

ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

***

as Grand Larceny was before the Commencement of this Act; and every Court, whose Power as to the Trial of Larceny was before the Commencement of this Act limited to Petty Larceny, shall have Power to try every Case of Larceny the Punishment of which cannot exceed the Punishment herein-after mentioned for Simple Larceny, and also to try all Accessories to such Larceny.

Punishments for Simple Larceny.

III. And be it enacted, That every Person convicted of Simple Larceny, or of any Felony hereby made punishable like Simple Larceny, shall (except in the Cases herein-after otherwise provided for) be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years, and, if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

The Court may, for all Offences within this Act, order hard Labour or solitary Confinement.

IV. And, with regard to the Place and Mode of Imprisonment for all indictable Offences punishable under this Act, be it enacted, That where any Person shall be convicted of any Felony or Misdemeanor punishable under this Act, for which Imprisonment may be awarded, it shall be lawful for the Court to sentence the Offender to be imprisoned, or to be imprisoned and kept to hard Labour, in the Common Gaol or House of Correction, and also to direct that the Offender shall be kept in solitary Confinement for the whole or any Portion or Portions of such Imprisonment, or of such Imprisonment with hard Labour, as to the Court in its Discretion shall seem meet.

Stealing Public or Private Securities for Money, or Warrants for Goods, shall be Felony, and punishable, according to the Circumstances, like stealing Goods.

V. And be it enacted, That if any Person shall steal any Tally, Order, or other Security whatsoever, entitling or evidencing the Title of any Person or Body Corporate to any Share or Interest in any Public Stock or Fund, whether of this Kingdom, or of *Great Britain* or of *Ireland*, or of any Foreign State, or in any Fund of any Body Corporate, Company, or Society, or to any Deposit in any Savings Bank, or shall steal any Debenture, Deed, Bond, Bill, Note, Warrant, Order, or other Security whatsoever for Money or for Payment of Money, whether of this Kingdom or of any Foreign State, or shall steal any Warrant or Order for the Delivery or Transfer of any Goods or valuable Thing, every such Offender shall be deemed guilty of Felony, of the same Nature and in the same Degree and punishable in the same Manner as if he had stolen any Chattel of like Value with the Share, Interest, or Deposit to which the Security so stolen may relate, or with the Money due on the Security so stolen or secured thereby and remaining unsatisfied, or with the Value of the Goods or other valuable Thing mentioned in the Warrant or Order; and each of the several Documents herein-before enumerated shall throughout this Act be deemed for every Purpose to be included under and denoted by the Words "valuable Security."

Rule of Interpretation.

Robbery from the Person.

Stealing from the Person.

VI. And be it enacted, That if any Person shall rob any other Person of any Chattel, Money, or valuable Security, every such Offender, being convicted thereof, shall suffer Death as a Felon; and if any Person shall steal any such Property from the Person of another, or shall assault any other Person with Intent to

rob him, or shall with Menaces or by Force demand any such Property of any other Person with Intent to steal the same, every such Offender shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, and, if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Assaults with Intent to commit Robbery, and Demands accompanied with Menaces or Force.

VII. And be it declared and enacted, That if any Person shall accuse or threaten to accuse any other Person of any infamous Crime, as herein-after defined, with a View or Intent to extort or gain from him, and shall, by intimidating him by such Accusation or Threat extort or gain from him, any Chattel, Money, or valuable Security, every such Offender shall be deemed guilty of Robbery, and shall be indicted and punished accordingly.

Obtaining Money, &c. by threatening to accuse a Party of an infamous Crime.

VIII. And be it enacted, That if any Person shall knowingly send or deliver any Letter or Writing, demanding of any Person, with Menaces, and without any reasonable or probable Cause, any Chattel, Money, or valuable Security; or if any Person shall accuse or threaten to accuse, or shall knowingly send or deliver any Letter or Writing accusing or threatening to accuse, any Person of any Crime punishable by Law with Death, Transportation, or Pillory, or of any Assault with Intent to commit any Rape, or of any Attempt or Endeavour to commit any Rape, or of any infamous Crime, as herein-after defined, with a View or Intent to extort or gain from such Person any Chattel, Money, or valuable Security; every such Offender shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, and, if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Sending Letters containing menacing Demands, or threatening to accuse a Party of an infamous Crime, to extort Money, &c.

IX. And, for defining what shall be an infamous Crime within the Meaning of this Act, be it enacted, That the abominable Crime of Buggery, committed either with Mankind or with Beast, and every Assault with Intent to commit the said abominable Crime, and every Attempt or Endeavour to commit the said abominable Crime, and every Solicitation, Persuasion, Promise, or Threat offered or made to any Person, whereby to move or induce such Person to commit or permit the said abominable Crime, shall be deemed to be an infamous Crime within the Meaning of this Act.

What shall be deemed an infamous Crime.

X. And be it enacted, That if any Person shall break and enter any Church or Chapel, and steal therein any Chattel, or having stolen any Chattel in any Church or Chapel, shall break out of the same, every such Offender, being convicted thereof, shall suffer Death as a Felon.

Sacrilege, when capital.

XI. And

Burglary, capital.

XI. And be it enacted, That every Person convicted of Burglary shall suffer Death as a Felon; and it is hereby declared, that if any Person shall enter the Dwelling House of another with Intent to commit Felony, or being in such Dwelling House shall commit any Felony, and shall in either Case break out of the said Dwelling House, in the Night-time, such Person shall be deemed guilty of Burglary.

House-breaking and stealing in a House, when capital.

XII. And be it enacted, That if any Person shall break and enter any Dwelling House, and steal therein any Chattel, Money, or valuable Security to any Value whatever; or shall steal any such Property to any Value whatever in any Dwelling House, any Person therein being put in fear; or shall steal in any Dwelling House any Chattel, Money, or valuable Security to the Value in the whole of Five Pounds or more; every such Offender, being convicted thereof, shall suffer Death as a Felon.

What Buildings only are Part of a House for capital Purposes.

XIII. Provided always, and be it enacted, That no Building, although within the same Curtilage with the Dwelling House, and occupied therewith, shall be deemed to be Part of such Dwelling House for the Purpose of Burglary, or for any of the Purposes aforesaid, unless there shall be a Communication between such Building and Dwelling House, either immediate, or by means of a covered and inclosed Passage leading from the one to the other.

Robbery in any Building within the same Curtilage as the House, but not privileged as Part of the House.

XIV. And be it enacted, That if any Person shall break and enter any Building, and steal therein any Chattel, Money, or valuable Security, such Building being within the Curtilage of a Dwelling House, and occupied therewith, but not being Part thereof according to the Provision herein-before mentioned, every such Offender, being convicted thereof, either upon an Indictment for the same Offence, or upon an Indictment for Burglary, Housebreaking, or stealing to the Value of Five Pounds in a Dwelling House, containing a separate Count for such Offence, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, and, if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Robbery in a Shop, Warehouse, &c.

XV. And be it enacted, That if any Person shall break and enter any Shop, Warehouse, or Counting House, and steal therein any Chattel, Money, or valuable Security, every such Offender, being convicted thereof, shall be liable to any of the Punishments which the Court may award as herein-before last mentioned.

Stealing certain Goods in Process of Manufacture.

XVI. And be it enacted, That if any Person shall steal, to the Value of Ten Shillings, any Goods or Article of Silk, Woollen, Linen, or Cotton, or of any one or more of those Materials mixed with each other, or mixed with any other Material, whilst laid, placed, or exposed, during any Stage, Process, or Progress of Manufacture, in any Building, Field, or other Place, every such Offender, being convicted thereof, shall be liable to any of the Punishments which the Court may award as herein-before last mentioned.

XVII. And

XVII. And be it enacted, That if any Person shall steal any Goods or Merchandize in any Vessel, Barge, or Boat of any Description whatsoever, in any Port of Entry or Discharge, or upon any navigable River or Canal, or in any Creek belonging to or communicating with any such Port, River, or Canal, or shall steal any Goods or Merchandize from any Dock, Wharf, or Quay adjacent to any such Port, River, Canal, or Creek, every such Offender, being convicted thereof, shall be liable to any of the Punishments which the Court may award as herein-before last mentioned. Stealing Goods from a Vessel in a Port, River, or Canal, &c.

