 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 deemed guilty of felony and be liable  
 50 to imprisonment with or without hard labor and with or without solitary confinement for any term not exceeding *two* years. Miners removing ore with intent to defraud.

49. Whosoever shall rob any person or shall steal any chattel Stealing from the person.  
 money or valuable security from the person of another shall be deemed guilty of felony and be liable to penal servitude for any term not  
 55 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.

50. If upon the trial of any person for robbery it shall appear to the jury upon the evidence that he did not commit the crime of robbery On trial for robbery jury may convict of an assault with intent to rob.



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robbery but that he did commit an assault with intent to rob such person shall not by reason thereof be acquitted but the jury may return as their verdict that such person is guilty of an assault with intent to rob and thereupon he shall be liable to be punished in the same manner as if convicted upon an indictment for feloniously assaulting with intent to rob And no person so tried shall be liable to be afterwards prosecuted for an assault with intent to commit the same robbery. 5

Assault with intent to rob.

51. Whosoever shall assault any person with intent to rob shall be deemed guilty of felony and (except in cases where a greater punishment is provided by this Act) shall be liable to penal servitude 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. 10

Robbery with wounding.

52. Whosoever shall rob any person and at the time of or immediately before or immediately after such robbery shall stab cut or wound such person shall suffer death as a felon. 15

Robbery with arms or by two or more.

53. Whosoever shall being armed with any offensive weapon or instrument rob or assault with intent to rob any person or shall together with any other person 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 beat strike or use any other personal violence to such person shall be deemed guilty of felony and be liable to penal servitude 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. 20 25

Stealing post letter-bags or post letters or stopping a mail.

54. Whosoever shall steal a post letter-bag or a post letter from a post letter-bag or shall steal a post letter from a post office or from an officer of the post office or from a mail or shall stop a mail with intent to rob or search the same shall be deemed guilty of felony and shall be liable to penal servitude 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 in any indictment for any such offence it shall be sufficient to lay the property of the post letter-bag or of the post letter in the Postmaster General of the Colony and it shall not be necessary in the indictment to allege or to prove on the trial or otherwise that the post letter-bag or any such post letter was of any value. 30 35

Form of indictment.

Letter demanding money, &c. with threats.

55. 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 threats and without reasonable or probable cause any property chattel money valuable security or other valuable thing shall be deemed guilty of felony and shall be liable to penal servitude 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

Demanding money &c. with threats or force with intent to steal.

56. Whosoever shall with menaces or threats or with force demand any property chattel money valuable security or other valuable thing of any person with intent to steal the same shall be deemed guilty of felony and shall be liable to penal servitude 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. 50 55

Letter threatening to accuse of certain crimes with intent to extort.

57. 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 penal servitude for not less than 55



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than *seven* years or of any assault with intent to commit 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 deemed guilty of felony and shall be liable to penal servitude 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.

"Infamous crime" defined.

58. Whosoever shall accuse or threaten to accuse either the person to whom such accusation or threat shall be made or any other person of any of the 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 deemed guilty of felony and shall be liable to penal servitude 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.

Accusing or threatening to accuse with intent to extort.

59. 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 copartnership 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 deemed guilty of felony and shall be liable to penal servitude 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.

Inducing by violence or threats the execution of deeds &c. with intent to defraud.

60. 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.

Immaterial to what source of injury the menaces relate.

61. Whosoever shall break and enter any place of divine worship and commit any felony therein or being in any place of worship shall commit any felony therein and break out of the same shall be deemed guilty of felony and shall be liable to penal servitude 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.

Sacrilege.

62. 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 shall be liable to penal servitude 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.

Burglary.



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Burglary with violence.

63. Whosoever shall burglariously break and enter into any dwelling-house and shall assault with intent to murder any person being therein or shall stab cut wound beat or strike any such person shall suffer death as a felon.

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

64. 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.

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

65. Whosoever shall enter any dwelling-house in the night with intent to commit any felony therein shall be deemed guilty of felony and shall be liable to penal servitude 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.

Breaking into or being in building within curtilage but not part of the dwelling-house and committing felony.

66. 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 or being in any such building shall commit any felony therein and break out of the same shall be deemed guilty of felony and shall be liable to penal servitude 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.

Breaking into or being in house shop &c. and committing felony.

67. Whosoever shall break and enter any dwelling-house school-house shop store 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 deemed guilty of felony and shall be liable to penal servitude 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.

Housebreaking &c. with intent to commit felony.

68. 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 store warehouse or counting-house with intent to commit any felony therein shall be deemed guilty of felony and shall be liable to penal servitude 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.

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

69. Whosoever shall be found by night armed with any dangerous or offensive weapon or instrument with intent to break or enter into any dwelling-house or other building 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 himself) 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 with intent to commit any felony therein shall be deemed guilty of a misdemeanor and shall be liable to penal servitude for the term of *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 such misdemeanor committed after a previous conviction either for felony or such misdemeanor shall be liable to penal servitude 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.

Second offence.



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70. 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 deemed guilty of felony and shall be liable to penal servitude 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. Stealing in a dwelling-house.
71. 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 deemed guilty of felony and shall be liable to penal servitude 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. Stealing in a dwelling-house with menaces.
72. 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 deemed guilty of felony and shall be liable to penal servitude 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. Stealing goods in process of manufacture.
73. Whosoever shall steal any goods or merchandise in any vessel barge or boat of any description 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 deemed guilty of felony and shall be liable to penal servitude 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. Stealing from ships docks &c.
74. 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 deemed guilty of felony and shall be liable to penal servitude 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. Stealing from ship in distress or wrecked.
75. 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 not the owner with his knowledge and such person being taken or summoned before a Justice 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 summary conviction of such offence by the Justice either be imprisoned with or without hard labor for any term not exceeding *six* months or be liable to a penalty over and above the value of the goods merchandise or articles not exceeding *twenty* pounds. Possession of shipwrecked goods without satisfactory account.
76. If any person shall offer or expose for sale any goods merchandise or articles which shall have been or be reasonably suspected to have been unlawfully taken from any ship or vessel in distress or wrecked stranded or cast on shore any person to whom the same shall be offered for sale or any officer of Customs or of Police may lawfully seize the same and shall with all convenient speed carry the same or give notice of such seizure to some Justice and if the person offering or exposing the same being duly summoned shall not appear and satisfy any Justice that he came lawfully by such goods merchandise or



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or articles then the same shall by order of the Justice be forthwith delivered over to or for the use of the rightful owner upon payment of a reasonable reward (to be ascertained by the Justice) to the person who seized the same and the offender shall on summary conviction by the Justice either be imprisoned with or without hard labor for any term not exceeding *six* months or be liable to a penalty over and above the value of the goods merchandise or articles not exceeding *twenty* pounds. 5

Larceny by clerks or servants.

77. Whosoever being a clerk or servant or being employed for 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 deemed guilty of felony and shall be liable to penal servitude 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 15

Embezzlement by clerks or servants.

78. Whosoever being a clerk or servant or being employed 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 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 shall be liable to penal servitude 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. 20 25 30

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

79. Whosoever being employed in the public service of Her Majesty or being a constable or other person employed in the police force 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 deemed guilty of felony and shall be liable to penal servitude 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. 35 40

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

80. Whosoever being employed in the public service of Her Majesty or being a constable or other person employed in the police force 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 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 and shall be liable to penal servitude 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 in every case of larceny embezzlement or fraudulent application or disposition of any chattel money or valuable security in this and the next preceding section mentioned it shall be lawful in the warrant of commitment by the committing Justice and in the indictment to lay the property of any such chattel money or valuable security in Her Majesty. 45 50 55

Form of warrant of commitment and indictment.



81. It shall be lawful to charge in the indictment and proceed against the offender for any number of distinct acts of embezzlement or of fraudulent application or disposition as aforesaid not exceeding three which may have been committed by him against Her Majesty or  
5 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 it shall be sufficient to allege the embezzlement or fraudulent application or disposition to be of money without specifying any particular  
10 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 amount although the particular species of coin or valuable security of which such amount was composed shall not be proved or if he shall  
15 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 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  
20 and such part shall have been returned accordingly.

82. If upon the trial of any person indicted for embezzlement or fraudulent application or disposition as aforesaid it shall be 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  
25 acquitted but the jury may return as their verdict that such person is not guilty of embezzlement or fraudulent application or disposition but is guilty 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  
30 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 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  
35 or disposition as aforesaid he shall not by reason thereof be acquitted but the jury may return as their verdict 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  
40 upon an indictment for such embezzlement 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.

83. Whosoever shall steal any chattel or fixture let to be used  
45 by him in or with any house or lodging whether the contract shall have been entered into by him or by any person on his behalf shall be deemed guilty of felony and shall be liable to be imprisoned for any term not exceeding *two* years with or without hard labor and with or  
50 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 to penal servitude for any term not exceeding *five* years and not less than *three* years or to be imprisoned for any term not exceeding *two* years  
55 with or without hard labor and with or without solitary confinement And it shall be lawful in every case of so stealing any such chattel to prefer an indictment in the common form as for larceny and in every case of so stealing any such fixture to prefer an indictment in the

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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 versa*.

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



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

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

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.

Fraudulently selling  
property under  
powers of attorney.

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.

84. 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 deemed guilty of a misdemeanor and shall be liable to penal servitude 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 Provided that nothing herein contained relating to agents shall affect any trustee in or under any instrument or any mortgagee of any land or personal property 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 or 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 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.

