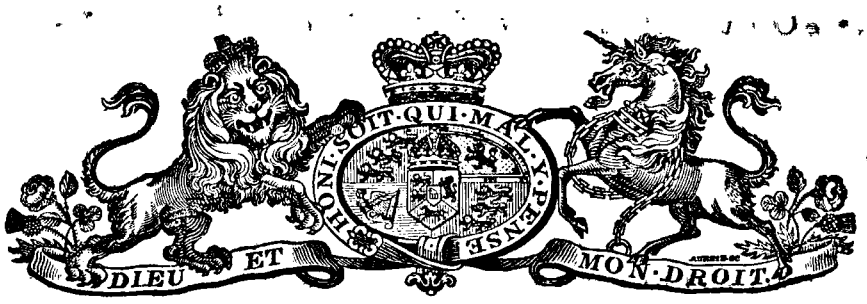


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shall be considered as Grand Larceny.

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, or Felony punishable as such.

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.

For all Offences under this Act hard Labour or solitary Confinement may be added to Imprisonment.

IV. And be it enacted, That in all Cases whenever any Person shall be convicted of any Felony, Crime, Misdemeanor, or indictable Offence punishable under this Act, for which Imprisonment may be awarded, with or without any other Punishment, 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 it shall also be lawful for such Court 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, &c. Felony, punishable, according to the Circumstances, as stealing Goods.

V. And be it enacted, That if any Person shall steal any Tally, Order, Exchequer Acquittance, 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 the United Kingdom, or of *Great Britain*, or of *England*, or of *Scotland*, or of *Ireland*, or of any Foreign State, or in any Fund of any Body Corporate lawfully acting as a 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 the United Kingdom, or of *Great Britain*, or of *England*, or of *Scotland*, or of *Ireland*, 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 of like Value 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, Felony, with Death.

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.

Stealing from the Person, or assaulting or menacing with Intent to rob, &c. Felony, with Transportation, &c.

VII. And be it 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, with a View or Intent to extort or unlawfully gain any Money or Chattel or valuable Security, shall accuse or threaten to accuse, or shall knowingly send or deliver, or directly or indirectly cause to be received, 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, 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, Meeting House, Chapel, or other Place of Divine Worship,

Stealing in or from a Church,

with breaking in or out, Felony, with Death.

Worship, and shall steal therein or therefrom any Chattel, or having stolen any Chattel in or from any Church, Meeting House, Chapel, or other Place of Divine Worship, shall break out of the same, every such Offender, being convicted thereof, shall suffer Death as a Felon.

Burglary, Felony, with Death.

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.

Housebreaking, and stealing in a House.

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 in any of such Cases suffer Death as a Felon.

No Buildings deemed Part of a House for aforesaid Purposes, unless directly communicating.

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, but not privileged as Part of the House, Transportation, &c.

Form of Indictment in such Case.

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 Provisions herein-before mentioned, every such Offender, 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: Provided always, that a Conviction for such Offence as herein last mentioned may be had either upon an Indictment for such Offence, or upon an Indictment for Burglary, Housebreaking, or stealing to the Value of Five Pounds in a Dwelling House, containing a Count or Counts for such Offence; and that in case of such latter Indictment the Prosecutor shall be permitted to proceed upon the Whole or any Part of such Indictment, without being put to any Election, before the Trial of such Offender, to proceed upon any one or more of the Counts in such Indictment.

XV. And

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, 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. Transportation, &c.

XVI. And be it enacted, That if any Person shall steal to the Value of Five Shillings any Linen, Hempen, or Cotton Yarn, or 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, 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. Stealing certain Goods in Process of Manufacture, Transportation, &c.

XVII. And be it enacted, That if any Person shall steal any Goods or Merchandize in any Vessel, Barge, or Boat of any Description whatever, 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 Port, River, or Canal, or shall steal any Goods or Merchandize from any Dock, Wharf, or Quay adjacent to any such Port, River, Canal, Creek, or Basin, every such Offender, 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. Stealing Goods from a Vessel in a Port, River, or Canal, &c. or from Wharfs, Transportation, &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 such Offender as for Simple Larceny; and in either Case the Offender may be indicted and tried either in the County in which, or in any County next adjoining the Place in which the Offence shall have been committed. Plundering any Part of the Tackle or Cargo of a shipwrecked Vessel, Felony, with Death.

