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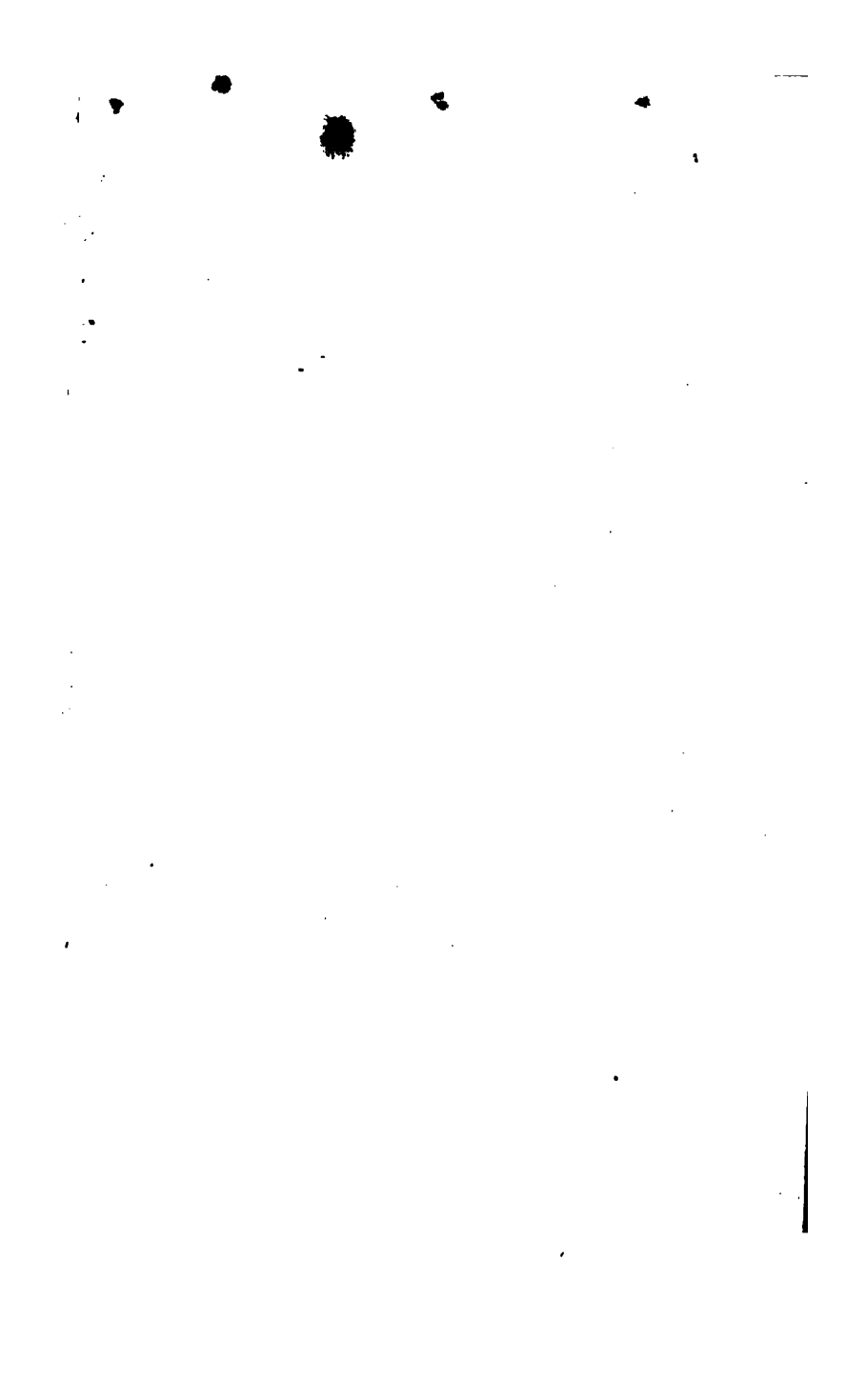
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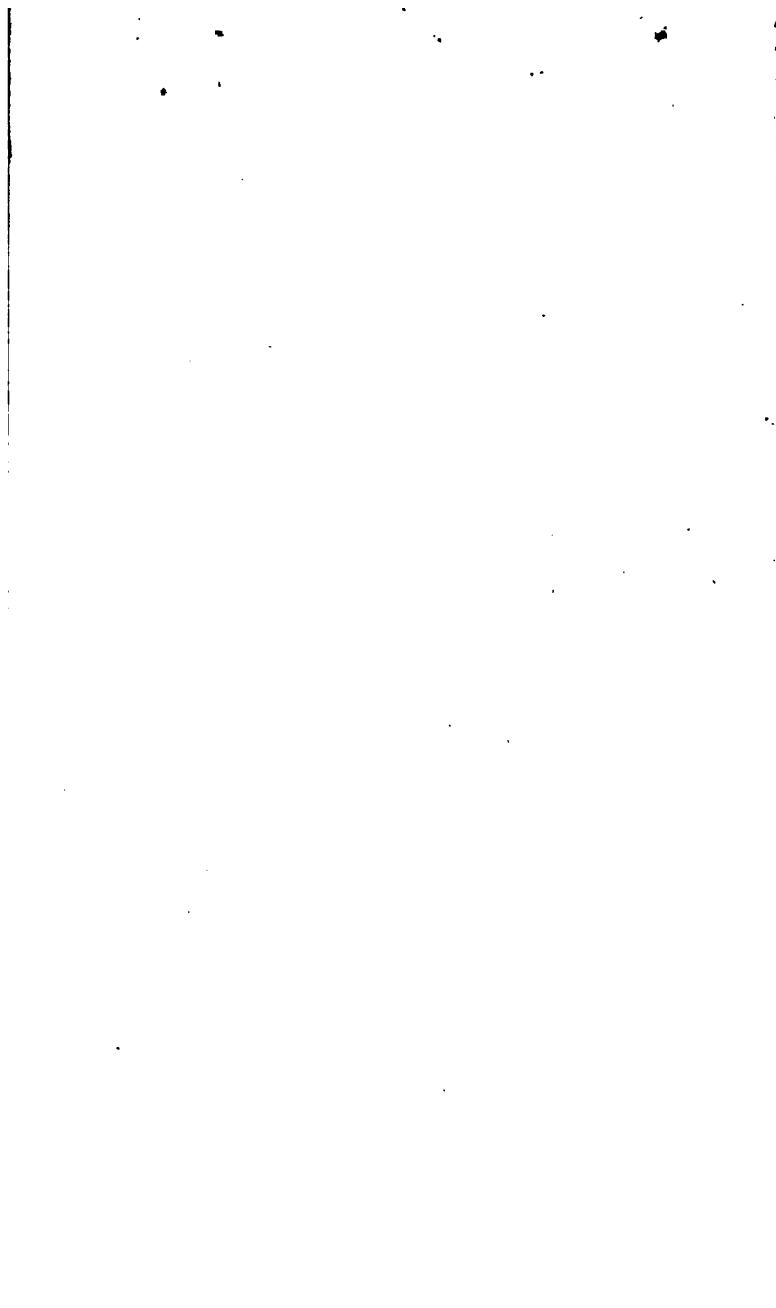