85. 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 deemed guilty of a misdemeanor and shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned.

86. 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 deemed guilty of a misdemeanor and shall be liable to any of the



the punishments which the Court may award as hereinbefore last mentioned.

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87. 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 such goods or document of title 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 deemed guilty of a misdemeanor and shall be liable 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 deemed guilty of a misdemeanor and shall be liable 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 document of title in case the same shall not be made a security for or subject to the payment of any greater sum of money than the amount which at the time of such 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.

Factors obtaining advances on the property of their principals.

Clerks wilfully assisting.

Cases excepted where pledge does not exceed amount of lien.

88. Any factor or agent intrusted with and possessed of any document of title whether derived immediately from the owner of the 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 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 be in his actual custody or 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 document of title and such goods or document of title shall actually be received by the person making such loan or advance without notice that 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 this Act though such 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

Definition of terms "intrusted"

"pledge"

"possessed"

"advance"

"contract or agreement"

or



## PART II.

"advance."

Possession to be evidence of intrusting.

Trustees fraudulently disposing of property.

Proviso.

Directors &amp;c. of any company fraudulently appropriating property.

or keeping fraudulent accounts

or wilfully destroying books &amp;c.

or publishing fraudulent statements.

No exemption from answering questions in any Court but

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 shewn in evidence. 5

89. 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 or for any purpose other than such public or charitable purpose or otherwise dispose of or destroy such property or any part thereof shall be deemed guilty of a misdemeanor and shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned. 15

Provided that where any civil proceeding shall have been taken against any person to whom this section may apply the person having taken the same shall not commence any prosecution under this section without the sanction of the Court or Judge before whom such civil proceeding shall have been taken or shall be pending. 20

90. 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 purpose other than the use or purpose of such body corporate or public company any of the property of such body corporate or public company shall be deemed guilty of a misdemeanor and shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned. 25

91. 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 deemed guilty of a misdemeanor and shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned. 35

92. 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 making any false entry or omit or concur in omitting any material particular in any book of account or other document shall be deemed guilty of a misdemeanor and shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned. 45

93. 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 deemed guilty of a misdemeanor and shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned. 55

94. Nothing in any of the last ten preceding sections 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 60



## PART II.

interrogatory in any civil proceeding in any Court or upon the hearing of any matter in insolvency and no person shall be liable to be convicted of any misdemeanor in any of the said sections mentioned by any evidence in respect of any act done by himself if at any time previously to his being charged with such offence he shall have disclosed such act on oath in consequence of any compulsory process of any Court of law or equity in any action suit or proceeding *bond 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.

compulsory disclosure not to subject any one to prosecution.

95. Nothing in any of the last eleven preceding sections 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 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 misappropriated trust property.

No remedy at Law or in Equity affected.

Convictions not evidence in civil suits.

96. 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 And in prosecutions under any of such sections relating to frauds by trustees it shall be sufficient to allege an intent to deceive or defraud without specifying the persons or person or body corporate or company intended to be deceived or defrauded And in prosecutions under the ninety-third section to allege an intent to induce persons to become shareholders or partners or to intrust or advance property or to enter into security as mentioned in that section without specifying any particular persons or person or any particular property or security And in prosecutions under the eighty-ninth section it shall be sufficient to state that the party charged was a trustee of the property appropriated disposed of or destroyed without specifying in what manner he was trustee and to specify one of the persons or purposes if more than one for whom or which the party charged was such trustee.

Form of indictment.

97. Whosoever shall by any false pretence obtain from any other person any chattel money or valuable security with intent to defraud or shall with like intent 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 himself or of any other person shall be deemed guilty of a misdemeanor and shall be liable to penal servitude 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.

False pretences.

No acquittal because offence amounts to larceny.

Form of indictment and evidence.



## PART II.

Inducing persons by fraud to execute deeds and other instruments.

98. 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 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 to penal servitude 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. 5 10

Receiving where the principal is guilty of felony.

99. 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 to penal servitude 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 Pro- 25  
vided that no person howsoever tried for receiving as aforesaid shall be liable to be prosecuted a second time for the same offence.

Indictment for stealing and receiving.

100. 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 30 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 35 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 40 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 45 to have been stolen.

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

101. 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 50 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.

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

102. If upon the trial of any two or more persons indicted for 55 jointly receiving any property it shall be proved that one or more of such persons separately received any part or parts of such property the jury may convict upon such indictment such of the said persons as shall be proved to have received any part or parts of such property.



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103. 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  
 5 converted or disposed of shall be deemed guilty of a misdemeanor and may be indicted and convicted thereof whether the person guilty of the principal misdemeanor shall or shall not have been previously convicted thereof or shall or shall not be amenable to justice and every such receiver shall be liable to penal servitude for any term not  
 10 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.

Receiving where the principal has been guilty of a misdemeanor.

104. Where the stealing or taking of any property whatsoever  
 15 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 summary conviction thereof before a Justice be liable for every first second or subsequent offence  
 20 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.

Receiving where original offence punishable on summary conviction.

105. If any person guilty of any such felony or misdemeanor  
 as is mentioned in this Act in stealing taking obtaining extorting  
 25 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 or his executor or administrator and convicted thereof in such case the property shall be restored to the owner or his representative  
 30 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 property or to order the restitution thereof in a summary manner Provided that if it shall appear before any award or order made that  
 35 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 by some person for a just and valuable consideration without notice or without reasonable cause to suspect that the same had by any felony  
 40 or misdemeanor been stolen taken obtained extorted embezzled converted or disposed of the Court shall not award or order restitution Provided also that nothing 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  
 45 for any misdemeanor against this Act.

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

Provision as to valuable and negotiable securities.

Not to apply to prosecutions of trustees bankers &c.

106. Whosoever shall corruptly take any money or reward directly or indirectly under pretence or upon account of helping any person to any chattel money valuable security or other property which shall by any felony or misdemeanor have been stolen taken  
 50 obtained extorted embezzled converted or disposed of as aforesaid shall (unless he shall have used all due diligence to cause the offender to be brought to trial for the same) be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* years and not less than *three* years or to be imprisoned for any term  
 55 not exceeding *two* years with or without hard labor and with or without solitary confinement and if a male under the age of eighteen years with or without whipping.

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

107. Whosoever shall publicly advertise a reward for the return of any property which shall have been stolen or lost and shall in such  
 advertisement

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



## PART II.

advertisement use any words purporting that no questions will be asked or shall make use of any words in any public advertisement purporting that a reward will be given or paid for any property which shall have been stolen or lost without apprehending 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 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 for every such offence be liable to a penalty of *fifty* pounds.

## PART III.

## MALICIOUS INJURIES TO PROPERTY.

Setting fire to a dwelling-house any place of worship.

108. Whosoever shall unlawfully and maliciously set fire to any place of divine worship shall be deemed guilty of felony and shall be liable to penal servitude 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.

109. Whosoever shall unlawfully and maliciously set fire to any dwelling-house any person being therein shall suffer death as a felon.

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

110. Whosoever shall unlawfully and maliciously set fire to 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 other person with intent thereby to injure or defraud any person shall be deemed guilty of felony and shall be liable to penal servitude 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 railway station.

111. 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 deemed guilty of felony and shall be liable to penal servitude 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.

112. Whosoever shall unlawfully and maliciously set fire to any building other than such as are in the next preceding four sections mentioned or devoted or dedicated to public use or ornament or erected or maintained by public subscription or contribution shall be deemed guilty of felony and shall be liable to penal servitude 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 other buildings.

113. Whosoever shall unlawfully and maliciously set fire to any building other than such as are in the next preceding five sections mentioned shall be deemed guilty of felony and shall be liable to penal servitude 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.

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

114. Whosoever shall unlawfully and maliciously set fire to any matter or thing being in against or under any building under such circumstances that if the building were thereby set fire to the offence would amount to felony shall be deemed guilty of felony and shall be liable to penal servitude 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.



## PART III.

115. Whosoever shall unlawfully and maliciously by any overt act attempt to set fire to any building or any matter or thing in the next preceding section mentioned under such circumstances that if the same were thereby set fire to the offender would be guilty of felony shall be deemed guilty of felony and shall be liable to penal servitude 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.

Attempting to set fire to buildings.

116. 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 deemed guilty of felony and shall be liable to penal servitude 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.

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

117. Whosoever shall unlawfully and maliciously place or throw in into upon under against or near any building any gunpowder or 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 deemed guilty of felony and shall be liable to penal servitude 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.

Attempting to destroy buildings with gunpowder.

118. Any persons riotously and tumultuously assembled together to the disturbance of the public peace who shall unlawfully and with force demolish or pull down or destroy or begin to demolish pull down or destroy any building or erection or any machinery whether fixed or movable shall be deemed guilty of felony and shall be liable to penal servitude 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.

Rioters demolishing building &c.

119. Any persons riotously and tumultuously assembled together to the disturbance of the public peace who shall unlawfully and with force injure or damage any such building erection or machinery as in the next preceding section mentioned shall be deemed guilty of a misdemeanor and shall be liable to penal servitude 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 next 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 offence in this section mentioned then the jury may find him guilty thereof and he may be punished accordingly.

Rioters injuring building machinery &c.

120. Whosoever being possessed of any dwelling-house or other building or part thereof respectively 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 the freehold any fixture being fixed in or to such dwelling house or building or part of such dwelling-house or building shall be deemed guilty of a misdemeanor.