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, Persons in possession of shipwrecked Goods, not

giving a satisfactory Account, shall pay a Penalty not exceeding 50*l.*

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 any Two Justices of the Peace, shall forfeit and pay such Sum of Money, not exceeding Fifty Pounds, as to such Justices shall seem meet.

Shipwrecked Goods offered for Sale may be seized, and ordered by a Justice to be restored to the Owner, paying Salvage.

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 to have been taken 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 Person having offered such Goods, Merchandize, or Articles for Sale, shall, on Conviction of such Offence before any Two Justices of the Peace, forfeit and pay the Amount of such Reward so ordered, and also such Sum of Money, not exceeding Thirty Pounds, as to such Two Justices shall seem meet.

Penalty on Person offering Goods for Sale.

Stealing, &c. of Records and other Proceedings of Courts of Justice, Misdemeanor, punishable by Transportation, &c.

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, or any Part of any such Document, 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, or any Part thereof respectively, or any original Document, or Part of any original Document, in anywise relating to or concerning the Business of any Person or Persons holding any Office or Employment under His Majesty, and remaining or deposited for safe Custody in any Office appertaining to any Court of Justice, or in His Majesty's Castle of *Dublin*, or in any of His Majesty's Custom Houses, Post Offices, or other Public Offices in *Ireland*, 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 be necessary to allege in any Indictment, or to prove on any Trial for such Offence, that the Article in respect of which the Offence is charged to have been committed is the Property of any Person, or that the same is of any Value, nor shall it be the Subject of Inquiry at the Trial of any such Offence, whether the Thing charged to have been stolen is or is not of any intrinsic Value.

Stealing of Wills, a Misdemeanor, punishable by Transportation, &c.

XXII. And be it enacted, That if any Person shall, either during the Life or after the Death of any Testator or Testatrix, steal, or shall for any fraudulent Purpose destroy or conceal, any Will or 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, 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 both, as the Court shall award; and it shall not be necessary to allege in any Indictment, or to prove on any Trial for such Offence, that such Will or Codicil, or other Instrument, is the Property of any Person, or that the same is of any Value, nor shall it be a Subject of Inquiry at such Trial whether the same is or is not of any intrinsic Value.

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 or containing 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, 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 both, as the Court shall award; and in any Indictment for such Offence, it shall be sufficient to allege the Thing charged to have been stolen to be or to contain Evidence of the Title or of Part of the Title of the Person, or of some one of the Persons, having an Interest, whether vested, contingent, 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 or prove the Thing charged to have been stolen to be of any Value, nor shall it be inquired into at the Trial what the Value thereof is, or whether the same is or is not of any intrinsic Value.

Provisions as to Wills, &c. shall not lessen any other Remedy.

Conviction shall not be Evidence in Actions against Offender.

XXIV. Provided always, and be it enacted, That nothing in this Act contained, relating to either of the Misdemeanors last aforesaid, nor any Proceeding, Conviction, or Judgment to be had or taken thereupon, shall prevent, lessen, or impeach any Remedy, at Law or in Equity, which any Party aggrieved by any such Offence might or would have had if this Act had not been passed; but nevertheless the Conviction of any such Offender shall not be received in Evidence in any Action at Law or Suit in Equity against such Offender: Provided

Offender shall not be convicted by Evidence disclosed by himself.

Provided also, that no Person shall be liable to be convicted of either of the Misdemeanors last aforesaid, in respect of any Act done by him, by any Evidence disclosed by him 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 by any Evidence disclosed by such Person in any Examination or Deposition before any Commissioners of Bankrupt.

Stealing Horses, Cows, Sheep, &c. Felony with Death.

XXV. And be it enacted, That if any Person shall steal any Horse, Mare, Gelding, Colt, or Filly, of any Bull, Cow, Ox, Steer, Bullock, 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:

Persons convicted of stealing Cows, &c. not exceeding Two, or Calves, Sheep, &c. not exceeding Ten, may, on Recommendation of Grand Jury, be transported.