XVIII. And be it enacted, That if any Person shall plunder or steal any Part of any Ship or Vessel which shall be in Distress, or wrecked, stranded, or cast on shore, or any Goods, Merchandize, or Articles of any Kind belonging to such Ship or Vessel, every such Offender, being convicted thereof, shall suffer Death as a Felon: Provided always, that when Articles of small Value shall be stranded or cast on shore, and shall be stolen without Circumstances of Cruelty, Outrage, or Violence, it shall be lawful to prosecute and punish the Offender as for Simple Larceny; and in either Case the Offender may be indicted and tried either in the County in which the Offence shall have been committed, or in any County next adjoining. Plundering any Part of the Tackle or Cargo of a shipwrecked Vessel. Proviso.

XIX. And be it enacted, That if any Goods, Merchandize, or Articles of any Kind, belonging to any Ship or Vessel in Distress, or wrecked, stranded, or cast on shore as aforesaid, shall, by virtue of a Search Warrant, to be granted as herein-after mentioned, be found in the Possession of any Person, or on the Premises of any Person with his Knowledge, and such Person, being carried before a Justice of the Peace, shall not satisfy the Justice that he came lawfully by the same, then the same shall, by Order of the Justice, be forthwith delivered over to or for the Use of the rightful Owner thereof; and the Offender, on Conviction of such Offence before the Justice, shall forfeit and pay, over and above the Value of the Goods, Merchandize, or Articles, such Sum of Money, not exceeding Twenty Pounds, as to the Justice shall seem meet. Persons in Possession of shipwrecked Goods, not giving a satisfactory Account. See *post*, s. 63. See *post*, s. 66 & 67.

XX. And be it enacted, That if any Person shall offer or expose for Sale any Goods, Merchandize, or Articles whatsoever, which shall have been unlawfully taken, or reasonably suspected so to have been, from any Ship or Vessel in Distress, or wrecked, stranded, or cast on shore as aforesaid, in every such Case any Person to whom the same shall be offered for Sale, or any Officer of the Customs or Excise, or Peace Officer, may lawfully seize the same, and shall with all convenient Speed carry the same, or give Notice of such Seizure, to some Justice of the Peace; and if the Person who shall have offered or exposed the same for Sale, being duly summoned by such Justice, shall not appear and satisfy the Justice that he came lawfully by such Goods, Merchandize, or Articles, then the same shall, by Order of the Justice, be forthwith delivered over to or for the Use of the rightful Owner thereof, upon Payment of a reasonable Reward (to be ascertained by the Justice) to the Person who seized the same; and the Offender, on Conviction of such Offence by the If any Person offers shipwrecked Goods for Sale, the Goods may be seized, &c.

See *post*, s. 66 & 67.

Justice, shall forfeit and pay, over and above the Value of the Goods, Merchandize, or Articles, such Sum of Money, not exceeding Twenty Pounds, as to the Justice shall seem meet.

The stealing, &c. of Records and other Proceedings of Courts of Justice.

XXI. And be it enacted, That if any Person shall steal, or shall for any fraudulent Purpose take from its Place of Deposit for the Time being, or from any Person having the lawful Custody thereof, or shall unlawfully and maliciously obliterate, injure, or destroy, any Record, Writ, Return, Panel, Process, Interrogatory, Deposition, Affidavit, Rule, Order, or Warrant of Attorney, or any original Document whatsoever of or belonging to any Court of Record, or relating to any Matter Civil or Criminal, begun, depending, or terminated in any such Court, or any Bill, Answer, Interrogatory, Deposition, Affidavit, Order, or Decree, or any original Document whatsoever of or belonging to any Court of Equity, or relating to any Cause or Matter begun, depending, or terminated in any such Court, every such Offender shall be guilty of a Misdemeanor, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to suffer such other Punishment by Fine or Imprisonment, or by both, as the Court shall award; and it shall not in any Indictment for such Offence be necessary to allege that the Article, in respect of which the Offence is committed, is the Property of any Person, or that the same is of any Value.

The stealing, &c. of Wills.

XXII. And be it enacted, That if any Person shall, either during the Life of the Testator or Testatrix, or after his or her Death, steal, or for any fraudulent Purpose destroy or conceal, any Will, Codicil, or other Testamentary Instrument, whether the same shall relate to Real or Personal Estate, or to both, every such Offender shall be guilty of a Misdemeanor, and, being convicted thereof, shall be liable to any of the Punishments which the Court may award, as herein-before last mentioned; and it shall not in any Indictment for such Offence be necessary to allege that such Will, Codicil, or other Instrument, is the Property of any Person, or that the same is of any Value.

The stealing of Writings relating to Real Estate.

XXIII. And be it enacted, That if any Person shall steal any Paper or Parchment, written or printed, or partly written and partly printed, being Evidence of the Title or of any Part of the Title to any Real Estate, every such Offender shall be deemed guilty of a Misdemeanor, and, being convicted thereof, shall be liable to any of the Punishments which the Court may award, as herein-before last mentioned; and in any Indictment for such Offence, it shall be sufficient to allege the Thing stolen to be Evidence of the Title, or of Part of the Title, of the Person or of some one of the Persons having a present Interest, whether legal or equitable, in the Real Estate to which the same relates, and to mention such Real Estate, or some Part thereof; and it shall not be necessary to allege the Thing stolen to be of any Value.

These Provisions as to Wills and Writings

XXIV. Provided always, and be it enacted, That nothing in this Act contained relating to either of the Misdemeanors aforesaid, nor any Proceeding, Conviction, or Judgment to be had or taken

thereupon,

thereupon, shall prevent, lessen, or impeach any Remedy at Law or in Equity which any Party aggrieved by any such Offence might or would have had if this Act had not been passed; but nevertheless the Conviction of any such Offender shall not be received in Evidence in any Action at Law or Suit in Equity against him; and no Person shall be liable to be convicted of either of the Misdemeanors aforesaid, by any Evidence whatever, in respect of any Act done by him, if he shall at any Time previously to his being indicted for such Offence have disclosed such Act, on Oath, in consequence of any compulsory Process of any Court of Law or Equity in any Action, Suit, or Proceeding which shall have been *bonâ fide* instituted by any Party aggrieved, or if he shall have disclosed the same in any Examination or Deposition before any Commissioners of Bankrupt.

shall not lessen any Remedy which the Party aggrieved now has.

XXV. And be it enacted, That if any Person shall steal any Horse, Mare, Gelding, Colt or Filly, or any Bull, Cow, Ox, Heifer or Calf, or any Ram, Ewe, Sheep or Lamb, or shall wilfully kill any of such Cattle, with Intent to steal the Carcase or Skin or any Part of the Cattle so killed, every such Offender shall be guilty of Felony, and, being convicted thereof, shall suffer Death as a Felon.

Stealing Horses, Cows, and Sheep.

XXVI. And be it enacted, That if any Person shall unlawfully and wilfully course, hunt, snare, or carry away, or kill or wound, or attempt to kill or wound, any Deer kept or being in the inclosed Part of any Forest, Chace, or Purlieu, or in any inclosed Land wherein Deer shall be usually kept, every such Offender shall be guilty of Felony, and, being convicted thereof, shall be liable to be punished in the same Manner as in the Case of Simple Larceny; and if any Person shall unlawfully and wilfully course, hunt, snare, or carry away, or kill or wound, or attempt to kill or wound, any Deer kept or being in the uninclosed Part of any Forest, Chace, or Purlieu, he shall for every such Offence, on Conviction thereof before a Justice of the Peace, forfeit and pay such Sum, not exceeding Fifty Pounds, as to the Justice shall seem meet; and if any Person, who shall have been previously convicted of any Offence relating to Deer for which a pecuniary Penalty is by this Act imposed, shall offend a Second Time, by committing any of the Offences hereinbefore last enumerated, such Second Offence, whether it be of the same Description as the First Offence or not, shall be deemed Felony, and such Offender, being convicted thereof, shall be liable to be punished in the same Manner as in the Case of Simple Larceny.