Tenants of houses &c. maliciously injuring them.

121. 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

Destroying goods in process of manufacture certain machinery &c.



## PART III.

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 the rack or tenters or in any stage process or progress of manufacture or shall unlawfully and maliciously cut break or destroy or damage 5 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 or shall unlawfully and maliciously cut break or destroy or damage with intent to destroy or render useless any loom frame machine engine 10 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 by force enter into any house shop building or place with intent to commit any of the offences in this section mentioned shall be deemed 15 guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* 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. 20

Destroying machines in other manufactures threshing machines &c.

122. 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 25 engine or any tool or implement whether fixed or movable prepared for or employed in any manufacture whatsoever (except any manufacture mentioned in the next preceding section but one) shall be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *five* nor less than *three* years or to be imprisoned 30 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.

Setting fire to crops of corn &c.

123. Whosoever shall unlawfully and maliciously set fire to any crop of hay grass corn grain or pulse or of any cultivated vegetable 35 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 deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *five* nor less than *three* years or to be imprisoned for any term not 40 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.

Setting fire to stacks of corn &c.

124. Whosoever shall unlawfully and maliciously set fire to any stack of corn grain pulse tares hay straw haulm stubble or of any 45 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 deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* nor less than *three* years—or to be imprisoned for any term not exceeding *two* years with or without hard 50 labor and with or without solitary confinement and if a male under the age of *sixteen* years with or without whipping.

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

125. Whosoever shall unlawfully and maliciously by any overt act attempt to set fire to any such matter or thing as in either of the next two preceding sections mentioned under such circumstances that 55 if the same were thereby set fire to the offender would be under either of such sections guilty of felony shall be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *five* nor less than *three* years or to be imprisoned for any term not exceeding 60

two 60



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.

126. Whosoever shall unlawfully and maliciously cut or otherwise destroy any hopbinds growing on poles in any plantation of hops or any vines growing in any vineyard shall be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* 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 hopbinds or vines.

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 growing in any park pleasure-ground garden orchard or avenue or in any ground adjoining or belonging to any dwelling-house or to any owner or occupier thereof (in case the amount of the injury done shall exceed the sum of *one* pound) shall be deemed guilty of felony and shall be liable to penal servitude 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.

128. 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 as last aforesaid (in case the amount of injury done shall exceed the sum of *five* pounds) shall be deemed guilty of felony and shall be liable to penal servitude 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.

129. 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 summary conviction thereof before a Justice be liable to be imprisoned with or without hard labor for any term not exceeding *three* months or to a penalty over and above the amount of the injury done not exceeding *five* pounds and whosoever after conviction of any such offence under this or any former Act shall commit any such offence may be convicted thereof in like manner and shall be liable to imprisonment with or without hard labor for any term not exceeding *twelve* months and whosoever after having been twice convicted of any such offence (whether both or either of such convictions shall have taken place before or after the commencement of this Act) shall commit any such offence shall be deemed guilty of a misdemeanor and shall be liable 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.

130. 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 greenhouse or conservatory shall on summary conviction thereof before a Justice be liable to be imprisoned with or without hard labor for any term not exceeding *six* months or to a penalty over and above the amount of the injury done not exceeding *twenty* pounds and whosoever after having been convicted of any such offence under this

Destroying any fruit or vegetable production in a garden.

Second offence.

or



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or any former Act shall commit any such offence shall be deemed guilty of felony and shall be liable to penal servitude 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 5 of *sixteen* years with or without whipping.

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

131. 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 10 open or inclosed not being a garden orchard or nursery-ground shall on summary conviction thereof before a Justice be liable to be imprisoned with or without hard labor for any term not exceeding *one* month or to a penalty over and above the amount of the injury done not exceeding *twenty* shillings and in default of payment thereof 15 together with the costs if ordered shall be liable to like imprisonment for any term not exceeding *one* month unless payment be sooner made and whosoever after having been convicted of any such offence under this or any former Act shall commit any such offence may be convicted thereof in like manner and shall be liable to imprisonment with 20 or without hard labor for any term not exceeding *six* months.

Second offence.

Destroying &c. any fence wall stile or gate.

132. Whosoever shall unlawfully and maliciously cut break throw down or in anywise destroy or make and leave a passage through any fence of any description whatsoever or any wall stile or gate or any part thereof respectively shall on summary conviction thereof 25 before a Justice for the first offence be liable to a penalty over and above the amount of the injury done not exceeding *five* pounds and whosoever after having been convicted of any such offence under this or any former Act shall commit any such offence may be convicted thereof in like manner and shall be liable to imprisonment with or 30 without hard labor for any term not exceeding *twelve* months.

Second offence.

Setting fire to a coal mine.

133. Whosoever shall unlawfully and maliciously set fire to any mine of coal cannel coal anthracite or other mineral fuel shall be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* nor less than *three* years—or to be impris- 35 soned 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.

Attempting to set fire to a mine.

134. Whosoever shall unlawfully and maliciously by any overt act attempt to set fire to any mine under such circumstances that if 40 the mine were thereby set fire to the offender would be guilty of felony shall be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *ten* 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 45 under the age of *sixteen* years with or without whipping.

Conveying water into a mine obstructing the shaft &c.

135. Whosoever shall unlawfully and maliciously cause any water to be conveyed or to run into any mine or into any subterraneous passage communicating therewith with intent thereby to destroy or damage such mine or to hinder or delay the working thereof or shall 50 with the like intent unlawfully and maliciously 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 deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *five* nor less than *three* years or to be 55 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 shall not extend to any damage committed underground by any owner of



## PART III.

of any adjoining mine in working the same or by any person duly employed in such working.

136. 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 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 wagonway or trunk building erection bridge wagonway or trunk be completed or in an 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 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 or business thereof shall be deemed guilty of felony and shall be liable to penal servitude 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.

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

137. 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 creek canal drain reservoir pool or marsh whereby any land or building shall be or shall be in danger of being overflowed or damaged or shall unlawfully and maliciously throw break or cut down level undermine or otherwise 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 creek or canal shall be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* 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 any sea bank or wall on any canal.

138. 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 creek 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 creek or canal with intent and so as thereby to obstruct or prevent the carrying on completing or maintaining the navigation thereof shall be deemed guilty of felony and shall be liable to penal servitude 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.

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

139. 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

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



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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 flood-gate of any mill pond reservoir or pool shall be deemed guilty of a misdemeanor and shall be liable to penal servitude 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. 5 10

Injury to a public bridge.

140. 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 deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* 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. 15 20

Destroying a turnpike gate toll-house &c.

141. 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 relating thereto or any house building or weighing engine erected for the better collection ascertainment or security of any such toll shall be deemed guilty of a misdemeanor. 25 30

Injuries to electric or magnetic telegraphs.

142. 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 deemed guilty of a misdemeanor and shall be liable 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 such offence that it is not expedient or conducive to the ends of justice that the same should be prosecuted by indictment he may proceed summarily to hear and determine the same and the offender shall on conviction thereof be liable to be imprisoned with or without hard labor for any term not exceeding *three* months or to a penalty not exceeding *ten* pounds. 35 40 45

Attempt to injure such telegraphs.

143. Whosoever shall unlawfully and maliciously by any overt act attempt to commit any of the offences in the next preceding section mentioned shall on summary conviction thereof before a Justice be liable to be imprisoned with or without hard labor for any term not exceeding *three* months or to a penalty not exceeding *ten* pounds. 50

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

144. 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 school of arts or other repository either at all times or from time to time open for the admission of the public or of any considerable number 55



## PART III.

number of persons to view the same either by the permission of the proprietor thereof or by the payment of money or any picture statue monument or other memorial of the dead painted glass or other ornament or work of art in any 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 railing or fence surrounding such statue or monument shall be deemed guilty of a misdemeanor and 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 shall be deemed to affect the right of any person to recover by action at law damages for the injury so committed.

145. Whosoever shall unlawfully and maliciously kill maim or wound any cattle or alpaca shall be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *ten* 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. Killing or maiming cattle or alpaca.

146. Whosoever shall unlawfully and maliciously kill maim or wound any dog bird beast or other animal not being cattle but being the subject of larceny either at common law or by statute or being ordinarily kept in a state of confinement or for any domestic purpose shall on summary conviction thereof before a Justice be liable to be imprisoned with or without hard labor for any term not exceeding *six* months or to a penalty over and above the amount of injury done not exceeding *twenty* pounds and whosoever after having been convicted of any such offence shall commit any such offence may be convicted thereof in like manner and shall be liable to imprisonment with or without hard labor for any term not exceeding *twelve* months. Killing or maiming other animals.

147. Whosoever shall unlawfully and maliciously set fire to cast away or in anywise destroy any ship or vessel either with intent to murder any person or whereby the life of any person shall be endangered shall suffer death as a felon. Setting fire to a ship with intent to commit murder &c.

148. Whosoever shall unlawfully and maliciously set fire to or cast away or in anywise destroy any ship or vessel whether the same be complete or in an unfinished state or shall unlawfully and maliciously set fire to cast away or in any wise 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 underwriter of any policy of insurance upon such ship or vessel or upon the freight thereof or upon any goods on board the same shall be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* 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. Setting fire to ships to prejudice the owner or underwriters.

149. 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 deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *ten* 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. Attempting to set fire to a vessel.