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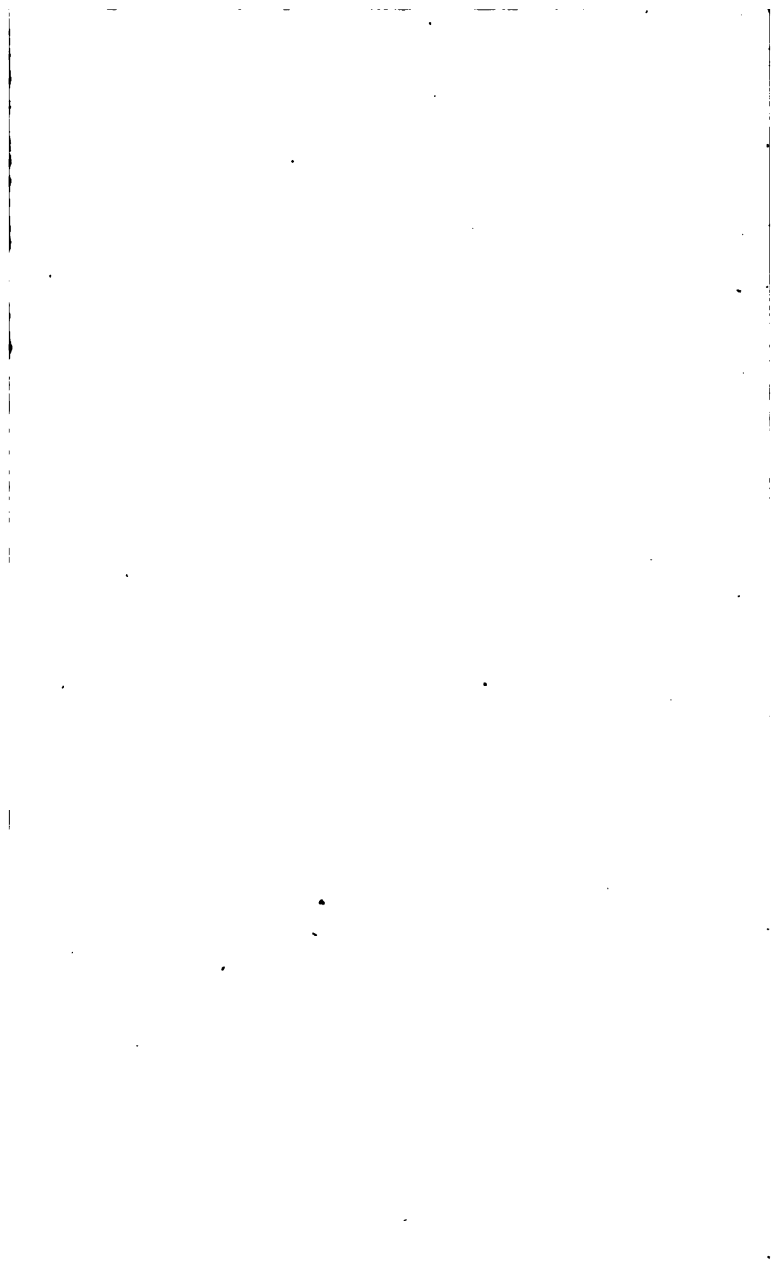
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1829