Stealing, &c. Deer in any inclosed Ground, Felony.

The like in certain uninclosed Ground punishable summarily.

See *post*, s. 66 & 67.

Deer-stealing in uninclosed Ground after any other Offence as to Deer, Felony.

XXVII. And be it enacted, That if any Deer, or the Head, Skin, or other Part thereof, or any Snare or Engine for the taking of Deer, shall by virtue of a Search Warrant, to be granted as herein-after mentioned, be found in the Possession of any Person or on the Premises of any Person with his Knowledge, and such Person, being carried before a Justice of the Peace, shall not satisfy the Justice that he came lawfully by such Deer, or the Head, Skin, or other Part thereof, or had a lawful Occasion for such Snare or Engine, and did not keep the same for any unlawful Purpose, he shall, on Conviction by the Justice, forfeit and pay any Sum not exceeding Twenty

Suspected Persons, found in Possession of Venison, &c., and not satisfactorily accounting for it.

See *post*, s. 63.

See *post*, s. 66 & 67.

In case they cannot be convicted, how the Justice may proceed.

Twenty Pounds; and if any such Person shall not under the Provisions aforesaid be liable to Conviction, then, for the Discovery of the Party who actually killed or stole such Deer, it shall be lawful for the Justice, at his Discretion, as the Evidence given and the Circumstances of the Case shall require, to summon before him every Person through whose Hands such Deer, or the Head, Skin, or other Part thereof, shall appear to have passed; and if the Person from whom the same shall have been first received, or who shall have had Possession thereof, shall not satisfy the Justice that he came lawfully by the same, he shall, on Conviction by the Justice, be liable to the Payment of such Sum of Money as is herein-before last mentioned.

Setting Engines for taking Deer, or pulling down Park Fences.

XXVIII. And be it enacted, That if any Person shall unlawfully and wilfully set or use any Snare or Engine whatsoever, for the Purpose of taking or killing Deer, in any Part of any Forest, Chace, or Purlieu, whether such Part be inclosed or not, or in any Fence or Bank dividing the same from any Land adjoining, or in any inclosed Land where Deer shall be usually kept, or shall unlawfully and wilfully destroy any Part of the Fence of any Land where any Deer shall be then kept, every such Offender, being convicted thereof before a Justice of the Peace, shall forfeit and pay such Sum of Money, not exceeding Twenty Pounds, as to the Justice shall seem meet.

See *post*, s. 66 & 67.

Deer-Keepers, &c. may seize the Guns, &c. of Offenders who, on Demand, do not deliver up the same.

XXIX. And be it enacted, That if any Person shall enter into any Forest, Chace, or Purlieu, whether inclosed or not, or into any inclosed Land where Deer shall be usually kept, with Intent unlawfully to hunt, course, wound, kill, snare, or carry away any Deer, it shall be lawful for every Person entrusted with the Care of such Deer, and for any of his Assistants, whether in his Presence or not, to demand from every such Offender any Gun, Fire-arms, Snare, or Engine in his Possession, and any Dog there brought for hunting, coursing, or killing Deer, and in case such Offender shall not immediately deliver up the same, to seize and take the same from him in any of those respective Places, or, upon Pursuit made, in any other Place to which he may have escaped therefrom, for the Use of the Owner of the Deer; and if any such Offender shall unlawfully beat or wound any Person entrusted with the Care of the Deer, or any of his Assistants, in the Execution of any of the Powers given by this Act, every such Offender shall be guilty of Felony, and, being convicted thereof, shall be liable to be punished in the same Manner as in the Case of Simple Larceny.

Resistance to Keepers, &c. in the Execution of their Duty.

Killing, &c. Hares or Conies in a Warren in the Night-time.

XXX. And be it enacted, That if any Person shall unlawfully and wilfully in the Night-time take or kill any Hare or Coney in any Warren or Ground lawfully used for the breeding or keeping of Hares or Conies, whether the same be inclosed or not, every such Offender shall be guilty of a Misdemeanor, and, being convicted thereof, shall be punished accordingly; and if any Person shall unlawfully and wilfully in the Day-time take or kill any Hare or Coney in any such Warren or Ground, or shall at any Time set or use therein any Snare or Engine for the taking of Hares or Conies, every such Offender, being convicted thereof before a Justice of the Peace, shall forfeit and pay such Sum of Money, not

The like in the Day-time.

See *post*, s. 66 & 67.

 exceeding

exceeding Five Pounds, as to the Justice shall seem meet: Provided always, that nothing herein contained shall affect any Person taking or killing in the Day-time any Conies on any Sea Bank or River Bank in the County of *Lincoln*, so far as the Tide shall extend, or within One Furlong of such Bank. Proviso.

XXXI. And be it enacted, That if any Person shall steal any Dog, or shall steal any Beast or Bird ordinarily kept in a State of Confinement, not being the Subject of Larceny at Common Law, every such Offender, being convicted thereof before a Justice of the Peace, shall for the First Offence forfeit and pay, over and above the Value of the Dog, Beast, or Bird, such Sum of Money, not exceeding Twenty Pounds, as to the Justice shall seem meet; and if any Person so convicted shall afterwards be guilty of any of the said Offences, and shall be convicted thereof in like Manner, every such Offender shall be committed to the Common Gaol or House of Correction, there to be kept to hard Labour for such Term, not exceeding Twelve Calendar Months, as the convicting Justice shall think fit; and if such subsequent Conviction shall take place before Two Justices, they may further order the Offender, if a Male, to be once or twice publicly or privately whipped, after the Expiration of Four Days from the Time of such Conviction. Stealing Dogs, or stealing Beasts or Birds ordinarily kept in Confinement, and not the Subjects of Larceny. See *post*, s. 66 & 67.

XXXII. And be it enacted, That if any Dog or any such Beast, or the Skin thereof, or any such Bird, or any of the Plumage thereof, shall be found in the Possession or on the Premises of any Person by virtue of a Search Warrant, to be granted as herein-after mentioned, the Justice by whom such Warrant was granted may restore the same respectively to the Owner thereof; and the Person in whose Possession or on whose Premises the same shall be so found (such Person knowing that the Dog, Beast, or Bird has been stolen, or that the Skin is the Skin of a stolen Dog or Beast, or that the Plumage is the Plumage of a stolen Bird) shall, on Conviction before a Justice of the Peace, be liable for the First Offence to such Forfeiture, and for every subsequent Offence to such Punishment, as Persons convicted of stealing any Dog, Beast, or Bird are herein-before made liable to. Persons found in Possession of stolen Dogs, &c., liable to Penalties. See *post*, s. 63.

XXXIII. And be it enacted, That if any Person shall unlawfully and wilfully kill, wound, or take any House Dove or Pigeon, under such Circumstances as shall not amount to Larceny at Common Law, every such Offender, being convicted thereof before a Justice of the Peace, shall forfeit and pay, over and above the Value of the Bird, any Sum not exceeding Two Pounds. Killing Pigeons. See *post*, s. 66 & 67.

XXXIV. And be it enacted, That if any Person 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 Fishery therein, every such Offender shall be guilty of a Misdemeanor, and, being convicted thereof, shall be punished accordingly; and if any Person shall unlawfully and wilfully take or destroy, or attempt to take or destroy, any Fish in any Water not being Taking Fish in any Water situate in Land belonging to a Dwelling House; in any private Fishery elsewhere.

being such as aforesaid; but which shall be private Property, or in which there shall be any private Right of Fishery, every such Offender, being convicted thereof before a Justice of the Peace, shall forfeit and pay, over and above the Value of the Fish taken or destroyed (if any), such Sum of Money, not exceeding Five Pounds, as to the Justice shall seem meet: Provided always, that nothing herein-before contained shall extend to any Person angling in the Day-time; but if any Person shall by angling in the Day-time unlawfully and wilfully take or destroy, or attempt to take or destroy, any Fish in any such Water as first mentioned, he shall, on Conviction before a Justice of the Peace, forfeit and pay any Sum not exceeding Five Pounds; and if in any such Water as last mentioned, he shall, on the like Conviction, forfeit and pay any Sum not exceeding Two Pounds, as to the Justice shall seem meet; and if the Boundary of any Parish, Township, or Vill shall happen to be in or by the Side of any such Water as is herein-before mentioned, it shall be sufficient to prove that the Offence was committed either in the Parish, Township, or Vill named in the Indictment or Information, or in any Parish, Township, or Vill adjoining thereto.