Provided always, that where any Person shall be convicted of stealing any One Cow, Bull, Ox, Steer, Bullock, or Heifer, or any Number of Cows, Bulls, Oxen, Steers, Bullocks, or Heifers, not exceeding Two, or of stealing any One Calf, Sheep, or Lamb, or any Number of Calves, Sheep, or Lambs, not exceeding Ten, on all the Indictments which shall be preferred against such Person at one and the same Assizes, or Sessions of Oyer and Terminer, or in the same Term, in the Court of King's Bench, in case the Court shall, upon the Application of the Grand Jury at the said Assizes, or Sessions, or Term, by Presentment in Writing for that Purpose, think any such convicted Person a fit Object of Mercy, then such convicted Person, instead of the Punishment aforesaid, shall and may be transported beyond the Seas for Life, or for such Term of Years as the Court shall think proper: Provided always, that nothing herein contained shall affect the Power of the Court (in any Case where a Grand Jury shall not make such Application) to order Sentence of Death to be recorded, under the Provisions of an Act passed in the Fourth Year of His present Majesty's Reign, intituled *An Act for enabling Courts to abstain from pronouncing Sentence of Death in certain Capital Felonies.*

4 G. 4. c. 48.

Stealing, &c. Deer in any inclosed Ground, Forfeiture of 30*l.*

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 any Park, Paddock, or inclosed Land wherein Deer shall be usually kept, every such Offender shall for every such Offence, upon Conviction thereof before any Two Justices of the Peace, forfeit any Sum not exceeding Thirty Pounds.

Penalty on suspected Persons found in Possession of Venison, &c. 20*l.*

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 that he 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 Pounds;

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 any and 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 any Person 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.

In case they are not convicted, Justice may summon other Parties.

XXVIII. 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 Two Justices of the Peace, shall for the First Offence forfeit and pay the Value of the Dog, Beast, or Bird, and also such Sum of Money, not exceeding Twenty Pounds, as to such Justices shall seem meet; and if any Person so convicted thereof 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 Justices shall think fit.

Stealing Dogs, or Beasts or Birds, ordinarily kept in Confinement, and not the Subjects of Larceny.

XXIX. 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 shall be 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 Two Justices of the Peace, be liable for the First Offence to such Forfeiture, and for every such subsequent Offence to such Punishment, as Persons convicted of stealing any Dog, Beast, or Bird, are herein-before made liable to.

Persons in whose Possession stolen Dogs, &c. are found liable to such Penalty and Punishment as the Stealers.

XXX. 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 Ore, &c. from Mines, Felony, punishable as Larceny.

XXXI. 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

Stealing Trees, Shrubs, &c.

growing in Parks, Gardens, &c. exceeding the Value of 1*l.* or elsewhere, exceeding 5*l.* Felony, punishable as Larceny.

the Whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, respectively growing in any Park, Pleasure Ground, Garden, Orchard, or Avenue, or in any Ground adjoining or belonging to any Dwelling House, every such Offender, in case the Value of the Article or Articles stolen, or the Amount of the Injury done, shall exceed the Sum of One Pound, shall be guilty of Felony, and being convicted thereof, shall be liable to be punished in the same Manner as in the Case of Simple Larceny; 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, &c. wheresoever growing, of the Value of 1*s.*, punishable on summary Conviction; for First Offence 5*l.* and Second Offence, Imprisonment; Third Offence Felony, punishable as Larceny.

XXXII. 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 One Shilling at the least, every such Offender, being convicted before Two Justices of the Peace, shall for the First Offence forfeit and pay the Value of the Article or Articles stolen, or the Amount of the Injury done, and also such Sum of Money, not exceeding Five Pounds, as to the Justices 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 Justices shall think fit; and if any Person so Twice convicted shall afterwards commit any of the said Offences, such Offender shall be deemed guilty of Felony, and being convicted thereof, shall be liable to be punished in the same Manner as in the Case of Simple Larceny.

Stealing, &c. any live or dead Fence, wooden Stile or Gate; First Offence, 5*l.*; Second Offence, Imprisonment, &c.

XXXIII. 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 Two Justices of the Peace, shall for the First Offence forfeit and pay the Value of the Article or Articles so stolen, or the Amount of the Injury done, and also such Sum of Money, not exceeding Five Pounds, as to the Justices 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 Justices shall think fit.

XXXIV. And

XXXIV. 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 or Justices of the Peace, shall not satisfy the Justice or Justices that he came lawfully by the same, he shall, on Conviction by the Justice or Justices, forfeit and pay the Value of the Article or Articles so found, and also any Sum not exceeding Two Pounds.