A N A N A L Y S I S
OF, AND
DIGESTED INDEX
TO THE
CRIMINAL STATUTES,
ALPHABETICALLY ARRANGED,
SHEWING THE
Penalties, Forfeitures and Punishments
TO BE AWARDED BY THE
CRIMINAL COURTS,
AND BY
MAGISTRATES EXERCISING SUMMARY JURISDICTION.



By **W. ROBINSON, Esq. LL.D.**
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ONE OF HIS MAJESTY'S JUSTICES OF THE PEACE FOR
MIDDLESEX AND WESTMINSTER; AUTHOR OF
"THE MAGISTRATES' POCKET BOOK."

LONDON :
SAUNDERS AND BENNING, LAW BOOKSELLERS,
(SUCCESSORS TO J. BUTTERWORTH AND SON,)
48, FLEET STREET.

1829.

LONDON :
Printed by Littlewood & Co.
Old Bailey.

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IN compiling this analysis of the criminal statutes, the author intended it principally as an auxiliary to magistrates having jurisdiction to dispense the criminal law; and to them he trusts, that it will be found of particular utility, whether acting *singly* or *at petty sessions*, or attending the assizes or sessions of gaol delivery.

An index like this becomes a matter of almost indispensable necessity, since the recent alterations in the criminal code, which have rendered nearly all the provisions in the previous criminal statutes a dead letter.

This little book will accordingly refer to the criminal law as it exists at the present time, and supply an accurate directory to the *penalties, forfeitures, fines and punishments*, enacted by the late statutes, in lieu of those of the former ones which have been repealed or altered.

The magistrate will therefore find a *prompt* and easy reference to the subject of his enquiry, and ascertain with precision what *penalty, forfeiture, fine or imprisonment* is to be levied or inflicted for any specific offence brought before him, arranged under distinct heads, and likewise enable him to act with that promptitude and decision, which his multifarious duties require.

This analysis then may be regarded as a digested *index* to the criminal statutes, and as such, the author has been induced by many of his legal friends to believe, that it would be a useful appendage to the more voluminous works on that subject.