See *post*, s. 66 & 67.

Provision respecting Anglers.

See *post*, s. 66 & 67.

The Tackle of Fishers may be seized.

XXXV. And be it enacted, That if any Person shall at any Time be found fishing against the Provisions of this Act, it shall be lawful for the Owner of the Ground, Water, or Fishery where such Offender shall be so found, his Servants, or any Person authorized by him, to demand from such Offender any Rods, Lines, Hooks, Nets, or other Implements for taking or destroying Fish, which shall then be in his Possession, and in case such Offender shall not immediately deliver up the same, to seize and take the same from him for the Use of such Owner: Provided always, that any Person angling in the Day-time against the Provisions of this Act, from whom any Implements used by Anglers shall be taken, or by whom the same shall be delivered up as aforesaid, shall by the taking or delivering thereof be exempted from the Payment of any Damages or Penalty for such Angling.

Angler, on Seizure of his Tackle, exempt from Penalty.

Stealing Oysters or Oyster Brood from Oyster Beds.

Dredging for Oysters within the Limits of any Oyster Fishery.

XXXVI. And be it enacted, That if any Person shall steal any Oysters or Oyster Brood from any Oyster Bed, Laying, or Fishery, being the Property of any other Person, and sufficiently marked out or known as such, every such Offender shall be deemed guilty of Larceny, and, being convicted thereof, shall be punished accordingly; and if any Person shall unlawfully and wilfully use any Dredge, or any Net, Instrument, or Engine whatsoever, within the Limits of any such Oyster Fishery, for the Purpose of taking Oysters or Oyster Brood, although none shall be actually taken, or shall, with any Net, Instrument, or Engine, drag upon the Ground or Soil of any such Fishery, every such Person shall be deemed guilty of a Misdemeanor, and, being convicted thereof, shall be punished by Fine or Imprisonment, or both, as the Court shall award; such Fine not to exceed Twenty Pounds, and such Imprisonment not to exceed Three Calendar Months; and it shall be sufficient in any Indictment or Information to describe, either by Name or otherwise, the Bed, Laying, or Fishery in which any of the said Offences shall have been committed, without stating the same to be in any particular Parish, Township, or Vill: Provided always, that nothing

Proviso.

herein contained shall prevent any Person from catching or fishing for any floating Fish within the Limits of any Oyster Fishery with any Net, Instrument, or Engine adapted for taking floating Fish only.

Stealing from certain Mines.

XXXVII. And be it enacted, That if any Person shall steal, or sever with Intent to steal, the Ore of any Metal, or any Lapis Calaminaris, Manganese or Mundick, or any Wad, Black Cawke, or Black Lead, or any Coal or Cannel Coal, from any Mine, Bed, or Vein thereof respectively, every such Offender shall be guilty of Felony, and, being convicted thereof, shall be liable to be punished in the same Manner as in the Case of Simple Larceny.

Stealing Trees, Shrubs, &c. growing in certain Situations, shall be Felony, if the Value exceeds 1*l.*

XXXVIII. And be it enacted, That if any Person shall steal, or shall cut, break, root up, or otherwise destroy or damage with Intent to steal, the Whole or any Part of any Tree, Sapling, or Shrub, of any Underwood, respectively growing in any Park, Pleasure Ground, Garden, Orchard, or Avenue, or in any Ground adjoining or belonging to any Dwelling House, every such Offender (in case the Value of the Article or Articles stolen, or the Amount of the Injury done, shall exceed the Sum of One Pound) shall be guilty of Felony, and, being convicted thereof, shall be liable to be punished in the same Manner as in the Case of Simple Larceny; and if any Person shall steal, or shall cut, break, root up, or otherwise destroy or damage with Intent to steal, the Whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, respectively growing elsewhere than in any of the Situations herein-before mentioned, every such Offender (in case the Value of the Article or Articles stolen, or the Amount of the Injury done, shall exceed the Sum of Five Pounds) shall be guilty of Felony, and, being convicted thereof, shall be liable to be punished in the same Manner as in the Case of Simple Larceny.

Stealing Trees, Shrubs, &c. growing elsewhere, shall be Felony, if the Value exceeds 5*l.*

Stealing Trees, Shrubs, &c. wheresoever growing, and of any Value above 1*s.*, punishable on summary Conviction for First and Second Offence; Third Offence, Felony. See *post*, s. 66 & 67.

XXXIX. And be it enacted, That if any Person shall steal, or shall cut, break, root up, or otherwise destroy or damage with Intent to steal, the Whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, wheresoever the same may be respectively growing, the Stealing of such Article or Articles, or the Injury done, being to the Amount of a Shilling at the least, every such Offender, being convicted before a Justice of the Peace, shall for the First Offence forfeit and pay, over and above the Value of the Article or Articles stolen, or the Amount of the Injury done, such Sum of Money, not exceeding Five Pounds, as to the Justice shall seem meet; and if any Person so convicted shall afterwards be guilty of any of the said Offences, and shall be convicted thereof in like Manner, every such Offender shall for such Second Offence be committed to the Common Gaol or House of Correction, there to be kept to hard Labour for such Term, not exceeding Twelve Calendar Months, as the convicting Justice shall think fit; and if such Second Conviction shall take place before Two Justices, they may further order the Offender, if a Male, to be once or twice publicly or privately whipped, after the Expiration of Four Days from the Time of such Conviction; and if any Person so twice convicted shall afterwards commit any of the said Offences, such Offender shall

shall be deemed guilty of Felony, and, being convicted thereof, shall be liable to be punished in the same Manner as in the Case of Simple Larceny.

Stealing, &c. any live or dead Fence, Wooden Fence, Stile, or Gate, See *post*, s. 66 & 67.

XL. And be it enacted, That if any Person shall steal, or shall cut, break, or throw down with Intent to steal, any Part of any live or dead Fence, or any Wooden Post, Pale, or Rail set up or used as a Fence, or any Stile or Gate, or any Part thereof respectively, every such Offender, being convicted before a Justice of the Peace, shall for the First Offence forfeit and pay, over and above the Value of the Article or Articles so stolen, or the Amount of the Injury done, such Sum of Money, not exceeding Five Pounds, as to the Justice shall seem meet; and if any Person so convicted shall afterwards be guilty of any of the said Offences, and shall be convicted thereof in like Manner, every such Offender shall be committed to the Common Gaol or House of Correction, there to be kept to hard Labour for such Term, not exceeding Twelve Calendar Months, as the convicting Justice shall think fit; and if such subsequent Conviction shall take place before Two Justices, they may further order the Offender, if a Male, to be once or twice publicly or privately whipped, after the Expiration of Four Days from the Time of such Conviction.

Suspected Persons in possession of Wood, &c. not satisfactorily accounting for it. See *post*, s. 63.

See *post*, s. 66 & 67.

XLI. And be it enacted, That if the Whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, or any Part of any live or dead Fence, or any Post, Pale, Rail, Stile, or Gate, or any Part thereof, being of the Value of Two Shillings at the least, shall, by virtue of a Search Warrant, to be granted as herein-after mentioned, be found in the Possession of any Person, or on the Premises of any Person, with his Knowledge, and such Person, being carried before a Justice of the Peace, shall not satisfy the Justice that he came lawfully by the same, he shall on Conviction by the Justice forfeit and pay, over and above the Value of the Article or Articles so found, any Sum not exceeding Two Pounds.