150. Whosoever shall unlawfully and maliciously place or throw into upon against or near any ship or vessel any gunpowder or other explosive substance with intent to destroy or damage the same or any machinery working tools goods or chattels shall whether or not any Placing gunpowder near a vessel with intent to damage it.



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Damaging ships  
otherwise than by  
fire.

Exhibiting false  
signals &c.

Removing or con-  
cealing buoys and  
other sea marks.

Destroying wrecks  
or any articles  
belonging thereto.

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

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

any explosion take place and whether or not any injury be effected be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *ten* 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

151. Whosoever shall unlawfully and maliciously damage otherwise than by fire gunpowder or other explosive substance any ship or vessel whether complete or unfinished with intent to destroy the same or render the same useless shall be deemed guilty of felony and shall 10 be liable to penal servitude 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. 15

152. Whosoever shall unlawfully mask alter or remove any 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 destruction of any ship vessel or boat in distress shall suffer death as 20 a felon.

153. 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 25 maliciously injure or conceal any boat buoy buoy-rope perch or mark used or intended for the guidance of seamen or the purpose of navigation shall be deemed guilty of felony and shall be liable to penal servitude 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 30 hard labor and with or without solitary confinement and if a male under the age of *sixteen* years with or without whipping.

154. Whosoever shall unlawfully and maliciously destroy 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 35 kind belonging to such ship or vessel shall be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *ten* 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

155. 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 45 in or under any building or any ship or vessel or to kill maim or wound any cattle shall be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* 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 50 and if a male under the age of *sixteen* years with or without whipping.

156. Whosoever shall unlawfully and maliciously commit any damage injury or spoil to or upon any land 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 55 exceeding *five* pounds shall be deemed guilty of a misdemeanor and shall be liable 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



## PART III.

of the clock in the next morning shall be liable to penal servitude 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.

157. Whosoever shall wilfully or maliciously commit any  
 5 damage injury or spoil to or upon any land or personal property what-  
 soever either of a public or private nature for which no punishment  
 is hereinbefore provided shall on summary conviction thereof before a  
 Justice be liable either to be imprisoned with or without hard labor  
 for any term not exceeding *two* months or to a penalty not exceeding  
 10 *five* pounds together with such further sum as shall appear to the  
 Justice to be a reasonable compensation for the damage injury or spoil  
 so committed not exceeding *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  
 15 any public right is concerned shall be applied in the same manner as  
 every penalty imposed by a Justice under this Act and if such sums  
 together with costs (if ordered) shall not be paid within such period as  
 the Justice shall at the time of the conviction appoint the offender  
 shall be liable to be imprisoned with or without hard labor for any  
 20 term not exceeding *two* months unless such sums and costs be sooner  
 paid. Provided that nothing herein 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.

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.

Application of the money awarded.

Not to extend to certain cases herein named.

25 158. The next preceding section shall extend and apply to any  
 person who shall wilfully or maliciously commit any injury to any  
 tree sapling shrub or underwood for which no punishment is herein-  
 before provided.

Preceding section to extend to trees.

159. Every punishment and penalty by this part of this Act  
 30 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 malice attending the  
 commission of the offence be malice conceived against the owner of  
 the property in respect of which such offence shall be committed or  
 35 otherwise.

Malice against owner of property unnecessary.

160. Every provision of this part 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 herein made penal  
 although the offender shall be in possession of the property against or  
 40 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 part of 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  
 45 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.

50

## FORGERY.

## PART IV.

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 or Colony of New South Wales or shall forge or counterfeit  
 55 the stamp or impression of either 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 seal knowing  
 the

Forging the great seal privy seal &c.



## PART IV.

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 such seal knowing the same to be forged or counterfeited or shall forge or alter or utter knowing to be forged or altered any document or instrument 5 having the said stamp or impression thereon or affixed thereto shall be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *ten* 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. 10

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 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 now or hereafter established by charter or by under or by virtue of any Imperial or Colonial Act or shall forge or alter or offer utter 15 dispose of or put off knowing 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 have any such share or interest trans- 20 ferred 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 deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* nor 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.

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 owner of any share or interest of or in the capital stock of any body 30 corporate company or society now or hereafter established by charter or by under or by virtue of any Act or any owner of any dividend or money payable in respect of any such share or interest and shall thereby transfer or endeavour to transfer any share or interest belonging to any such owner or thereby receive or endeavour to 35 receive any money due to any such owner as if such offender were the true and lawful owner shall be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* 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 con- 40 finement.

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 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 in 45 either of the two next 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 other authority with any such forged name handwriting or signature thereon knowing the same to be forged shall be deemed guilty of 50 felony and shall be liable to penal servitude 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.

Forging debentures.

166. Whosoever shall forge or alter or shall offer utter dispose 55 of or put off knowing to be forged or altered any debenture of the Government of New South Wales or any receipt or certificate for interest accruing thereon with intent to defraud shall be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding



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exceeding *fifteen* 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 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 such debentures as aforesaid or any machinery for working any threads into the substance of any paper 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 deemed guilty of felony and shall be liable to penal servitude 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.

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 next preceding section mentioned shall be deemed guilty of felony and shall be liable to penal servitude 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.

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 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 deemed guilty of a misdemeanor and shall be liable 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.

170. Whosoever shall forge or alter or shall offer utter or dispose of or put off knowing to be forged or altered any note of any person carrying on the business of banker commonly called a bank note with intent to defraud shall be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* 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 a bank note &c.

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

Receiving or having forged bank notes.

note



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

note knowing the same to be forged shall be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *ten* nor less than *three* years or to be imprisoned for any term not exceeding *two* years with or without hard labor.

172. Whosoever without lawful authority or excuse (the proof 5 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 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 10 Governor and Company of the Bank of England or of any other body corporate company or person carrying on the business of banker 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 any such other body corporate company 15 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 any such other body corporate company or person as aforesaid or any name word or character resembling or apparently intended to resemble any subscrip- 20 tion to any bill of exchange or promissory note issued by the Governor and Company of the Bank of England or by any such other body corporate company or person as aforesaid or shall use any such 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 25 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 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 30 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 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 35 or apparently intended to resemble any such subscription shall be made or printed shall be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *ten* 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

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 on which any such word &c. is im- pressed.

173. Whosoever without lawful authority or excuse (the proof 40 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 45 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 any other body corporate company or person carrying on the business of banker or shall use or knowingly have in his custody or possession any such plate wood stone or other material or any other instrument 50 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 of exchange or bank post bill of the Governor and Company of the Bank of England or of any such other body corporate 55 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 there shall be an impression of any such matter as aforesaid shall be deemed guilty of felony and shall be liable to penal



penal servitude for any term not exceeding *ten* 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.

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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 business of bankers (other than and except the Bank of England) 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 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 deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *ten* 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.

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

175. Whosoever with intent to defraud shall forge or alter or shall offer utter dispose of or put off knowing to be forged or altered any deed document or bond or shall forge any signature purporting 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 deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* 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 deeds bonds &c.

176. Whosoever with intent to defraud shall forge or alter or shall offer utter dispose of or put off knowing to be forged or altered any will testament codicil or testamentary instrument shall be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* 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 wills.

177. Whosoever shall forge or alter or shall offer utter dispose of or put off knowing 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 deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* 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.

178. Whosoever shall forge or alter or shall offer utter dispose of or put off knowing 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 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 deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* 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 orders receipts &c. for money goods &c.



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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 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 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 deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *ten* 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.

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 with intent to defraud 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 knowing the same to have been made with intent in any of the cases aforesaid to defraud shall be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* 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 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 to be forged or fraudulently 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 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 in Equity or any document or writing or any copy of any document or writing used or intended to be used as evidence in any such Court shall be deemed guilty of felony and shall be liable to penal servitude 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.

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

182. Whosoever being the officer having the custody of the records of any Court or being the deputy of any such clerk or officer who shall utter any false copy or certificate of any record knowing the same to be false and whosoever other than 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 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 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 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 whatsoever 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



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false shall be deemed guilty of felony and shall be liable to penal servitude 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.

5 183. Whosoever shall forge or fraudulently alter or shall offer utter dispose of or put off knowing 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  
10 provided shall be deemed guilty of felony and shall be liable to penal servitude 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.

Forging instruments made evidence by any Act of Parliament.

15 184. Whosoever shall forge or fraudulently alter or shall offer utter dispose of or put off knowing to be forged or fraudulently altered any memorial affidavit affirmation entry certificate indorsement document or writing made or issued under the provisions of any Act passed or 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  
20 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 memorial affidavit affirmation entry certificate indorsement document or writing required or directed to be signed by or by virtue of any such Act or  
25 shall offer utter dispose of or 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 deemed guilty of felony and shall be liable to penal servitude for any  
30 term not exceeding *ten* 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.

Forgery as to the registry of deeds.

185. Whosoever with intent to defraud shall forge or alter or shall offer utter dispose of or put off knowing to be forged or altered  
35 any summons conviction order or warrant of any Justice or any recognizance purporting to have been entered into before any Justice or other officer authorized to take the same or any examination deposition affidavit affirmation or solemn declaration taken or made before any Justice shall be deemed guilty of felony and shall be liable  
40 to penal servitude 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.

Forging orders of Justices recognizances affidavits &c.

186. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall in the name of any other  
45 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 deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* nor less than *three* years or to be imprisoned for  
50 any term not exceeding *two* years with or without hard labor and with or without solitary confinement.