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Though precedents* of proceedings before magistrates formed no part of the author's plan, he has nevertheless thought it adviseable to add the vagrant and riot acts, and also a table of the numerous acts of parliament repealed or altered by the recent statutes, pointing out the provisions in the new statutes,† which are substituted for those in the late ones, chronologically arranged, as both a useful and necessary accompaniment to the book.

* There are already published many very useful books, containing all the forms required for the use of magistrates, and amongst the number *The Formularies, or the Magistrates' Assistant*, will be found exceedingly useful, as it comprehends almost every form that a magistrate may require in exercising his jurisdiction, either in his own justice room, or at petty sessions.

† By the new acts, are meant the five acts, generally denominated Mr. Peel's acts, namely, the 7 & 8 Geo. 4. c. 27, 28, 29, 30, 31. which at once struck out from the statute book no less than 148 acts of parliament, though some of the provisions have been re-enacted; and the act of 7 Geo. 4. c. 64. which passed in the session preceding Mr. Peel's acts, and the act of 9 Geo. 4. c. 69, relating to Night Poaching, which passed late in the last session of parliament.

Should this little volume prove acceptable to the magistrates, the author will consider their approbation as the most gratifying remuneration of his professional studies.

Middle Temple,
March, 1829.

EXPLANATION OF ABBREVIATIONS.

Acces.	accessary.
add.	addition.
ass.	assizes.
cal. m.	calendar months.
C. J.	Chief Justice.
C. Js.	Chief Justices.
com. g.	common gaol.
comm.	committed, commitment.
co.	county.
cos.	counties.
crim.	criminal.
Ct.	Court.
Cts.	Courts.
conv.	conviction.
D.	death.
disc.	discretion.
dom.	dominions.
ex.	exceeding.
fel.	felony.
H. L.	hard labour.
H. Ct.	High Court.
H. C.	House of Correction.

H. M's.....	His Majesty's.
Impr.....	imprisonment.
indict.....	indictment.
ind. offs.	indictable of offences.
infor.....	information.
Int.....	Interest.
J.....	Justice.
Js.....	Justices.
J. P.....	Justice of the Peace.
Js. P.....	Justices of the Peace.
juris.....	jurisdiction.
Midd.....	Middlesex.
M. S.....	Michaelmas Session.
misd.....	misdemeanor.
O. B.....	Old Bailey.
off.....	offence, offender.
offs.....	offences.
O. T.....	Oyer and Terminer.
pen.....	penalty.
Peniten.....	Penitentiary.
P. O.....	peace officer.
prin.....	principal.
priv.....	privately.
pub.....	publicly.
pun.....	punished, punishment.
sp. p. sess.....	special—petty sessions.
sp. lic.....	special licence.
Tr.....	transportation.
W.....	whipped.
yrs.....	years.

<i>Statutes repealed totally or in part.</i>	<i>Subjects of Acts repealed.</i>	<i>Clauses relating thereto in the new Acts.</i>
3 Ed. 1. c. 15.	Bailing	7 G. 4. c. 64. s. 1, 2, 3.
4 Ed. 1. st. 3. c. 5. ..	Bigamy	Bigamy, 9 G. 4. c. 31. s. 22.
6 Ed. 1. c. 9.	Killing without Felony.	Homicide, casual and justifiable, 9 G. 4. c. 31. s. 10.
13 Ed. 1. st. 1. c. 29, 34.	Rape and writ of <i>odio</i> , &c.	Rape, <i>vide supra</i> .
c. 46.	Levying for damages.	7 & 8 G. 4. c. 31.
st. 2.	Felons, hue and cry, shutting gates, highways, &c.	Felons and Felonious acts, see 7 G. 4. c. 64. and 7 & 8 G. 4. c. 29, 30, and 31.
21 Ed. 1. st. 2.	<i>Malefactoribus Percis</i> .	Coursing, hunting, and carrying away deer from any forest, chase, &c. see 7 & 8 G. 4. c. 29. s. 26 to 29.
9 Ed. 2. st. 1. c. 3. ..	Assaulting a Clergyman.	Arresting a Clergyman on civil process whilst performing duty is made misdemeanor by the 9 G. 4. c. 31. s. 23. Any other assault is punishable by indictment.
1 Ed. 3. st. 1. c. 8. ..	Trespasses in King's forests	7 & 8 G. 4. c. 29. s. 26 to 29.
18 Ed. 3. st. 3. c. 2. ...	Bigamy	See 9 G. 4. c. 31. s. 22.
25 Ed. 3. st. 5.	Petit Treason.	By 9 G. 4. c. 31. to be punished as Murder.
st. 6. c. 4, 5.	Clerks convicted of Treasons, &c.	Obsolete.
vulg. st. 3.		
28 Ed. 3. c. 11.	Liability of Hundreds.	7 & 8 G. 4. c. 31.
34 Ed. 3. c. 22. .. }	Hawks.	c. 20. s. 31.
37 Ed. 3. c. 19. .. }		
40 Ed. 3. c. 6. }	Arresting Clergymen..	See 9 G. 4. c. 31. s. 23.
1 R. 2. c. 15. }		