Stealing, &c. any Fruit or Vegetable Production in a Garden, &c. punishable on summary Conviction for First Offence; Second Offence, Felony. See *post*, s. 66 & 67.

XLII. And be it enacted, That if any Person shall steal, or shall destroy or damage with Intent to steal, any Plant, Root, Fruit, or Vegetable Production, growing in any Garden, Orchard, Nursery Ground, Hothouse, Greenhouse, or Conservatory, every such Offender, being convicted thereof before a Justice of the Peace, shall, at the Discretion of the Justice, either be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, for any Term not exceeding Six Calendar Months, or else shall forfeit and pay, over and above the Value of the Article or Articles so stolen, or the Amount of the Injury done, such Sum of Money, not exceeding Twenty Pounds, as to the Justice shall seem meet; and if any Person so convicted shall afterwards commit any of the said Offences, such Offender shall be deemed guilty of Felony, and, being convicted thereof, shall be liable to be punished in the same Manner as in the Case of Simple Larceny.

Stealing, &c. Vegetable Productions

XLIII. And be it enacted, That if any Person shall steal, or shall destroy or damage with Intent to steal, any cultivated Root

or Plant used for the Food of Man or Beast, or for Medicine, or for distilling, or for dyeing, or for or in the Course of any Manufacture, and growing in any Land, open or inclosed, not being a Garden, Orchard, or Nursery Ground, every such Offender, being convicted before a Justice of the Peace, shall, at the Discretion of the Justice, either be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, for any Term not exceeding One Calendar Month, or else shall forfeit and pay, over and above the Value of the Article or Articles so stolen, or the Amount of the Injury done, such Sum of Money, not exceeding Twenty Shillings, as to the Justice shall seem meet, and in default of Payment thereof, together with the Costs, (if ordered,) shall be committed as aforesaid, for any Term not exceeding One Calendar Month, unless Payment be sooner made; and if any Person so convicted shall afterwards be guilty of any of the said Offences, and shall be convicted thereof in like Manner, every such Offender shall be committed to the Common Gaol or House of Correction, there to be kept to hard Labour for such Term, not exceeding Six Calendar Months, as the convicting Justice shall think fit; and if such subsequent Conviction shall take place before Two Justices, they may further order the Offender, if a Male, to be once or twice publicly or privately whipped, after the Expiration of Four Days from the Time of such Conviction.

not growing in Gardens, &c.

See *post*, s. 66 & 67.

XLIV. And be it enacted, That if any Person shall steal, or rip, cut, or break with Intent to steal, any Glass or Wood-work belonging to any Building whatsoever, or any Lead, Iron, Copper, Brass, or other Metal, or any Utensil or Fixture, whether made of Metal or other Material, respectively fixed in or to any Building whatsoever, or any thing made of Metal fixed in any Land being private Property, or for a Fence to any Dwelling House, Garden, or Area, or in any Square, Street, or other Place dedicated to Public Use or Ornament, every such Offender shall be guilty of Felony, and, being convicted thereof, shall be liable to be punished in the same Manner as in the Case of Simple Larceny; and in case of any such Thing fixed in any Square, Street, or other like Place, it shall not be necessary to allege the same to be the Property of any Person.

Stealing Glass, Wood-work, or Fixtures of any Kind from Buildings, and Metal Fixtures from Grounds.

XLV. And, for the Punishment of Depredations committed by Tenants and Lodgers, be it enacted, That if any Person shall steal any Chattel or Fixture let to be used by him or her in or with any House or Lodging, whether the Contract shall have been entered into by him or her, or by her Husband, or by any Person on behalf of him or her, or her Husband, every such Offender shall be guilty of Felony, and, being convicted thereof, shall be liable to be punished in the same Manner as in the Case of Simple Larceny; and in every such Case of stealing any Chattel it shall be lawful to prefer an Indictment in the common Form as for Larceny; and in every such Case of stealing any Fixture to prefer an Indictment in the same Form as if the Offender were not a Tenant or Lodger, and in either Case to lay the Property in the Owner or Person letting to Hire.

Tenants and Lodgers stealing any Property from Houses or Apartments let to them.

Clerks and Servants stealing Property of their Masters.

XLVI. And, for the Punishment of Depredations committed by Clerks and Servants in Cases not punishable capitally, be it enacted, That if any Clerk or Servant shall steal any Chattel, Money, or valuable Security belonging to or in the Possession or Power of his Master, every such Offender, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not exceeding Fourteen Years nor less than Seven Years, or to be imprisoned for any Term not exceeding Three Years, and, if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such Imprisonment.

Clerks or Servants receiving any Money, &c. on their Master's Account, and embezzling it, shall be deemed to have feloniously stolen it.

XLVII. And, for the Punishment of Embezzlements committed by Clerks and Servants, be it declared and enacted, That if any Clerk or Servant, or any Person employed for the Purpose or in the Capacity of a Clerk or Servant, shall, by virtue of such Employment, receive or take into his Possession any Chattel, Money, or valuable Security, for or in the Name or on the Account of his Master, and shall fraudulently embezzle the same, or any Part thereof, every such Offender shall be deemed to have feloniously stolen the same from his Master, although such Chattel, Money, or Security was not received into the Possession of such Master otherwise than by the actual Possession of his Clerk, Servant, or other Person so employed; and every such Offender, being convicted thereof, shall be liable, at the Discretion of the Court, to any of the Punishments which the Court may award as herein-before last mentioned.

Distinct Acts of Embezzlement may be charged in the same Indictment.

XLVIII. And, for preventing the Difficulties that have been experienced in the Prosecution of the last-mentioned Offenders, be it enacted, That it shall be lawful to charge in the Indictment and proceed against the Offender for any Number of distinct Acts of Embezzlement not exceeding Three, which may have been committed by him against the same Master, within the Space of Six Calendar Months from the first to the last of such Acts; and in every such Indictment, except where the Offence shall relate to any Chattel, it shall be sufficient to allege the Embezzlement to be of Money, without specifying any particular Coin or valuable Security; and such Allegation, so far as regards the Description of the Property, shall be sustained, if the Offender shall be proved to have embezzled any Amount, although the particular Species of Coin or valuable Security of which such Amount was composed shall not be proved; or if he shall be proved to have embezzled any Piece of Coin or valuable Security, or any Portion of the Value thereof, although such Piece of Coin or valuable Security may have been delivered to him in order that some Part of the Value thereof should be returned to the Party delivering the same, and such Part shall have been returned accordingly.

As to Allegation and Proof of the Property embezzled.

Agents embezzling Money entrusted to them to be applied to any special Purpose;

XLIX. And, for the Punishment of Embezzlements committed by Agents entrusted with Property, be it enacted, That if any Money, or Security for the Payment of Money, shall be entrusted to any Banker, Merchant, Broker, Attorney, or other Agent, with any Direction in Writing to apply such Money, or any Part thereof, or the Proceeds or any Part of the Proceeds of such Security, for any Purpose

Purpose specified in such Direction, and he shall, in violation of good Faith, and contrary to the Purpose so specified, in anywise convert to his own Use or Benefit such Money, Security, or Proceeds, or any Part thereof respectively, every such Offender shall be guilty of a Misdemeanor, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not exceeding Fourteen Years nor less than Seven Years, or to suffer such other Punishment by Fine or Imprisonment, or by both, as the Court shall award; and if any Chattel or valuable Security, or any Power of Attorney for the Sale or Transfer of any Share or Interest in any Public Stock or Fund, whether of this Kingdom, or of *Great Britain* or of *Ireland*, or of any Foreign State, or in any Fund of any Body Corporate, Company, or Society, shall be entrusted to any Banker, Merchant, Broker, Attorney or other Agent, for safe Custody, or for any special Purpose, without any Authority to sell, negotiate, transfer, or pledge, and he shall, in violation of good Faith and contrary to the Object or Purpose for which such Chattel, Security, or Power of Attorney shall have been entrusted to him, sell, negotiate, transfer, pledge, or in any Manner convert to his own Use or Benefit such Chattel or Security, or the Proceeds of the same, or any Part thereof, or the Share or Interest in the Stock or Fund to which such Power of Attorney shall relate, or any Part thereof, every such Offender shall be guilty of a Misdemeanor, and, being convicted thereof, shall be liable, at the Discretion of the Court, to any of the Punishments which the Court may award, as herein-before last mentioned.

or embezzling any Goods or valuable Security entrusted to them for safe Custody, or for any special Purpose, guilty of a Misdemeanor.