Penalty on suspected Persons in possession of Wood, &c. 2*l.*

XXXV. 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 or Justices of the Peace, shall, at the Discretion of the Justice or Justices, 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 the Value of the Article or Articles so stolen, or the Amount of the Injury done, and also such Sum of Money, not exceeding Twenty Pounds, as to the Justice or Justices 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. Fruit or Vegetables in a Garden, &c. punishable on summary Conviction; for First Offence, by Imprisonment or Fine of 20*l.*; Second Offence, Felony, punishable as Larceny.

XXXVI. 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 Two Justices of the Peace, shall, at the Discretion of the Justices, 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 the Value of the Article or Articles so stolen, or the Amount of the Injury done, and also such Sum of Money, not exceeding Twenty Shillings, as to the Justices 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 Justices shall think fit.

Stealing, &c. Vegetable Productions, not growing in Gardens, &c.; First Offence, Imprisonment, or Fine of 20*s.*; Second Offence, &c. Imprisonment, &c.

XXXVII. And

Stealing Glass or Wood Work, or Fixtures of any kind, from Buildings, and Metal Fixtures from Grounds, Felony, punishable as Larceny.

XXXVII. 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: Provided always, that nothing herein contained shall be construed to affect any Enactment or Law for the Punishment of Persons guilty of stealing any such Property belonging to or vested in any Commissioners or other Persons, under any Act for paving, cleansing, lighting, or improving any City, Town, or Place in *Ireland*.

Tenants and Lodgers stealing any Property from Houses or Apartments let to them, Felony, punishable as Larceny. Form of Indictment.

XXXVIII. 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 it shall be lawful in every such Case of stealing any Chattel 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 the Person letting to Hire.

Clerks and Servants (not punishable capitally) stealing Property of their Masters, Transportation or Imprisonment.

XXXIX. And for the Punishment of Depredations not punishable capitally, committed by Clerks and Servants, and such other Persons as herein-after mentioned, 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 or Employer, 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 Time 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

XL. And for the Punishment of Embezzlement committed by Clerks and Servants, be it 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 or Employer, and shall fraudulently embezzle the

the same or any Part thereof, every such Offender 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 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.

it, shall be deemed to have stolen it feloniously, although never in the Master's Possession.

XLI. And for preventing the Difficulties which have been experienced in the Prosecution of such Offenders, be it enacted, That it shall be lawful to charge in the Indictment and to 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 or Employer, within the Space of Six Calendar 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 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 to 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 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 shall be returned to the Party delivering the same, and although such Part shall have been returned accordingly.

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

Allegation and Proof of the Property embezzled.

XLII. And for the Punishment of Embezzlements committed by Agents entrusted with Property, be it enacted, That if any Money, or Security for the Payment of Money, shall be entrusted to any Banker, Merchant, Broker, Attorney, or other Agent, with any Direction in Writing to apply such Money, or any Part thereof, or the Proceeds or any Part of the Proceeds of such Security, for any Purpose specified in such Direction, and he shall, in violation of good Faith, and contrary to the Purpose so specified, in 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 the United Kingdom, or of any Part thereof, or of any Foreign State, or in any Fund of any Body Corporate, Company, or Society, shall be entrusted to any

Agents embezzling Money entrusted to them, and directed to be applied to any special Purposes, Misdemeanor, punishable by Transportation, &c.

Like Punishment for Agents embezzling or converting any Goods or valuable

Security entrusted to them for safe Custody, or for any special Purpose.

Banker, Merchant, Broker, Attorney, or other Agent, for safe Custody, or for any special Purpose, without any Authority to sell, negociate, 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, negociate, 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.

Not to affect Trustees or Mortgagees;

XLIII. 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 Trustee or Mortgagee; 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 be wilfully and fraudulently extended to a greater Number or Part of such Securities or Effects than shall be requisite for satisfying such Lien, Claim, or Demand.

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

or disposing of Securities on which they have a Lien.

Factors pledging for their own Use any Goods or Documents relating to Goods entrusted to them for the Purpose of Sale, Misdemeanor, punishable by Transportation, &c.