<i>Statutes repealed totally or in part.</i>	<i>Subjects of Acts repealed.</i>	<i>Clauſes relating thereto in the new Acts.</i>
6 R. 2. ſt. 1. c. 6. ..	Raviſhing	See ſections 16 and 18 of 9 G. 4. c. 31.
5 H. 4. c. 5.	Cutting tongues, &c...	Ditto ſ. 11, 12.
. c. 6.	Assaults	As to aſſaults with felonious intention, ſ. 26. Assaults on Seamen, ſ. 26. Common Assaults, ſ. 27. 29.
2 H. 5. ſt. 1. c. 9. ..	Fleeing for Murders, &c.	Obsolete.
7 H. 5. c. 9.	Lollards and heretics ..	
9 H. 5. c. 1.	Misnomers in indictments	7 G. 4. c. 64. ſ. 19, 20.
8 H. 6. c. 12. ſ. 12. ...	Stealing records	7 & 8 G. 4. c. 29. ſ. 21.
11 H. 6. c. 11.	Assaults, &c.	Vide ſupra.
18 H. 6. c. 12.	As perpetuates 9 H. 5.	
23 H. 6. c. 9.	Sheriffs, &c. bailing persons	7 G. 4. c. 64. ſ. 1, 2, 3.
33 H. 6. c. 1.	Servants ſtealing their deceased maſter's goods.	7 & 8 G. 4. c. 29. and all other acts reſpecting larceny, &c.
1 R. 3. c. 3.	Bailing	7 G. 4. c. 64. ſ. 1, 2, 3.
1 H. 7. c. 7.	Unlawful hunting	7 & 8 G. 4. c. 29. ſ. 26. et ſeq.
8 H. 7. c. 2.	Abduction of women ..	See 9 G. 4. c. 31. ſ. 19, 20.
. c. 3.	Bail and mainprize ..	7 G. 4. c. 64. ſ. 1 to 3.
. c. 14.	Offences in king's houſe hold	Bl. Com. vol. iv. p. 124, 5.
4 H. 7. c. 13.	Taking Clergy from certain persons	7 & 8 G. 4. c. 28. ſ. 6, 7.
12 H. 7. c. 7.	Petit Treason	Punishable as murder by 9 G. 4. c. 31. ſ. 2.
21 H. 8. c. 7.	Thefts by ſervants	7 & 8 G. 4. c. 29. paſſim.