L. Provided always, and be it enacted, That nothing herein-before contained relating to Agents shall affect any Trustee in or under any Instrument whatever, or any Mortgagee of any Property, Real or Personal, in respect of any Act done by such Trustee or Mortgagee in relation to the Property comprised in or affected by any such Trust or Mortgage; nor shall restrain any Banker, Merchant, Broker, Attorney, or other Agent, from receiving any Money which shall be or become actually due and payable upon or by virtue of any valuable Security, according to the Tenor and Effect thereof, in such Manner as he might have done if this Act had not been passed; nor from selling, transferring, or otherwise disposing of any Securities or Effects in his Possession, upon which he shall have any Lien, Claim, or Demand entitling him by Law so to do, unless such Sale, Transfer, or other Disposal shall extend to a greater Number or Part of such Securities or Effects than shall be requisite for satisfying such Lien, Claim, or Demand.

Not to affect Trustees or Mortgagees;

nor Bankers, &c. receiving Money due on Securities,

or disposing of Securities on which they have a Lien.

LI. And be it enacted, That if any Factor or Agent entrusted, for the Purpose of Sale, with any Goods or Merchandize, or entrusted with any Bill of Lading, Warehouse Keeper's or Wharfinger's Certificate, or Warrant or Order for Delivery of Goods or Merchandize, shall, for his own Benefit and in violation of good Faith, deposit or pledge any such Goods or Merchandize, or any of the said Documents, as a Security for any Money or negotiable Instrument borrowed or received by such Factor or Agent, at or before the Time of making such Deposit or Pledge, or intended to be thereafter borrowed or received,

Factors pledging for their own Use any Goods or Documents relating to Goods entrusted to them for the Purpose of

Sale, guilty of a Misdemeanor.

received, every such Offender shall be guilty of a Misdemeanor, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not exceeding Fourteen Years nor less than Seven Years, or to suffer such other Punishment by Fine or Imprisonment, or by both, as the Court shall award; but no such Factor or Agent shall be liable to any Prosecution for depositing or pledging any such Goods or Merchandize, or any of the said Documents, in case the same shall not be made a Security for or subject to the Payment of any greater Sum of Money than the Amount which, at the Time of such Deposit or Pledge, was justly due and owing to such Factor or Agent from his Principal, together with the Amount of any Bill or Bills of Exchange drawn by or on account of such Principal, and accepted by such Factor or Agent.

Not to extend to Cases where the Pledge does not exceed the Amount of their Lien.

These Provisions as to Agents shall not lessen any Remedy which the Party aggrieved now has.

LII. Provided always, and be it enacted, That nothing in this Act contained, nor any Proceeding, Conviction, or Judgment to be had or taken thereupon, against any Banker, Merchant, Broker, Factor, Attorney, or other Agent as aforesaid, shall prevent, lessen, or impeach any Remedy at Law or in Equity which any Party aggrieved by any such Offence might or would have had if this Act had not been passed; but nevertheless the Conviction of any such Offender shall not be received in Evidence in any Action at Law or Suit in Equity against him; and no Banker, Merchant, Broker, Factor, Attorney, or other Agent as aforesaid, shall be liable to be convicted by any Evidence whatever as an Offender against this Act, in respect of any Act done by him, if he shall at any Time previously to his being indicted for such Offence have disclosed such Act, on Oath, in consequence of any compulsory Process of any Court of Law or Equity in any Action, Suit, or Proceeding which shall have been *bonâ fide* instituted by any Party aggrieved, or if he shall have disclosed the same in any Examination or Deposition before any Commissioners of Bankrupt.

Obtaining Money, &c. by false Pretences, a Misdemeanor.

LIII. And whereas a Failure of Justice frequently arises from the subtle Distinction between Larceny and Fraud; for Remedy thereof be it enacted, That if any Person shall by any false Pretence obtain from any other Person any Chattel, Money, or valuable Security, with Intent to cheat or defraud any Person of the same, every such Offender shall be guilty of a Misdemeanor, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to suffer such other Punishment, by Fine or Imprisonment, or by both, as the Court shall award: Provided always, that if upon the Trial of any Person indicted for such Misdemeanor it shall be proved that he obtained the Property in question in any such Manner as to amount in Law to Larceny, he shall not by reason thereof be entitled to be acquitted of such Misdemeanor; and no such Indictment shall be removable by Certiorari; and no Person tried for such Misdemeanor shall be liable to be afterwards prosecuted for Larceny upon the same Facts.

No Acquittal on the ground that the Case proved amounts to Larceny.

Where the original Offence is Felony, the Receivers of

LIV. And, with regard to Receivers of Stolen Property, be it enacted, That if any Person shall receive any Chattel, Money, valuable Security, or other Property whatsoever, the stealing or taking whereof shall amount to a Felony, either at Common Law, or by virtue of this Act,

Act, such Person knowing the same to have been feloniously stolen or taken, every such Receiver shall be guilty of Felony, and may be indicted and convicted either as an Accessory after the Fact, or for a substantive Felony, and in the latter Case, whether the principal Felon shall or shall not have been previously convicted, or shall or shall not be amenable to Justice; and every such Receiver, howsoever convicted, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not exceeding Fourteen Years nor less than Seven Years, or to be imprisoned for any Term not exceeding Three Years, and, if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment: Provided always, that no Person, howsoever tried for receiving as aforesaid, shall be liable to be prosecuted a Second Time for the same Offence.

Stolen Property may be tried either as Accessories after the Fact, or for a substantive Felony.

LV. And be it enacted, That if any Person shall receive any Chattel, Money, valuable Security, or other Property whatsoever, the stealing, taking, obtaining, or converting whereof is made an indictable Misdemeanor by this Act, such Person knowing the same to have been unlawfully stolen, taken, obtained, or converted, every such Receiver shall be guilty of a Misdemeanor, and may be indicted and convicted thereof, whether the Person guilty of the principal Misdemeanor shall or shall not have been previously convicted thereof, or shall or shall not be amenable to Justice; and every such Receiver shall, on Conviction, be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years, and, if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such Imprisonment.

Where the original Offence is a Misdemeanor, Receivers may be prosecuted for a Misdemeanor.

LVI. And be it enacted, That if any Person shall receive any Chattel, Money, valuable Security, or other Property whatsoever, knowing the same to have been feloniously or unlawfully stolen, taken, obtained, or converted, every such Person, whether charged as an Accessory after the Fact to the Felony, or with a substantive Felony, or with a Misdemeanor only, may be dealt with, indicted, tried, and punished in any County or Place in which he shall have or shall have had any such Property in his Possession, or in any County or Place in which the Party guilty of the principal Felony or Misdemeanor may by Law be tried, in the same Manner as such Receiver may be dealt with, indicted, tried, and punished in the County or Place where he actually received such Property.

All Receivers may be tried where the Principal is triable, or where the Property is found in their Possession, as well as where the receiving takes place.

LVII. And, to encourage the Prosecution of Offenders, be it enacted, That if any Person, guilty of any such Felony or Misdemeanor as aforesaid, in stealing, taking, obtaining, or converting, or in knowingly receiving any Chattel, Money, valuable Security, or other Property whatsoever, shall be indicted for any such Offence, by or on the behalf of the Owner of the Property, or his Executor or Administrator, and convicted thereof, in such Case the Property shall be restored to the Owner or his Representative; and the Court, before whom any such Person shall be so convicted, shall have Power to award from

The Owner of stolen Property prosecuting Thief or Receiver to Conviction shall have Restitution of his Property.

from Time to Time Writs of Restitution for the said Property, or to order the Restitution thereof in a summary Manner: Provided always, that if it shall appear before any Award or Order made that any valuable Security shall have been *bonâ fide* paid or discharged by some Person or Body Corporate 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 or Body Corporate, for a just and valuable Consideration, without any Notice, or without any reasonable Cause to suspect that the same had by any Felony or Misdemeanor been stolen, taken, obtained, or converted as aforesaid, in such Case the Court shall not award or order the Restitution of such Security.