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

187. Whosoever shall forge or fraudulently alter any license for or certificate of marriage or shall offer utter dispose of or put off any  
55 such license or certificate knowing the same to be forged or fraudulently altered shall be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *seven* 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 or uttering marriage license or certificate.

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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 now or hereafter authorized or required by law 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 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 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 particular or shall forge or counterfeit the seal of or belonging to the General Registry for New South Wales or shall offer utter dispose of or put off 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 deemed guilty of a misdemeanor and shall be liable to penal servitude 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.

Making false entries  
in copies of register  
sent to registrar.

189. Whosoever shall knowingly and wilfully insert or cause 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 to be forged or altered any copy of any register so directed 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 deposit or conceal any such copy of any register shall be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *five* years or to any penalty not exceeding *two hundred* pounds or to be imprisoned for any term not exceeding *three* years with or without hard labor and with or without solitary confinement.

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 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 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 deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *ten* 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 any instrument  
however designated  
which is in law a will bill of  
exchange &c.

191. Where by this or any other Act any person is or shall hereafter be made liable to punishment for forging or altering or for offering



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offering uttering disposing of or putting off knowing to 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 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 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.

192. Where the forging or altering of 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 this Colony 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 the Colony (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 the Colony and if any person shall in this Colony forge or alter or offer utter dispose of or put off knowing 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 the Colony 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 the Colony.

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.

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 forgery.

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

Description of instrument in indictments for engraving &c.



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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 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.

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

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 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.

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

196. If it shall be made to appear by information on oath or affirmation before a Justice that there is reasonable 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 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 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 some Justice 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 be defaced and destroyed or otherwise disposed of as such Court or Justice shall direct.

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

197. Whosoever shall after the commencement of this Act be convicted of any offence subjected by any Act to the same pains and penalties as were imposed by the Act fifth Elizabeth chapter fourteen intituled "*An Act against Forgers of false Deeds and Writings*" for any of the offences first enumerated in the said Act shall be deemed guilty of felony and shall in lieu of such pains and penalties be liable to penal servitude for any term not exceeding *fourteen* 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.

All forgeries which were capital before the 1 William IV. c. 66 and are not otherwise punishable under this Act shall be punished with penal servitude for fifteen years &c.

198. Where by any Act now in force any person falsely making forging counterfeiting erasing or altering any matter whatsoever or 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 thing upon or by virtue of any matter whatsoever knowing such matter to have been falsely made forged counterfeited erased or altered would according to the provisions contained in any such Act be guilty of felony and would before the passing of the Act first William the Fourth chapter sixty-six have been liable to suffer death as a felon or where



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where by any Act now in force any person falsely personating another or falsely acknowledging any thing in the name 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 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 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 first William the Fourth have been liable to suffer death as a felon or where by any Act now in force any person 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 of felony and would before the passing of the said Act of the first 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 or of aiding abetting counselling 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 to penal servitude for any term not exceeding *fifteen* 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.

## OFFENCES RELATING TO THE COIN.

## PART V.

199. Whosoever shall falsely make or counterfeit any coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin shall be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* 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.

Counterfeiting the 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 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 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 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 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

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

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

or



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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 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 deemed 5 guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* 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.

Impairing the gold or silver coin with intent &c.

201. Whosoever shall impair diminish or lighten any of the 10 Queen's current gold or silver coin with intent that the coin so impaired diminished or lightened may pass for the Queen's current gold or silver coin shall be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *ten* nor less than *three* years or to be imprisoned for any term not exceeding *two* years with 15 or without hard labor and with or without solitary confinement.

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

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 20 the Queen's current gold or silver coin knowing the same to have been so produced or obtained shall be deemed guilty of felony and shall be liable to penal servitude 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 25 confinement.

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

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 at or for a lower rate or value than the same imports or was 30 apparently intended to import shall be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* 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 in any indictment for any such offence it shall be 35 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 import without alleging at or for what rate price or value the same was bought sold received paid or put off 40 or offered to be bought sold received paid or put off.

Importing counterfeit coin from beyond seas.

204. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall import or receive from beyond the seas any false or counterfeit coin knowing the same to be false or counterfeit shall be deemed guilty of felony and shall be liable 45 to penal servitude for any term not exceeding *fifteen* 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 50 any ship vessel or boat for the purpose of being exported any false or counterfeit coin knowing the same to be false or counterfeit shall be deemed guilty of a misdemeanor and shall be liable to be imprisoned for any term not exceeding *two* years with or without hard labor and with or without solitary confinement. 55

Uttering counterfeit gold or silver coin.

206. Whosoever shall tender utter or put off any false or counterfeit coin knowing the same to be false or counterfeit shall be deemed guilty of a misdemeanor and shall be liable to be imprisoned for any term not exceeding *one* year with or without hard labor and with or without solitary confinement.



## PART V.

207. Whosoever shall tender utter or put off any false or counterfeit 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 or counterfeit 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 knowing the same to be false or counterfeit shall be deemed guilty of a misdemeanor and shall be liable to be imprisoned for any term not exceeding *two* years with or without hard labor and with or without solitary confinement.
208. Whosoever shall have in his custody or possession three or more pieces of false or counterfeit 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 deemed guilty of a misdemeanor and shall be liable to penal servitude 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.
209. Whosoever having been convicted either before or after the commencement of this Act of any such misdemeanor or crime and offence as in any of the three next 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 deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* 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 deemed guilty of a misdemeanor and shall be liable to be imprisoned for any term not exceeding *one* year with or without hard labor and with or without solitary confinement.
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 of copper at or for a lower rate or value than the same imports or was apparently intended to import shall be deemed guilty of felony and shall be liable to penal servitude 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.
212. Whosoever shall tender utter or put off any false or counterfeit coin of copper 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 of copper knowing the same to be false or counterfeit and with intent to utter or put off the same or any of them shall be deemed guilty of a misdemeanor and shall be liable to be imprisoned for

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

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

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

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

Counterfeiting &c. copper coin.

Uttering base copper coin.



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Defacing the coin by stamping words thereon.

for any term not exceeding *one* year with or without hard labor and with or without solitary confinement.

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 5 be deemed guilty of a misdemeanor and shall be liable to be imprisoned for any term not exceeding *one* year with or without hard labor.

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

214. No tender of payment in money made in any gold silver or copper coin so defaced by stamping as in the next preceding section mentioned shall be a legal tender and whosoever shall tender utter or 10 put off any coin so defaced shall on summary conviction thereof before two Justices be liable to a penalty 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 the Attorney General.

Counterfeiting foreign gold and silver coin.

215. Whosoever shall make or counterfeit any kind of coin 15 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 deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *five* nor less than *three* years or to be imprisoned for any term not exceed- 20 ing *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 25 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 deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *five* nor less than *three* years or to be imprisoned for any term not exceeding *two* years with 30 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 deemed guilty of 35 a misdemeanor and shall be liable to be imprisoned for any term not exceeding *six* months with or without hard labor.

Second offence of uttering counterfeit foreign coin.

218. Whosoever after having been so convicted as in the next preceding section mentioned shall commit the like offence with knowledge as aforesaid shall be deemed guilty of a misdemeanor and shall 40 be liable to be imprisoned for any term not exceeding *two* years with or without hard labor and with or without solitary confinement and whosoever after having been so convicted of a second offence shall commit the like offence with like knowledge shall be deemed guilty of 45 felony and shall be liable to penal servitude for any term not exceeding *fifteen* 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 50 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 deemed guilty of a misdemeanor and shall be liable for the first offence to be imprisoned for any term not exceeding *one* year and for the second or any sub- 55 sequent like offence to penal servitude 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.



## PART V.

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 next preceding section mentioned shall on summary conviction thereof before any Justice 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 be liable to a penalty not exceeding *forty* shillings nor less than *ten* shillings for every such piece of false and counterfeit coin which shall be found in his custody or possession 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 the offender shall be liable to imprisonment with or without 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 or 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 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 shall be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* 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 in Sydney 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 deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* 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 false or counterfeit coin such person may cut break bend or deface such coin and if any coin so cut broken bent or defaced shall appear to be diminished

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

Making mending or having possession of any coining tools felony.

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

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



## PART V.

Who shall bear the loss.

ished otherwise than by reasonable wearing or to be false or 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 false or counterfeit it shall be heard and finally determined in a summary manner by any Justice 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 in this Colony are hereby required to cut break or deface or cause to be cut broken or defaced every piece of false or counterfeit or unlawfully diminished gold or silver coin which shall be tendered to them in payment of any part of Her Majesty's Revenue. 15

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 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 diminishing or lightening any of the Queen's current gold or silver coin the person so finding or discovering shall seize and forthwith carry the same before some Justice and where it shall be proved on the oath of a credible witness before any Justice that there 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 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 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 any Justice may by warrant under his hand cause any 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 otherwise as aforesaid shall be found in any place so searched may cause the same to be seized and forthwith carried before some Justice and whensoever any such shall be seized and carried before a Justice 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 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 shall forthwith be delivered up to the Deputy Master of Her Majesty's Mint in Sydney or to some person authorized in writing by him to receive the same. 55

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 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



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 competent and credible witness.

5 226. 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 this Act shall be deemed to be complete although the coin so made or counterfeited or bought sold  
10 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 whomsoever to apprehend any person found committing any offence against this Act in relation  
15 to the coinage and to 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 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  
20 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  
25 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  
30 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  
35 every such certificate a fee of six shillings and eight-pence and no more may be demanded and 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  
40 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  
45 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 or will not answer directly to such question the jury shall then be charged to inquire concerning any such previous  
50 conviction 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 produce evidence of his good character the prosecutor may  
55 in answer thereto produce evidence of the conviction of such person for any previous offence before such verdict of guilty shall be returned and the jury shall inquire concerning any such previous conviction 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.