<i>Statutes repealed totally or in part.</i>	<i>Subjects of Acts repealed.</i>	<i>Clauses relating thereto in the new Acts.</i>
21 H. 8. c. 11.	Restitution to persons robbed	See 7 & 8 G. 4. c. 29. s. 57.
23 H. 8. c. 1.	<i>Clergy denied in petty treason, felony, or murder, except sub-deacons</i>	Plea of Clergy abolished by 7 & 8 G. 4. c. 28. s. 6. but see s. 7. Petit Treason by 9 G. 4. c. 31. punishable only as murder.
c. 11.	<i>Clerks breaking prison.</i>	Obsolete.
24 H. 8. c. 5.	<i>Killing a Thief</i>	Justifiable Homicide if he resists, but not specially mentioned in these late acts.
25 H. 8. c. 3.	<i>Standing mute and challenging</i>	7 & 8 G. 4. c. 28. s. 2, 3.
c. 6.	<i>Vice of buggery</i>	9 G. 4. c. 31. s. 15 & 18.
31 H. 8. c. 2.	<i>Fishing in ponds</i>	7 & 8 G. 4. c. 29. s. 34, 35.
32 H. 8. c. 3.	Perpetuating 25 H. 8. c. 3.	Repealed as above.
33 H. 8. c. 1.	<i>Counterfeit letters and tokens</i>	7 & 8 G. 4. c. 29. s. 53. as to false pretences.
c. 12.	<i>Murder, &c.</i>	9 G. 4. c. 31. s. 3 to 8.
c. 23.	<i>Trials for Treason</i>	This act appears to have become useless.
34 & 35 H. 8. c. 14.	<i>Certificates of Convicts in K. B.</i>	7 & 8 G. 4. c. 29. s. 74.
35 H. 8. c. 17.	<i>Preservation of woods</i>	7 & 8 G. 4. c. 29. s. 40, 41—c. 30. s. 19, 20.
37 H. 8. c. 6.	<i>Burning frames</i>	7 & 8 G. 4. c. 31.
c. 8. s. 2.	<i>As relates to horse stealing</i>	7 G. 4. c. 64. s. 20. 7 & 8 G. 4. c. 29. s. 25.

<i>Statutes repealed totally or in part.</i>	<i>Subjects of Acts repealed.</i>	<i>Clauses relating thereto in the new Acts.</i>
1 Ed. 6. c. 12. s. 10. 14.	As to house-breaking, robbing, horse-stealing, sacrilege, and clergy for ditto Petty treason, murder and bigamy	7 & 8 G. 4. c. 28. s. 6, 7. and c. 29. ss. 6, 10, 11, 12, 13, 14, 15. 25. Vide supra, referring to 9 G. 4.
2 & 3 Ed. 6. c. 24. c. 33.	<i>For the trial of murders, &c.</i> <i>Horse-stealing denied clergy</i>	See 7 G. 4. c. 64. s. 4. and 9 G. 4. c. 31. s. 4 to 8. 7 & 8 G. 4. c. 29. s. 25.
5 & 6 Ed. 6. c. 4. c. 9. c. 10.	<i>Striking with a weapon</i> <i>Robbing house, booth, &c. denied clergy</i> <i>Robbing in one shire, and flying into another denied clergy</i>	Vide sect. 12 of 9 G. 4. c. 31. 7 & 8 G. 4. c. 29. s. 11 to 14. 7 G. 4. c. 64. s. 12. 7 & 8 G. 4. c. 29. s. 76.
1 & 2 P. & M. c. 13.	<i>Bailing by Justices</i>	
2 & 3 P. & M. c. 10.	<i>Taking examination of persons suspected of manslaughter and felony</i>	7 G. 4. c. 64. s. 1 to 3.
4 & 5 P. & M. c. 4. c. 4. c. 8.	<i>Accessaries to robbery and burning</i> <i>Accessaries in Murder.</i> Abduction of girls under sixteen.	7 G. 4. c. 64. s. 9 to 11. 7 & 8 G. 4. c. 29. s. 54. 9 G. 4. c. 31. s. 3. s. 20.
5 Eliz. c. 4. c. 10. c. 17.	<i>Affrays, &c. by workmen, &c.</i> <i>Reviving 21 H. 8. c. 7. relating to thefts by servants</i> <i>Sodomy</i>	s. 25. 7 & 8 G. 4. c. 29. s. 46. See 7 & 8 G. 4. c. 29. s. 9. and 9 G. 4. c. 31. s. 15. but not eo nomine.