Exception.

Taking a Reward for helping to the Recovery of stolen Property without bringing the Offender to Trial.

LVIII. And be it enacted, That every Person who shall corruptly take any Money or Reward, directly or indirectly, under Pretence or upon Account of helping any Person to any Chattel, Money, valuable Security, or other Property whatsoever, which shall by any Felony or Misdemeanor have been stolen, taken, obtained, or converted as aforesaid, shall (unless he cause the Offender to be apprehended and brought to Trial for the same) be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, and, if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such Imprisonment.

Advertising a Reward for the Return of stolen Property, &c.

LIX. And be it enacted, That if any Person shall publicly advertise a Reward for the Return of any Property whatsoever which shall have been stolen or lost, and shall in such Advertisement use any Words purporting that no Questions will be asked, or shall make use of any Words in any public Advertisement purporting that a Reward will be given or paid for any Property which shall have been stolen or lost, without seizing or making any Enquiry after the Person producing such Property, or shall promise or offer in any such public Advertisement to return to any Pawnbroker or other Person who may have bought or advanced Money by way of Loan upon any Property stolen or lost, the Money so paid or advanced, or any other Sum of Money or Reward for the Return of such Property, or if any Person shall print or publish any such Advertisement, in any of the above Cases every such Person shall forfeit the Sum of Fifty Pounds for every such Offence, to any Person who will sue for the same by Action of Debt, to be recovered with full Costs of Suit.

Receivers of Property, where the original Offence is punishable on summary Conviction.

LX. And be it enacted, That where the stealing or taking of any Property whatsoever is by this Act punishable on summary Conviction, either for every Offence, or for the First and Second Offence only, or for the First Offence only, any Person who shall receive any such Property, knowing the same to be unlawfully come by, shall, on Conviction thereof before a Justice of the Peace, be liable, for every First, Second, or subsequent Offence of receiving, to the same Forfeiture and Punishment to which a Person

guilty of a First, Second, or subsequent Offence of stealing or taking such Property is by this Act made liable.

Principals in the Second Degree and Accessories.

LXI. And be it enacted, That in the Case of every Felony punishable under this Act, every Principal in the Second Degree, and every Accessory before the Fact, shall be punishable with Death or otherwise, in the same Manner as the Principal in the First Degree is by this Act punishable; and every Accessory after the Fact to any Felony punishable under this Act (except only a Receiver of stolen Property) shall on Conviction be liable to be imprisoned for any Term not exceeding Two Years; and every Person, who shall aid, abet, counsel, or procure the Commission of any Misdemeanor punishable under this Act, shall be liable to be indicted and punished as a principal Offender.

Abettors in Misdemeanors.

Abettors in Offences punishable on summary Conviction.

LXII. And be it enacted, That if any Person shall aid, abet, counsel, or procure the Commission of any Offence which is by this Act punishable on summary Conviction, either for every Time of its Commission, or for the First and Second Time only, or for the First Time only, every such Person shall, on Conviction before a Justice of the Peace, be liable, for every First, Second, or subsequent Offence of aiding, abetting, counselling, or procuring, to the same Forfeiture and Punishment to which a Person guilty of a First, Second, or subsequent Offence, as a principal Offender, is by this Act made liable.

A Person in the Act of committing any Offence may be apprehended without a Warrant.

LXIII. And, for the more effectual Apprehension and Discovery of all Offenders punishable under this Act, be it enacted, That any Person found committing any Offence punishable, either upon Indictment or upon summary Conviction, by virtue of this Act, except only the Offence of Angling in the Day-time, may be immediately apprehended without a Warrant by any Peace Officer, or by the Owner of the Property on or with respect to which the Offence shall be committed, or by his Servant or any Person authorized by him, and forthwith taken before some neighbouring Justice of the Peace, to be dealt with according to Law; and if any credible Witness shall prove, upon Oath before a Justice of the Peace, a reasonable Cause to suspect that any Person has in his Possession or on his Premises any Property whatsoever, on or with respect to which any such Offence shall have been committed, the Justice may grant a Warrant to search for such Property, as in the Case of stolen Goods; and any Person, to whom any Property shall be offered to be sold, pawned, or delivered, if he shall have reasonable Cause to suspect that any such Offence has been committed on or with respect to such Property, is hereby authorized, and, if in his Power, is required to apprehend and forthwith to carry before a Justice of the Peace the Party offering the same, together with such Property, to be dealt with according to Law.

A Justice, upon good Grounds of Suspicion proved on Oath, may grant a Search Warrant.

Any Person, to whom stolen Property is offered, may seize the Party offering it.

Limitation as to summary Proceedings.

Competency of Witnesses.

LXIV. And be it enacted, That the Prosecution for every Offence punishable on summary Conviction under this Act shall be commenced within Three Calendar Months after the Commission of the Offence, and not otherwise; and the Evidence of the Party aggrieved shall be admitted in proof of the Offence, and also the Evidence of any Inha-

Inhabitant of the County, Riding, or Division in which the Offence shall have been committed, notwithstanding any Penalty or Forfeiture incurred by the Offence may be payable to the general Rate of such County, Riding, or Division.

Mode of compelling the Appearance of Persons punishable on summary Conviction.

LXV. And, for the more effectual Prosecution of all Offences punishable on summary Conviction under this Act, be it enacted, That where any Person shall be charged, on the Oath of a credible Witness, before any Justice of the Peace with any such Offence, the Justice may summon the Person charged to appear at a Time and Place to be named in such Summons, and, if he shall not appear accordingly, then (upon Proof of the due Service of the Summons upon such Person, by delivering the same to him personally, or by leaving the same at his usual Place of Abode) the Justice may either proceed to hear and determine the Case *ex parte*, or issue his Warrant for apprehending such Person, and bringing him before himself or some other Justice of the Peace, or the Justice before whom the Charge shall be made may (if he shall so think fit), without any previous Summons (unless where otherwise specially directed), issue such Warrant, and the Justice before whom the Person charged shall appear or be brought shall proceed to hear and determine the Case.

Application of Forfeitures and Penalties on summary Convictions.

LXVI. And, with regard to the Application of all Forfeitures and Penalties upon summary Convictions under this Act, be it enacted, That every Sum of Money, which shall be forfeited for the Value of any Property stolen or taken, or for the Amount of any Injury done, (such Value or Amount to be assessed in each Case by the convicting Justice,) shall be paid to the Party aggrieved, if known, except where such Party shall have been examined in proof of the Offence, and in that Case, or where the Party aggrieved is unknown, such Sum shall be applied in the same Manner as a Penalty; and every Sum which shall be imposed as a Penalty by any Justice of the Peace, whether in addition to such Value or Amount, or otherwise, shall be paid to some one of the Overseers of the Poor, or to some other Officer (as the Justice may direct) of the Parish, Township, or Place in which the Offence shall have been committed, to be by such Overseer or Officer paid over to the Use of the General Rate of the County, Riding, or Division in which such Parish, Township, or Place shall be situate, whether the same shall or shall not contribute to such General Rate: Provided always, that where several Persons shall join in the Commission of the same Offence, and shall, upon Conviction thereof, each be adjudged to forfeit a Sum equivalent to the Value of the Property or to the Amount of the Injury, in every such Case no further Sum shall be paid to the Party aggrieved than that which shall be forfeited by One of such Offenders only; and the corresponding Sum or Sums forfeited by the other Offender or Offenders shall be applied in the same Manner as any Penalty imposed by a Justice of the Peace is herein-before directed to be applied.