XLIV. 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 any Bought and Sold Note, or any Warrant or Order for Delivery of Goods or Merchandize, shall for his own Benefit, and in violation of good Faith, deposit or pledge any such Goods or Merchandize, or any of the said Documents, as a Security for any Money or negotiable Instrument borrowed or received by such Factor or Agent at or before the Time of making such Deposit or Pledge, or intended to be thereafter borrowed or received, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not exceeding Fourteen Years nor less than Seven Years, or to suffer such other Punishment by Fine or Imprisonment, or by both, as the Court shall award; but no such Factor or Agent shall be liable to any Prosecution for depositing or pledging any such Goods or Merchandize, or any of the said Documents, in case the same shall not be made a Security for or subject to the Payment of any greater Sum of Money than the Amount which at the Time of such Deposit or Pledge was justly due and owing, or *bonâ fide* supposed by such Factor

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

Factor or Agent to be 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, and of any other Engagement made by such Factor or Agent on account of his Principal, and to the Payment of which such Factor or Agent is legally liable.

Provisions as to Agents shall not lessen Remedy by the Party aggrieved; but Conviction shall not be receivable in Evidence in Actions. Offender shall not be convicted by Evidence disclosed by him.

XLV. 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, or any such Clerk or Servant, or Person employed in the Capacity of Clerk or Servant, 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 made; 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, or Clerk or Servant, or Person employed in the Capacity of Clerk or Servant, shall be liable to be convicted of any Offence of Embezzlement against this Act, in respect of any Act done by him, by any Evidence disclosed by him 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 by any Evidence disclosed by such Person in any Examination or Deposition before any Commissioners of Bankrupt.

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

XLVI. 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 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.

Where the original Offence is Felony, the Receiver of stolen Property may be tried either as an Accessory after

XLVII. 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, 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

after the Fact, or for a substantive Felony; and punished by Transportation, &c.

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.

Where the original Offence of stealing, or converting Property, is a Misdemeanor, Receiver may be prosecuted for a Misdemeanor, whether Principal be convicted or not.

XLVIII. 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.

Receiver may be tried where the Principal is triable, or where the Property is found in his Possession, or where the receiving takes place.

XLIX. 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 Accessary 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.

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

L. 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 Offence by or on the Behalf of the Owner of the Property, or his Executor or Administrator, and convicted thereof, in such Case the Property shall be restored to the Owner or his Representative; and the Court before whom any such Person shall be so convicted shall have Power to award from Time to Time Writs of Restitution for the same 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

Exception as to bonâ fide Payment or

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.

Transfer of valuable Securities.

LI. 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.

Taking a Reward for helping to the Recovery of stolen Property, without bringing the Offender to Trial, Felony, punishable by Transportation, &c.

LII. 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 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 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.

Penalty on advertising a Reward for the Return of stolen Property without Inquiry, &c. 50*l.*

LIII. 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 or Justices 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.

Receivers of Property, where the original Offence is punishable summarily, shall be punishable as original Offenders.

Accessories before the Fact, &c. in Felonies.

Accessories after the Fact.

Abettors in Misdemeanors.

LIV. 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 Offences punishable summarily shall be punished as Principals.

LV. 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 Justices 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.

Persons in the Act of committing Offences may be apprehended without Warrant.

LVI. 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, 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 the Servant of or any Person authorized by such Owner, and such Offender shall and may be 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 that there is reasonable Cause to suspect that any Property whatsoever, on or with respect to which any such Offence shall have been committed, is in any Dwelling House, Outhouse, Garden, Yard, Croft, or other Place or Places, the Justice may grant a Warrant to search such Dwelling House, Outhouse, Garden, Yard, Croft, or other Place or Places 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 to seize the Party.

Limitation as to summary Proceedings.

Competent Witnesses.

LVII. 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.

LVIII. And

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

LVIII. 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 may issue his Warrant for apprehending such Person, and bringing such Person before such Justice, or some other Justice or Justices of the Peace; or it shall be lawful for the Justice before whom the Charge shall be made (if he shall so think fit), without any previous Summons (unless where otherwise specially directed), to issue such Warrant; and the Justice or Justices before whom the Person charged shall appear or be brought shall proceed to hear and determine the Case.

Applications of Penalties and Forfeitures on summary Convictions.