Murder.

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

Sentence for murder.

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.

Conspiring or soliciting to commit 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 commencement of this Act.

Accessories after the fact to murder.

232. All persons who shall conspire confederate and agree to murder any person whether a subject of Her Majesty or not and whether 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 a subject of Her Majesty or not and whether within the Colony or not shall be deemed guilty of a misdemeanor and shall be liable to penal servitude for any term not more than *ten* nor less than *three* years or to be imprisoned for any term not exceeding *two* years with or without hard labor.

Manslaughter.

233. Every accessory after the fact to murder shall be liable to penal servitude for any term not exceeding *fifteen* nor less than *three* years or to be imprisoned for any term not exceeding *two* years with or without hard labour.

Indictment for murder or manslaughter.

234. Whosoever shall be convicted of manslaughter shall be liable to penal servitude for any term not exceeding *fifteen* nor less than *three* years or to be imprisoned for any term not exceeding *two* years with or without hard labor or to such penalty as the Court shall award in addition to or without any such other discretionary punishment as aforesaid.

235. 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 willfully and of 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.

Excusable homicide.

236. 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 abolished.

237. Every offence which before the commencement of the Act ninth 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.

Murder or manslaughter abroad.

238. 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 the same shall amount



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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 Colony in the same manner in all respects as if such offence had been actually committed therein  
 5 provided that nothing herein shall prevent any person from being tried in any place out of the Colony for any murder or manslaughter committed out of the Colony in the same manner as such person might have been tried before the commencement of this Act.

239. Where any person being feloniously stricken poisoned or  
 10 otherwise hurt upon the sea or at any place out of the Colony shall die of such stroke poisoning or hurt in the Colony every offence committed in respect of any such case whether the same shall amount to the murder or manslaughter or being accessory to murder or manslaughter may be dealt with inquired of tried determined and  
 15 punished in the 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

240. Whosoever shall administer to or cause to be administered  
 to or be taken by any person any poison or other destructive thing  
 or shall by any means whatsoever wound or cause any grievous bodily  
 20 harm to any person with intent in any such case to commit murder shall suffer death as a felon.

Administering poison or wounding with intent to murder.

241. Whosoever by the explosion of gunpowder or other  
 explosive substance shall destroy or damage any building with intent  
 to commit murder shall be deemed guilty of felony and shall be liable  
 25 to penal servitude for any term not exceeding *fifteen* 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.

242. Whosoever shall set fire to any ship or vessel or any part  
 thereof or any part of the tackle apparel or furniture thereof or any goods  
 30 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 suffer death as a felon.

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

243. Whosoever shall shoot at any person or shall by drawing  
 a trigger or in any other manner attempt to discharge any kind of  
 35 loaded arms at any person or shall attempt to drown suffocate or strangle any person with intent in any such case to commit murder shall whether any bodily injury be effected or not be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* nor less than *three* years or to be imprisoned for any term not  
 40 exceeding *two* years with or without hard labor and with or without solitary confinement.

Shooting at or attempting to shoot or attempting to drown &c. with intent to murder.

244. Whosoever shall by any means other than those specified  
 in any of the three next preceding sections attempt to commit murder  
 shall be deemed guilty of felony and shall be liable to penal servitude  
 45 for any term not exceeding *fifteen* 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.

By any other means attempting to commit murder.

245. Whosoever shall maliciously send deliver or utter or directly  
 or indirectly cause to be received knowing the contents thereof any  
 50 letter or writing threatening to kill or murder any person shall be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* 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  
 55 *sixteen* years with or without whipping.

Sending letters threatening to murder.

246. Whosoever shall unlawfully and maliciously prevent or  
 impede any person being on board of or having quitted any ship or  
 vessel 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

Impeding a person endeavouring to save himself from shipwreck.



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- any person in his endeavour to save the life of any such first mentioned person shall be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* 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
- Shooting or attempting to shoot or wounding with intent to do grievous bodily harm. 247. Whosoever shall unlawfully and maliciously by any 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 10 any person or to do some other grievous bodily harm to any person or with intent to resist or prevent the lawful apprehension or detainer of himself or of any other person shall be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* 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
- What shall constitute loaded arms. 248. Any gun pistol or other arms 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 within 20 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. 249. Whosoever shall unlawfully and maliciously wound or inflict any grievous bodily harm upon any other person either with or without any weapon or instrument shall be deemed guilty of a misdemeanor and shall be liable to penal servitude for any term not exceeding *three* years or to be imprisoned for any term not exceeding *two* years with or without hard labor. 25
- Attempting to choke &c. in order to commit any indictable offence. 250. Whosoever shall by any means whatsoever attempt to choke suffocate or strangle any other person or shall by any means 30 calculated to choke suffocate or strangle attempt to render any other person insensible unconscious or incapable of resistance with intent in any such case thereby to enable himself or any other person to commit or with intent in any such case thereby to assist any other person in committing any indictable offence shall be deemed guilty of 35 felony and shall be liable to penal servitude for any term not exceeding *fifteen* 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 apply or administer to or cause to be taken by or attempt to apply or administer to or attempt 40 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 such case thereby to enable himself or any other person to commit or with intent in any such case thereby to assist any other person in committing any indictable offence shall be deemed 45 guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* nor 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 50 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 deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *ten* nor less than *three* years or to be imprisoned for any term not exceeding *two* 55 years with or without hard labor.
- Maliciously administering poison &c. with intent to injure aggrieve or annoy any other person. 253. Whosoever shall unlawfully and maliciously administer to or cause to be administered to or taken by any other person any 60 poison or other destructive or noxious thing with intent to injure aggrieve



aggrieve or annoy such person shall be deemed guilty of a misdemeanor and shall be liable to penal servitude for any term not exceeding *three* years or to be imprisoned for any term not exceeding *two* years with or without hard labor.

5 254. If upon the trial of any person for any felony in the next 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 next preceding section mentioned 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.

15 255. 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 deemed guilty of a misdemeanor and shall be liable to penal servitude 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.

25 256. Whosoever shall unlawfully abandon or expose any child under the age of two years whereby the life of such child shall be endangered or its health shall have been or shall be likely to be permanently injured shall be deemed guilty of a misdemeanor and shall be liable to penal servitude for any term not exceeding *three* years or to be imprisoned for any term not exceeding *two* years with or without hard labor.

Exposing children whereby life endangered.

35 257. Whosoever shall unlawfully and maliciously by the explosion of gunpowder or other explosive substance burn maim disfigure disable or do any grievous bodily harm to any person shall be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* 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.

Causing bodily injury by gunpowder.

40 258. Whosoever shall unlawfully and maliciously cause any gunpowder or other explosive substance to explode or send or deliver to or cause to be taken or received by any person any explosive substance or any other dangerous or noxious thing or put or lay at any place or cast or throw at or upon or otherwise apply to any person any corrosive 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 bodily injury be effected or not be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* 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.

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

55 259. Whosoever shall unlawfully and maliciously place or throw in into upon against or near any building ship or vessel any gunpowder or other explosive substance with intent to do any bodily injury to any person shall whether or not any explosion take place and whether or not any bodily injury be effected be deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *ten* nor less than *three* years or to be imprisoned for any term not exceeding *two* years

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



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

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.

260. 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 or inflict grievous bodily harm upon a trespasser or other person coming in contact therewith shall be deemed guilty of a misdemeanor and shall be liable to penal servitude for the term of *three* years or to be imprisoned for any term not exceeding *two* years with or without hard labor and whosoever 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 herein 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 herein shall make it unlawful to set or place or cause 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.

Drivers of carriages  
injuring persons by  
furious driving.

261. Whosoever having the charge of any carriage or vehicle 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 person whatsoever shall be deemed guilty of a misdemeanor and shall be liable to be imprisoned for any term not exceeding *two* years with or without hard labor.

Obstructing or  
assaulting a clergy-  
man or other minister  
in the discharge of  
his duties.

262. Whosoever shall by threats menaces or force obstruct or prevent or endeavour to obstruct or prevent any minister of religion in or from celebrating divine service or otherwise officiating in any place of divine worship or in or from the performance of his duty in the lawful burial of the dead in any 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 minister of religion engaged in or to the knowledge of the offender about to engage in any of such rites or duties or who to the knowledge of the offender shall be going to perform the same or returning from the performance thereof shall be deemed guilty of a misdemeanor and shall be liable to be imprisoned for any term not exceeding *two* years with or without hard labor.

Assaulting a magis-  
trate on account of  
his preserving  
wreck.

263. Whosoever shall assault and strike or wound any magistrate officer or other person whomsoever 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 deemed guilty of a misdemeanor and shall be liable to penal servitude 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.

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

264. Whosoever shall assault any person with intent to commit felony or shall assault resist or wilfully obstruct any peace officer constable or officer of police 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 deemed guilty of a misdemeanor and shall be liable 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.

265. Whosoever shall beat or use any violence threat or menace 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



or otherwise 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 threat or menace 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 same shall on summary conviction thereof before two Justices be liable to be imprisoned with or without hard labor for any term not exceeding *three* months Provided that no person who shall be punished for any such offence under this Act shall be punished for the same offence under any other law whatsoever.