Proviso

If a Person summarily convicted shall not pay,

LXVII. And be it enacted, That in every Case of a summary Conviction under this Act, where the Sum which shall be forfeited for the Value of the Property stolen or taken, or for the Amount of the Injury done,

done, or which shall be imposed as a Penalty by the Justice, shall not be paid, either immediately after the Conviction, or within such Period as the Justice shall, at the Time of the Conviction, appoint, it shall be lawful for the convicting Justice (unless where otherwise specially directed) to commit the Offender to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, according to the Discretion of the Justice, for any Term not exceeding Two Calendar Months, where the Amount of the Sum forfeited, or of the Penalty imposed, or of both, (as the Case may be,) together with the Costs, shall not exceed Five Pounds; and for any Term not exceeding Four Calendar Months, where the Amount with Costs shall not exceed Ten Pounds; and for any Term not exceeding Six Calendar Months, in any other Case; the Commitment to be determinable in each of the Cases aforesaid upon Payment of the Amount and Costs.

&c., the Justice may commit him.

Scale of Imprisonment.

LXVIII. Provided always, and be it enacted, That where any Person shall be summarily convicted before a Justice of the Peace of any Offence against this Act, and it shall be a First Conviction, it shall be lawful for the Justice, if he shall so think fit, to discharge the Offender from his Conviction, upon his making such Satisfaction to the Party aggrieved for Damages and Costs, or either of them, as shall be ascertained by the Justice.

Justice may discharge the Offender in certain Cases.

LXIX. And be it enacted, That it shall be lawful for the King's Majesty to extend His Royal Mercy to any Person imprisoned by virtue of this Act, although he shall be imprisoned for Nonpayment of Money to some Party other than the Crown.

Pardon for Non-payment of Money.

LXX. And be it enacted, That in case any Person convicted of any Offence punishable upon summary Conviction by virtue of this Act, shall have paid the Sum adjudged to be paid, together with Costs, under such Conviction, or shall have received a Remission thereof from the Crown, or shall have suffered the Imprisonment awarded for Nonpayment thereof, or the Imprisonment adjudged in the first Instance, or shall have been discharged from his Conviction in the Manner aforesaid, in every such Case he shall be released from all further or other Proceedings for the same Cause.

A summary Conviction shall be a Bar to any other Proceeding for the same Cause.

LXXI. And be it enacted, That the Justice before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall require; *videlicet*,

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord at in the County of , [*or* Riding, Division, Liberty, City, &c., *as the Case may be*], *A. O.* is convicted before me *J. P.*, One of His Majesty's Justices of the Peace for the said County [*or* Riding, &c.], for that he the said *A. O.* did [*specify the Offence, and the Time and Place when and where the same was committed, as the Case may be; and on a Second Conviction state the First Conviction*]; and I the said *J. P.* adjudge the said *A. O.* for his said Offence to be imprisoned

in the [*or* to be imprisoned in the and there kept to hard Labour] for the Space of ' for, I adjudge the said *A. O.* for his said Offence to forfeit and pay ' [*here state the Penalty actually imposed, or state the Penalty, and also the Value of the Articles stolen, or the Amount of the Injury done, as the Case may be*], and also to pay the Sum of for Costs, and in default of immediate Payment of the said Sums, to be imprisoned in the [*or* to be imprisoned in the and there kept to hard Labour] for the Space of unless the said Sums shall be sooner paid; [*or*, and I order that the said Sums shall be paid by the said *A. O.* on or before the Day of]; and I direct that the said Sum of [i. e. *the Penalty only*] shall be paid to of aforesaid, in which the said Offence was committed, to be by him applied according to the Directions of the Statute in that Case made and provided; [*or* that the said Sum of [i. e. *the Penalty*] shall be paid to, &c. [*as before*], and that the said Sum of [i. e. *the Value of the Articles stolen, or the Amount of the Injury done*] shall be paid to *C. D.* [*the Party aggrieved, unless he is unknown or has been examined in proof of the Offence, in which Case state that Fact, and dispose of the whole like the Penalty, as before*]; and I order that the said Sum of for Costs shall be paid to [*the Complainant*]. Given under my Hand and Seal, the Day and Year first above mentioned.'

Appeal.

LXXII. And be it enacted, That in all Cases where the Sum adjudged to be paid on any summary Conviction shall exceed Five Pounds, or the Imprisonment adjudged shall exceed One Calendar Month, or the Conviction shall take place before One Justice only, any Person, who shall think himself aggrieved by any such Conviction, may appeal to the next Court of General or Quarter Sessions, which shall be holden not less than Twelve Days after the Day of such Conviction, for the County, Riding, or Division wherein the Cause of Complaint shall have arisen; provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days after such Conviction, and Seven clear Days at the least before such Sessions, and shall also either remain in Custody until the Sessions, or enter into a Recognizance with Two sufficient Sureties before a Justice of the Peace, conditioned personally to appear at the said Sessions and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given, and such Recognizance being entered into, the Justice, before whom the same shall be entered into, shall liberate such Person if in Custody; and the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet; and in case of the Dismissal of the Appeal, or the Affirmance of the Conviction, shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment.

LXXIII. And

No Certiorari, &c.

LXXIII. And be it enacted, That no such Conviction or Adjudication made on Appeal therefrom shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of His Majesty's superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

Convictions to be returned to the Quarter Sessions,

How far Evidence in future Cases.

LXXIV. And be it enacted, That every Justice of the Peace, before whom any Person shall be convicted of any Offence against this Act, shall transmit the Conviction to the next Court of General or Quarter Sessions which shall be holden for the County or Place wherein the Offence shall have been committed, there to be kept by the proper Officer among the Records of the Court; and upon any Indictment or Information against any Person for a subsequent Offence, a Copy of such Conviction, certified by the proper Officer of the Court, or proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the former Offence, and the Conviction shall be presumed to have been unappealed against, until the contrary be shewn.

Venue, in Proceedings against Persons acting under this Act.

Notice of Action.

General Issue, &c.

LXXV. And, for the Protection of Persons acting in the Execution of this Act, be it enacted, That all Actions and Prosecutions to be commenced against any Person for any thing done in pursuance of this Act shall be laid and tried in the County where the Fact was committed, and shall be commenced within Six Calendar Months after the Fact committed, and not otherwise; and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defendant One Calendar Month at least before the Commencement of the Action; and in any such Action the Defendant may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action brought, by or on behalf of the Defendant; and if a Verdict shall pass for the Defendant, or the Plaintiff shall become nonsuit, or discontinue any such Action after Issue joined, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant hath by Law in other Cases; and though a Verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial shall be shall certify his Approbation of the Action, and of the Verdict obtained thereupon.

This Act not to extend to Scotland or Ireland, except in Two Cases.

LXXVI. Provided always, and be it enacted, That nothing in this Act contained shall extend to *Scotland* or *Ireland*, except as follows; (that is to say,) that if any Person, having stolen or otherwise feloniously taken any Chattel, Money, valuable Security, or other Property whatsoever, in any one Part of the United Kingdom, shall afterwards have the same Property in his Possession in any other Part of the United Kingdom, he may be dealt with, indicted, tried, and punished for Larceny or Theft in that Part of the United Kingdom where

where he shall so have such Property, in the same Manner as if he had actually stolen or taken it in that Part; and if any Person in any one Part of the United Kingdom shall receive or have any Chattel, Money, valuable Security, or other Property whatsoever, which shall have been stolen or otherwise feloniously taken in any other Part of the United Kingdom, such Person knowing the said Property to have been stolen or otherwise feloniously taken, he may be dealt with, indicted, tried, and punished for such Offence in that Part of the United Kingdom where he shall so receive or have the said Property, in the same Manner as if it had been originally stolen or taken in that Part.

To extend to Offences committed at Sea.

LXXVII. And be it enacted, That where any Felony or Misdemeanor punishable under this Act, shall be committed within the Jurisdiction of the Admiralty of *England*, the same shall be dealt with, enquired of, tried, and determined in the same Manner as any other Felony or Misdemeanor committed within that Jurisdiction.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1827.