<i>Statutes repealed totally or in part.</i>	<i>Subjects of Acts repealed.</i>	<i>Classes relating thereto in the new Acts.</i>
5 Eliz. c. 21.	<i>Taking fish, deer, &c...</i>	7 & 8 G. 4. c. 29. ss. 26 to 29—ss. 31, 34, 35.
8 Eliz. c. 4.	<i>Clergy taken from certain felons</i>	7 & 8 G. 4. c. 28. s. 6.
13 Eliz. c. 25. s. 3. 18, 19.	As alters 35 H. 8. c. 17, Woods.	c. 29. s. 38, 39.
16 Eliz. c. 7.	<i>Clergy taken from rape and burglary</i>	Burglary, c. 29. s. 11, 12. Rape, 9 G. 4. c. 31. s. 16 and 18.
27 Eliz. c. 13.	<i>Hue and Cry</i>	See 7 G. 4. c. 64. s. 28. and 7 & 8 G. 4. c. 31.
31 Eliz. c. 4.	<i>Embossing armour, &c.</i>	Obsolete.
c. 12. s. 5. ...	Accessories in horse-stealing denied clergy	7 G. 4. c. 64. s. 9, &c. and 7 & 8 G. 4. c. 29. s. 54.
39 Eliz. c. 9.	<i>Abduction of women</i> ...	9 G. 4. c. 31. s. 19, 20.
c. 15.	<i>Robbing empty house in daytime denied clergy</i>	7 & 8 G. 4. c. 29. s. 12.
43 Eliz. c. 7.	<i>Respecting misdemeanors</i>	Vide c. 29. passim.
c. 13.	<i>Local, as to four Northern counties</i>	Obsolete.
1 Jac. 1. c. 8. (vulg. 2 Jac. 1.)	<i>Manslaughter</i>	9 G. 4. c. 31. s. 7, 8, 9.
c. 11.	<i>Bigamy</i>	s. 22.
2 Jac. 1. c. 27.*	<i>Doves, pigeons, and deer</i>	7 & 8 G. 4. c. 20. s. 7, 8. and also s. 26 and 31.
3 Jac. 1. c. 13.†	<i>Deer and conies</i>	
7 Jac. 1. c. 13.	<i>Explaining ditto</i>	
13 Car. 2. st. 2. c. 1.	<i>Regulating corporations</i>	9 Geo. 4. c. 17.

* Recognized as existing in 2 Geo. 3. c. 29.

† This act and the next are recognized as existing in 16 Geo. 3. c. 30.

<i>Statutes repealed totally or in part.</i>	<i>Subjects of Acts repealed.</i>	<i>Clauses relating thereto in the new Acts.</i>
15 Car. 2. c. 2.....	<i>Destroying trees and woods.....</i>	9 G. 4. c. 30. s. 19, 20. (If intending to steal them,) c. 29. s. 38.
22 Car. 2. c. 5.....	<i>Stealing cloth from racks</i>	7 & 8 G. 4. c. 29. s. 16.
22 & 23 Car. 2. c. 1...	<i>Malicious wounding ..</i>	9 G. 4. c. 31. s. 12.
c. 7...	<i>Malicious burning and maiming.....</i>	7 & 8 G. 4. c. 30. as to burning.
c. 11.	<i>Destroying ships</i>	s. 9.
c. 25.	<i>Mutiny of mariners ..</i>	9 G. 4. c. 31. s. 26.
(except s. 1 to 3.)..	<i>Preserving game and fish.....</i>	7 & 8 G. 4. c. 30. s. 15.
25 Car. 2. c. 2.....	<i>Popish recusants</i>	9 G. 4. c. 17.
3 W. & M. c. 9.	<i>Clergy taken from certain felonies</i>	Plea abolished by c. 28. s. 6. but see s. 7.
4 W. & M. c. 8.	<i>Apprehending highwayman</i>	7 G. 4. c. 64. s. 28 to 30.
c. 23.....	<i>Destroying pigeons, and fishing unlawfully, and burning heath, &c.</i>	7 & 8 G. 4. c. 29. s. 33 and 34—c. 30. s. 15.
c. 24. s. 13.	<i>Explaining an Act of 3 W. & M.</i>	An Act expired.
10 W. 3. c. 12. (vulg. 10 & 11.) c. 23. (except 7 & 8.).....	<i>Burglary, robbery, &c.</i>	7 & 8 G. 4. c. 29.
11 W. 3. c. 7. (vulg. 11 & 12.).....	<i>Assaults on seamen...</i>	9 G. 4. c. 31. s. 26.
1 Ann. st. 2. c. 9.) except s. 3.).....	<i>Accessaries and receivers</i>	7 G. 4. c. 64. s. 9 to 11. and 7 & 8 G. 4. c. 29. s. 54.
5 Ann. c. 31.....	<i>Apprehending house-breakers.....</i>	7 G. 4. c. 64. s. 29.
6 Ann. c. 9. (vulg. 5. c. 6.).....	<i>To repeal a clause in 10 W. 3.</i>	7 & 8 G. 4. c. 29. s. 74, &c.
9 Ann. c. 14.....	<i>Assaulting and provoking to fight</i>	9 G. 4. c. 31. s. 27.