266. 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 summary conviction thereof before two Justices be liable to be imprisoned with or without hard labor for any term not exceeding *three* months Provided that no person who shall be punished for any such offence under this Act shall be punished for the same offence under any other law whatsoever.

267. Whosoever in pursuance of any unlawful combination or conspiracy to raise 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 deemed guilty of a misdemeanor and shall be liable to be imprisoned for any term not exceeding *two* years with or without hard labor.

268. Where any person shall unlawfully assault or beat any other person two Justices upon complaint by or on behalf of the party aggrieved may summarily hear and determine such offence and the offender shall be liable to be imprisoned with or without hard labor for any term not exceeding *two* months or to a penalty not exceeding together with the costs (if ordered) the sum of five pounds and if such penalty and costs (if ordered) shall not be paid within such period as the said Justices shall at the time of the conviction appoint the offender shall be liable to be imprisoned with or without hard labor for any term not exceeding *two* months unless such penalty and costs be sooner paid.

269. When any person shall be charged before two Justices 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 hear and determine the same in a summary way and the offender shall be liable to be imprisoned with or without hard labor for any period not exceeding *six* months or to a penalty not exceeding (together with costs) the sum of *twenty* pounds and in default of payment to be imprisoned for any period not exceeding *six* months unless such penalty 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.

270. If the Justices upon 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 two next 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

Assaults on seamen  
&c.

Assaults arising  
from combination.

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

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

If the Magistrates  
dismiss the com-  
plaint they shall  
make out a certifi-  
cate to that effect.



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

These provisions not to apply to certain cases.

Assault occasioning bodily harm.

Common assault.

Rape.

Procuring the defilement of girl under age.

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

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

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

forthwith deliver to the party complained against a certificate under their hands stating the fact of such dismissal.

271. If any person against whom any such complaint as in either of the three next 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 against him or shall have suffered the imprisonment with or without hard labor awarded he shall be released from all other proceedings criminal or civil for the same cause.

272. In case the Justices shall find any such 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 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. And nothing herein 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.

273. Whosoever shall be convicted upon an indictment of any assault occasioning actual bodily harm shall be liable to penal servitude 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 to be imprisoned for any term not exceeding *one* year with or without hard labor.

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

275. Whosoever shall by false pretences false representations or other fraudulent means procure any female under the age of *twenty-one* years to have illicit carnal connection with any man shall be deemed guilty of a misdemeanor and shall be liable to be imprisoned for any term not exceeding *two* years with or without hard labor.

276. 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 to penal servitude for any term not more than *ten* nor less than *five* years or to be imprisoned for any term not exceeding *two* years with or without hard labor.

277. 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 the jury may acquit him of the crime so charged and may 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 next 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 conduct proved against the prisoner.

278. 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 to penal servitude for any term not more than *five* nor less than *three* years or to be imprisoned for any term not exceeding *two* years with or without hard labor and on any information or indictment for such offence the jury may acquit the prisoner of the same and may find a verdict against him (if the evidence shall warrant such finding) of guilty of an



## PART VI.

an attempt to commit the same offence and he shall be liable to imprisonment with or without hard labor for any term not exceeding *three* years.

279. 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 deemed guilty of a misdemeanor and shall be liable to penal servitude for any term not exceeding *three* years and any person who after having been convicted of any such misdemeanor shall commit any such misdemeanor shall be deemed guilty of felony and shall be liable to penal servitude for any term not more than *five* nor less than *three* years or to be imprisoned for not less than *two* years with or without hard labor.

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

Second conviction a felony.

280. In any indictment or information for the felony mentioned in the four next 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 that it shall not be lawful on the trial of any person for any such felony to charge the 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 that if upon the trial for such felony such person shall produce evidence of his good character the prosecutor may in answer thereto produce 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.

Practice on trial of such felony.

281. When any person shall be charged before two Justices with an assault upon any female whomsoever or upon any male child whose age shall not in the opinion of such Justices exceed fourteen years either upon the complaint of the party aggrieved or otherwise the said Justices may if the assault is of such an aggravated nature that it cannot in their opinion be sufficiently punished under the provisions of the Act fourteenth Victoria number forty and the Imperial Acts thereby adopted may hear and determine the case in a summary way and the offender shall be liable to be imprisoned with or without hard labor for any term not exceeding *six* months or to a penalty not exceeding (together with costs) the sum of *twenty* pounds and in default of payment to be imprisoned with or without hard labor for any term not exceeding *six* months unless such penalty and costs be sooner paid and if the Justices shall so think fit 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 and such conviction shall be a bar to all future proceedings criminal or civil for or in respect of the same assault.

Punishment for aggravated assaults on females and on male children under fourteen and occasioning actual bodily harm extended.

282. Where under the next preceding section any recognizance is entered into by any principal or surety before the General or Quarter Sessions or before any Justices such Court may upon application made thereto declare such recognizance to be forfeited upon proof of a conviction

Court of General or Quarter Sessions may upon proof of conviction and notice to parties declare a recognizance to keep



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the peace or to be of good behaviour to be forfeited.

2 V. No. 8.

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

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

Offender incapable of taking any of her property.

Forcible abduction of any woman with intent to marry her.

Abduction of a girl under sixteen years of age.

Child stealing.

tion 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 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 or business of the party who entered into such recognizance that an application will be made to the said Court that such recognizance shall be declared forfeited and if it shall be so forfeited all like proceedings shall be had thereon as in the case of a recognizance forfeited at such Court as under the Act second Victoria number eight and upon notice in writing of such intended application as aforesaid to any Justices before whom any such recognizance shall have been taken four clear days before the commencement of the said Sessions such Justices shall transmit the said recognizance to the Clerk of the Peace of the District within which such recognizance shall have been taken with a certificate that it is sent to him by reason of such last-mentioned notice.

283. Where any woman of any age shall have any interest legal or equitable present or future absolute conditional or contingent in any land 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 motives of 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 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 deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* nor 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 such offence shall be incapable of taking any estate or interest legal or equitable in any land or personal property of such woman or in which she shall have any such interest or which shall come to her as such heiress co-heiress 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 in Equity shall upon any information at the suit of the Attorney General appoint.

284. 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 deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* nor less than *three* years or to be imprisoned for any term not exceeding *two* years with or without hard labor.

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

286. 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 of such child or with intent to steal any article upon or about



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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 so led taken decoyed enticed away or detained shall be deemed guilty of felony 5 and shall be liable to penal servitude 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 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 10 be the mother or shall have claimed to be the father of an illegitimate shall be liable to be prosecuted by virtue hereof on account of getting possession of such child or taking such child out of the possession of any person having the lawful charge thereof.

287. Whosoever being married shall marry any other person Bigamy. 15 during the life of the former husband or wife whether the second marriage shall have been solemnized in the Colony or elsewhere shall be deemed guilty of felony and shall be liable to penal servitude 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 20 any such offence may be dealt with inquired of tried determined and punished as against any person here apprehended although in this Colony committed elsewhere Provided that nothing herein shall extend to any second marriage contracted elsewhere than in this Colony by any other than a subject of Her Majesty or to any person 25 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 bond of the 30 first marriage or to any person whose former marriage shall have been declared void by the sentence of any competent Court.

Offence may be dealt with where offender shall be apprehended.  
Not to extend to second marriages &c. herein stated.

288. Every woman being with child who with intent to procure her own miscarriage shall unlawfully administer to herself any poison or other noxious thing or shall unlawfully use any instrument or 35 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 any poison or other noxious thing or shall unlawfully use any instrument or other means whatsoever with the like intent shall be 40 deemed guilty of felony and shall be liable to penal servitude for any term not exceeding *fifteen* 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.

Administering drugs or using instruments to procure abortion.

289. Whosoever shall unlawfully supply or procure any poison 45 or other noxious thing or any instrument or thing whatsoever knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman whether she be or be not with child shall be deemed guilty of a misdemeanor and shall be liable to penal servitude for any term not exceeding *three* years or to 50 be imprisoned for any term not exceeding *two* years with or without hard labor.

Procuring drugs &c. to cause abortion.

290. If any woman shall be delivered of a child every person who shall by any secret disposition of the dead body of such child whether such child died before at or after its birth endeavour to 55 conceal the birth thereof shall be deemed guilty of a misdemeanor and shall be liable 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 the jury by whose verdict such person shall be acquitted may find in case it shall so appear in

Concealing the birth of a child.



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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 concealment as aforesaid.

5

Sodomy and  
bestiality.

291. 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.

292. Whosoever shall attempt to commit the said abominable crime or shall be guilty of any assault with intent to commit the same 10 or of any indecent assault upon any male person shall be deemed guilty of a misdemeanor and shall be liable to penal servitude for any term not exceeding *ten* nor less than *three* years or to be imprisoned for any term not exceeding *two* years with or without hard labor.

Carnal knowledge  
defined.

293. Whenever upon the trial for any offence punishable under 15 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.

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

294. Whosoever shall knowingly have in his possession or make 20 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 deemed guilty of a misdemeanor and shall be liable to be 25 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.

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

295. Any Justice in any place in which any such gunpowder or other explosive dangerous or noxious substance or thing or any such 30 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 this Act mentioned upon reasonable cause assigned upon oath by any person may issue a warrant under his hand and seal for searching in the day-time only any house mill magazine storehouse 35 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 and every person acting in the execution of such warrant shall for seizing removing to proper places and detaining all such gunpowder explosive dangerous or noxious sub- 40 stances machines engines instruments or things found upon such search and reasonably suspected 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 have and exercise the same protections and powers which are given to persons searching for 45 unlawful quantities of gunpowder under the warrant of a Justice by the Act seventh William Fourth number seven.