LIX. 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 or as the Value of any Property stolen or taken, or for or as the Amount of any Injury done, (such Value or Amount to be assessed in each Case by the convicting Justice or Justices,) 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 or Justices of the Peace, whether in addition to such Value or Amount as aforesaid, or otherwise, shall be paid, under the Order of such Justice or Justices, to the Treasurer or other proper Officer of the Infirmary of the County, City, Town, or Place wherein such Conviction shall take place, for the Use of such Infirmary, in case there shall be any such Infirmary established within or for such County, City, Town, or Place, and in case there shall not be any such Infirmary, then to the Treasurer or other proper Officer of such other Public Charity within such County, City, Town, or Place, as such Justice or Justices shall by his or their Order for that Purpose direct: 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 done, in every such Case no further Sum shall be paid to the Party aggrieved than that which shall be forfeited by one of such Offenders only, and the corresponding Sum or Sums forfeited by the other Offender or Offenders shall be applied in the same Manner as any Penalty imposed by a Justice of the Peace is herein-before directed to be applied.

Party aggrieved entitled only to the Penalty from One Offender.

Justice may receive Penalty payable to Treasu-

LX. And be it further enacted, That it shall be lawful for any Justice of the Peace by or before whom any Conviction shall be made

rer of Infirmary, &c. and pay the same, keeping an Account thereof.

made under this Act, to receive any Forfeiture or Penalty, or any Sum of Money payable as a Penalty, under this Act, to the Treasurer or Officer of any Infirmary or Public Charity, and to give a Receipt for the same, for the Use of such Infirmary or Charity, specifying the Name or Description of such Infirmary or Charity in such Receipt; and such Receipt shall be a sufficient Discharge to the Party by whom such Forfeiture or Penalty, or Sum of Money, shall be incurred and paid; and every such Justice shall, within Fourteen Days next after the Receipt thereof, pay the Amount of every such Forfeiture, Penalty, or Sum of Money to the Treasurer or other proper Officer of the Infirmary or Public Charity entitled to the same, and shall take Receipts for the same respectively from such Treasurer or Officer, specifying the Time when and the Person by whom such Forfeiture, Penalty, or Sum of Money was paid to such Justice, for the Use of such Infirmary or Charity; and every such Justice shall, by himself or Clerk, keep an Account, in a Book to be provided for that Purpose, of the Amount of every such Forfeiture, Penalty, or Sum of Money so received by him, specifying the Place and Time and Manner of the Adjudication or Order whereby such Forfeiture, Penalty, or Sum of Money shall have been adjudged or imposed, and the Nature of the Offence under this Act for which the same was adjudged or imposed, and the Name or Names of the Person or Persons on whom such Forfeiture or Penalty or Sum of Money was set or imposed, and the Name and Description of the Treasurer or other proper Officer of the Infirmary, or the Name and Description of the Public Charity, and the Officer thereof, to whom such Forfeiture, Penalty, or Sum of Money was paid, according to the Directions of this Act, and the Time when such Payment was made; and every such Justice shall, Fourteen Days previous to the Commission Day of the Spring and Summer Assizes in every Year, transmit to the Clerk of the Peace of the County, County of a City, or County of a Town within which such Forfeiture, Penalty, or Sum of Money shall have been imposed and made payable, an Account in Writing, stating all the several Penalties, Forfeitures, or Sums of Money which shall have been imposed and made payable by or before such Justice under this Act, at any Time between Fourteen Days before the Commencement of the then last preceding Assizes, and the Day of transmitting such Account, and showing which of such Forfeitures, Penalties, or Sums of Money have been received by such Justice, and from whom and for what Offences, and to whom the same have been respectively paid by such Justice, with the Dates of the several Receipts for the same respectively,

Such Account to be transmitted to the Clerk of the Peace previous to the Spring and Summer Assizes.

Accounts may be inspected by Treasurer of the Infirmary, &c.

LXI. And be it further enacted, That every Account so kept by any Justice of the Peace in pursuance of this Act, and every Account transmitted by such Justice to the Clerk of the Peace, shall be produced to the Treasurer or other proper Officer of the Infirmary of the County, City, Town, or Place, or to the Treasurer or other Officer of any Public Charity within such County, City, Town, or Place where there shall not be such Infirmary, at all seasonable Times when such Treasurer or Officer may desire and require to inspect the same, for the

the Purpose of ascertaining whether any and what Sums of Money may be due and payable to such Treasurer or Officer under this Act.

Clerk of the Peace shall make Abstract of Accounts so transmitted to him, and have the same posted on the Court House Door during the Assizes, and published in a Newspaper.