## PART VII.

## MISCELLANEOUS MATTERS.

Treasonable felony.

296. Whosoever shall compass imagine invent devise or intend 50 to deprive or depose Her Majesty 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 within any part of this Colony in order by force or constraint to compel her to change her measures or counsels or in order to put any force or 55 constraint upon or to intimidate or overawe either House of Parliament in this Colony or to move or stir any foreigner or stranger with force to



## PART VII.

to invade this or any other of Her Majesty's dominions or countries under the obeisance of Her Majesty and such compassing imaginations inventions devices or intentions or any of them shall express utter or declare by any published printing or writing or by open and advised  
 5 speaking or by any overt act or deed shall be deemed guilty of treasonable felony and shall be liable to be imprisoned for any term not exceeding *fifteen* nor less than *seven* years with or without hard labor.

297. Provided that no person shall be prosecuted for any treasonable felony under this Act in respect of such compassings imagina-  
 10 tions inventions devices or intentions as aforesaid in so far as the same are expressed uttered or declared by open and advised speaking only unless information 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 Justice at the least within  
 15 *six* days after such words shall have been spoken nor unless a warrant for the apprehension of the person by whom such words shall be charged to have been spoken shall be issued within *ten* days next after such information shall have been given as aforesaid nor unless such warrant shall be issued within *two* years next after the passing of this  
 20 Act And 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.

Times limited for prosecution warrant &c.

25 298. In any indictment for any treasonable felony under this Act the offender may be charged with 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.

More than one overt act may be charged.

30 299. Nothing herein contained shall lessen the force of or in any manner affect anything enacted by the Act or Statute twenty-fifth Edward the Third statute five chapter two commonly called "the Statute of Treasons."

Act 25 Ed. 3 st. 5 c. 2 not affected.

35 300. If the facts or matters alleged in an indictment for any felony under the part 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 not  
 40 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.

Indictment for felony valid though facts amount to treason.

301. Any person found committing any offence punishable either upon indictment or upon summary conviction by virtue of this  
 45 Act may be immediately apprehended without a warrant by any person and forthwith taken together with any property found in his possession before some neighbouring Justice to be dealt with according to law and if any credible witness shall prove upon oath before a Justice a reasonable cause to suspect that any person has in his  
 50 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 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  
 55 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 required to apprehend and forthwith to take him before a Justice together with such property to be dealt with according to law.

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.



## PART VII.

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

11 and 12 V. cc. 42  
43 44 adopted by 14  
V. No. 43 applicable  
to this Act.

Offences committed  
on the high seas.

Abettors in offences  
punishable on sum-  
mary conviction.

Fine and sureties for  
keeping the peace in  
what cases.

Punishment of  
female offenders.

302. Any constable or peace officer make take into custody without warrant any person whom he shall find lying or loitering in any highway yard or other place during the night and whom he shall have good cause to suspect of having committed or being about to commit any felony against this Act and shall take such person as soon as reasonably may be before a Justice to be dealt with according to law. 5

303. All the provisions of the Imperial Acts eleventh and twelfth Victoria chapters forty-two forty-three and forty-four as adopted by the Act fourteenth Victoria number forty-three shall so far as they are applicable be applied *mutatis mutandis* to the corresponding provisions of this Act. 10

304. All indictable offences mentioned in this Act which shall be committed on the high seas shall be deemed to be offences of the 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. 15

305. 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. 20 25

306. 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 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 for keeping the peace in addition to any punishment by this Act authorized Provided that no person shall under this section be imprisoned for any period exceeding one year for not finding sureties. 30 35

307. When any female offender shall be convicted of any offence punishable by this Act with penal servitude it shall be lawful for the Court before which such conviction shall have been had to sentence such offender by way of substitution for penal servitude to be imprisoned for such term as the said Court shall think fit not being more nor less in any case than the periods next mentioned that is to say in lieu of penal servitude for any term not exceeding fifteen years and not less than three years a period of not less than three years nor more than seven years in lieu of penal servitude for any term not exceeding ten years and not less than three years a period of not less than two nor more than five years in lieu of penal servitude for any term not exceeding five years and not less than three years a period of not less than one nor more than three years And in lieu of penal servitude for three years a period not more than two years and it shall be lawful for such Court at its discretion to award in every such case that the offender so sentenced shall be kept to light labor or hard labor as the said Court shall think fit and also to direct that such offender shall be kept in solitary confinement for any portion or portions of such imprisonment not exceeding in the whole three months in any one year and not exceeding fourteen days at any one time as to the said Court shall seem meet. 40 45 50 55



## PART VII.

308. 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 portions of his imprisonment with or without 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 shall be inflicted shall be specified by the Court in the sentence.
309. Every person found drunk in any highway road street or public place or drunk and disorderly in any licensed public-house shall on complaint thereof within one week by any person and on conviction in a summary way before any Justice without the necessity for any formal information be liable to a penalty not exceeding *two* pounds or in default of payment to be committed to gaol and there kept in solitary confinement for any term not exceeding one month and if again convicted within three months next after any previous conviction then for the second offence to a penalty of *five* pounds and not less than *two* pounds or in like default to like commitment and confinement for any term not exceeding two months nor less than one month and for the third or any subsequent offence to a penalty not exceeding *ten* pounds and not less than *five* pounds or in like default to like commitment and confinement for any term not exceeding three months nor less than two months anything in any other Act notwithstanding.
310. Any person so found drunk or drunk and disorderly as the case may be as aforesaid may without warrant be taken into custody by any other person and conveyed to the nearest Justice to be dealt with according to law. Provided that until he can be so conveyed he may be detained in custody by any officer of police.
311. All penalties recovered under the two next preceding sections shall be paid to the treasurer or other proper officer of some benevolent asylum or other charitable institution of the district in which the conviction shall be made for the relief of such poor persons as through age accident sickness or other infirmity are unable to support themselves. Provided that as to any district in which there shall be no such asylum or institution such penalties and also all penalties so recovered in Sydney shall be paid towards the support of the Benevolent Asylum in Sydney.
312. All Her Majesty's subjects shall be liable to be called upon to aid and assist any constable or other person in executing and enforcing the several provisions of this Act. And every person who shall be lawfully so called upon to aid and assist and shall refuse or neglect to do so shall be liable to a penalty not exceeding *five* pounds over and above any other punishment to which he shall be liable by law.
313. Nothing in this Act contained shall in any manner affect Her Majesty's Royal Prerogative of mercy.

Solitary confinement and whipping.

Punishments for drunkenness.

Capture and custody of drunkards.

Charitable application of penalties.

All persons shall be liable to assist in executing the provisions hereof.

Penalty.

Royal Prerogative of mercy not affected.

## SCHEDULES.



## SCHEDULES.

## FIRST SCHEDULE.

## IMPERIAL ACTS.

Reference 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 1. 5 10
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. 15
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. 20
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. 25
1 Geo. 4. c. 92 .....	An Act for the prevention of forging and counterfeiting of bank notes.	Sections 1 and 2 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. 30 35
7 Geo. 4. c. 64 .....	An Act for improving the administration of criminal justice in England.	Sections 9 10 and 11 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. 40
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. 45
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. c. 31 .....	An Act for consolidating and amending the statutes in England relative to offences against the person.	The whole. 50



## SECOND SCHEDULE.

## COLONIAL ACTS.

## ADOPTING IMPERIAL ACTS OR PARTS OF IMPERIAL ACTS.

Reference to Act.	Title of Act.	Extent of Repeal.
5 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.	To the extent of the following Acts 7 G. 4 c. 64 7 & 8 G. 4 c.c. 29 & 30.
10 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 including the following Acts 1 Wm. 4 c. 66 2 & 3 Wm. 4 c. 123.
15 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.	To the extent of the Acts 1 Vic. c.c. 85 86 89 & 90.
20 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 including the contents of 2 Wm. 4 c. 34.
25 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 including the contents of 2 Wm. 4 c. 4.
30 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 including the contents of 1 Vic. c. 84.
35 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 including substance of 7 & 8 G. 4 c. 30 s. 8.
40 14 Vic. No. 16 .....	An Act to adopt and apply certain Acts in the administration of justice in New South Wales.	The whole including 8 and 9 Vic. c. 47 9 & 10 Vic. c. 25 10 & 11 Vic. c. 66.

## THIRD SCHEDULE.

## COLONIAL ACTS AND PARTS OF ACTS.

Reference to Act.	Title of Act.	Extent of Repeal.
9 Vic. No. 14 .....	An Act to punish summarily the stealing of dead wood.	The whole.
50 11 Vic. No. 30 .....	An Act for the better punishment of indecent assaults upon female children.	The whole.
11 Vic. No. 34 .....	An Act to substitute other punishments for transportation beyond the seas.	The whole.



Reference to Act.	Title of Act.	Extent of Repeal.
11 Vic. No. 55 .....	An Act to substitute in respect of female offenders other punishments in lieu of transportation beyond seas.	The whole.
13 Vic. No. 2 .....	An Act for the better protection of works of art and scientific and literary collections.	The whole. 5
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. 01
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 15 14 15 16 17.
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. 20
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. 25
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. 30

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