LXII. And be it further enacted, That every Clerk of the Peace to whom any such Account or Accounts shall be transmitted by any Justice or Justices of the Peace, of the Forfeitures, Penalties, or Sums of Money received under this Act, shall make or cause to be made an Abstract of all such Accounts in such Form as to show in the most distinct Manner the Name of every Justice of the Peace by whom, and the several Parties from whom all such Penalties, Forfeitures, or Sums of Money were respectively received, and for what Offences the same were payable respectively, and whether such Fines, Penalties, or Forfeitures were received respectively for the Use of the Infirmary of the County, City, Town, or Place, or for the Use of any other and what Public Charity; and such Clerk of the Peace shall sign such Abstract with his Name as Clerk of the Peace, and shall post and affix such Abstract, or shall cause the same to be posted and affixed, on the Door of the Court House or Place in which the Assizes shall be holden, to be then and there kept posted and affixed during the whole of such Assizes; and within Fourteen Days next after the Conclusion of such Assizes such Clerk of the Peace shall cause a true Copy of such Abstract, signed with his Name as Clerk of the Peace, to be inserted in some one public Newspaper published or circulated within such County, County of a City, or County of a Town.

Penalty on Justices and Clerks of the Peace, for Neglect in such Receipts and Accounts, 100*l.*

LXIII. And be it further enacted, That if any Justice of the Peace who shall receive any such Forfeiture or Penalty or Sum of Money, applicable as aforesaid, shall omit or neglect or refuse to give a Receipt for the same, or shall omit or neglect or refuse to pay the same to the Treasurer or proper Officer of any Infirmary or Public Charity entitled to the same as aforesaid, or shall omit or neglect to keep such Account as aforesaid, or shall omit or neglect or refuse to transmit any Account as aforesaid to the Clerk of the Peace, or if any Clerk of the Peace shall omit or neglect to make or sign, or post or publish, an Abstract of all such Accounts as shall be transmitted to him, or to cause the same to be done, in manner required by this Act, or if such Accounts, or any of them, shall not contain or refer to all Sums of Money paid to or received by such Justice under this Act, or if any such Account or Abstract shall in any Particular be untrue or deficient, every such Justice or Clerk of the Peace shall, for every such Offence, Neglect, or Omission of such Justice or Clerk of the Peace, respectively forfeit the Sum of One hundred Pounds, to be recovered, with full Costs of Suit, by any Person who will sue for the same, in any of His Majesty's Courts of Record in *Ireland*, by Action of Debt, Bill, Plaint, or Information, in which no Protection or Essoign or Wager of Law, nor more than One Imparlance, shall be allowed.

If a Person summarily convicted

LXIV. And be it enacted, That in every Case of a summary Conviction under this Act, where the Sum which shall be forfeited for the

shall not pay, &c. the Justice may commit him.

the Value of the Property stolen or taken, or for the Amount of the Injury done, or which shall be imposed as a Penalty by any Justice or Justices, together with the Costs, if awarded, (which Costs such Justice or Justices is and are hereby authorized to award, if they shall think fit, in any Case of a summary Conviction under this Act,) shall not be paid, either immediately after the Conviction, or within such Period as the Justice or Justices shall at the Time of the Conviction appoint, (which he or they is and are hereby authorized to appoint,) it shall be lawful for the convicting Justice or Justices (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 or Justices, 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 of such Forfeiture or Penalty, or both, as the Case may be, together with Costs, shall exceed Five Pounds and 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.

Scale of Imprisonment.

Justice may discharge certain Offenders on Payment of Recompence.

LXV. Provided always, and be it enacted, That where any Person shall be summarily convicted before a Justice or Justices of the Peace, of any Offence against this Act, and it shall be a First Conviction, it shall be lawful for the Justice or Justices, if he or they 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 such Justice or Justices.

Pardon for Nonpayment of Money.

LXVI. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, to extend the 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.

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

LXVII. 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, if awarded 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.

Convictions to be drawn in the following Form.

LXVIII. And be it enacted, That the Justice or Justices 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*,

BE

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord at in the County of [*or* City, Town, *or* Place, *as the Case may be*], *A. O.* is convicted before me *J. P.*, One of His Majesty's Justices [*or* before us *J. P.* and *S. L.*, Justices] of the Peace for the said County [*or* City, *&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.* [*or* we the said *J. P.* and *S. L.*] do 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 [*or* to forfeit and pay *here state the Penalty actually imposed, or state the Penalty, and also the Value of the Articles stolen, embezzled, or taken, or the Amount of the Injury done, as the Case may be*], and [*in any Case where the Costs shall be awarded*] also to pay the Sum of for Costs, and in default of immediate Payment of the said Sum [*or* 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 Sum [*or* Sums] shall be sooner paid; [*or*, and I [*or* we] order that the said Sum [*or* Sums] shall be paid by the said *A. O.* on or before the Day of and I [*or* we] direct that the said Sum of [i. e. *the Penalty only*], shall be paid to of in the County [*or* City, Town, *or* Place, *as the Case may be*,] to be by him [*or* them] applied according to the Directions of the Statute in that Case made and provided [*or* that the said Sum of [i. e. *the Penalty only*] 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 [*if such Justice or Justices shall think proper to award the Complainant his Costs*], I [*or* we] order that the said Sum of for Costs shall be paid to [*the Complainant*]. Given under my Hand and Seal [*or* our Hands and Seals], the Day and Year first above mentioned.'

One Justice may receive original Information, &c. where Two or more Justices are empowered to hear and determine.

LXIX. And be it further enacted, That in all Cases where by this Act Two or more Justices of the Peace are authorized and required to hear and determine any Complaint, One Justice shall be competent to receive the original Information or Complaint, and to issue the Summons or Warrant requiring the Parties to appear before Two or more Justices of the Peace; and after Examination upon Oath into the Merits of the said Complaint, and the Adjudication thereupon, by any such Two Justices, being made, all and every the subsequent Proceedings to enforce Obedience thereto, or otherwise, whether respecting the Penalty, Fine, Imprisonment, Costs, or other Matter

Matter or Thing relating to the Offence, may be enforced by either of the said Justices, or by any other Justice of the Peace for the same County, City, Town, or Place, in such and the like Manner as if done by the same Two Justices who so heard and adjudged the said Complaint; and where the original Complaint or Information shall be made to any Justice or Justices of the Peace, different from the Justice or Justices before whom the same shall be heard and determined, the Form of Conviction shall be made conformable and according to the Fact.

Appeal on Conviction to General or Quarter Sessions.

LXX. And be it enacted, That in all Cases where the Sum adjudged to be paid on 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 or Place 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 General or Quarter Sessions, and shall also 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, the Court shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs, if any, as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment.

No Conviction, nor Adjudication made on Appeal, shall be quashed for Want of Form.

LXXI. And be it enacted, That no such Conviction, nor any 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 Sessions.

LXXII. 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

How far Evidence in future Cases.

of such Conviction, certified by the proper Officer of the Court, or proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the former Offence, and the Conviction shall be presumed to have been unappealed against, until the contrary be shown.

Venue in Proceedings against Persons acting under this Act.

LXXIII. 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, or in case of any Action of Replevin, may avow generally that he took the Goods and Chattels in question under and by virtue of this Act, and may give this Act and the special Matter in Evidence at any Trial to be had thereupon; and no Plaintiff shall recover in 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 or Avowant; and if a Verdict shall pass for the Defendant or Avowant, 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 or Avowant 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 or Avowant, unless the Judge before whom the Trial shall be had shall certify his Approbation of the Action, and of the Verdict obtained thereupon.

Notice of Action.

General Issue, &c.

Admiralty Offences.

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

Act not to extend to England, Wales, or Scotland, except where Offenders having stolen or received Goods in one Part of the United Kingdom shall have them in another.

LXXV. Provided always, and be it enacted, That nothing in this Act contained shall extend to *England*, *Wales*, or *Scotland*, except as follows; (that is to say,) that if any Person having stolen, or otherwise unlawfully taken any Chattel, Money, valuable Security, or other Property whatsoever, the stealing or unlawfully taking whereof is made punishable by Indictment by any of the Provisions of this Act, 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 such Offence, under this Act, in that Part of the United Kingdom where he shall so have such Property, in the same Manner as if he had actually stolen or unlawfully taken it as aforesaid in that Part of the United Kingdom; and if any Person in any one Part of the United Kingdom shall

shall receive, or shall have any Chattel, Money, valuable Security, or other Property whatsoever which shall have been stolen or otherwise unlawfully taken as aforesaid in any other Part of the United Kingdom, such Person knowing the said Property to have been stolen or otherwise unlawfully taken as aforesaid, 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 unlawfully taken as aforesaid in that Part of the United Kingdom.

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