<i>Statutes repealed totally or in part.</i>	<i>Subjects of Acts repealed.</i>	<i>Clauses relating thereto in the new Acts.</i>
9 Ann. c. 10.....	<i>Attempting life of privy councillor</i>	Attempts to kill are by s. 11. of 9 G. 4. made capital; distinction as to rank or station of the party attacked is not continued, except of course as to the king and the branches of his family named in the 25th of Edward the 3rd.
12 Ann. 4. st. 1. c. 7.	<i>Robberies in houses ..</i>	7 & 8 G. 4. c. 29. s. 11 to 14.
13 Ann. 4. c. 21. (volg. 12 Ann. st. 2. c. 15.) s. 4, 5.	<i>Relating to stealing from ships in distress</i>	s. 18, 19.
1 G. 1. st. 2. c. 5. s. 4, 6.	<i>Liability of hundred in riots</i>	c. 31. s. 2.
1 G. 1. c. 48.	<i>Planting and preserving timber, and to prevent burning</i>	c. 30. s. 10.
4 G. 1. c. 11. except s. 7.	<i>Robbery, &c. transportation of felons, &c. except what relates to the Admiralty Jurisdiction</i>	This Act made returning from transportation capital. Quære if re-enacted. See 7 & 8 G. 4. c. 29.
5 G. 1. c. 28.....	<i>Killing deer, &c.</i>	7 & 8 G. 4. c. 29. s. 26 to 29.
6 G. 1. c. 16.....	<i>To explain 1 G. 1. c. 48.</i>	Repealed as above.
c. 23.....	<i>To prevent robbery, burglary, &c.</i>	7 & 8 G. 4. c. 29. passim.
9 G. 1. c. 22.....	<i>Going armed and disguised, and doing injuries to persons ..</i>	Black act. The offences named in this act are provided for in 7 & 8 G. 4. c. 29 and 31. and 9 G. 4. c. 30.

<i>Statutes repealed totally or in part.</i>	<i>Subjects of Acts repealed.</i>	<i>Clauses relating thereto in the new Acts.</i>
12 G. 1. c. 34.	Combinations of workmen	See the 6 G. 4. as to combination. If any assault is committed in consequence of combination, s. 25 of 9 G. 4. c. 31. provides the punishment.
2 G. 2. c. 21.	<i>Trial of Murder</i>	9 G. 4. c. 31. s. 8.
c. 25. s. 3. ..	Stealing orders and securities	7 & 8 G. 4. c. 29. s. 5.
4 G. 2. c. 32.	<i>Stealing lead and iron fixed, &c.</i>	s. 44.
6 G. 2. c. 37.	<i>Cutting sea banks, hopbinds, regulating manufactures of cloth, &c. &c.</i>	c. 30. s. 12. 18.
8 G. 2. c. 16.	<i>Amending statutes of Hue and Cry</i>	The law of Hue and Cry does not appear to be continued.
c. 20.	<i>Destroying turnpikes and public works</i> ..	7 & 8 G. 4. c. 30. s. 13, 14.
10 G. 2. c. 32. (except s. 10).....	<i>Continuing two Acts</i> ..	
11 G. 2. c. 22. s. 5. to the end.....	Liability of hundreds.	7 & 8 G. 4. c. 31. passim.
	Beating, wounding, &c.	9 G. 4. c. 31. s. 12.
13 G. 2. c. 21.	<i>Destroying coal works.</i>	7 & 8 G. 4. c. 30. s. 5.
14 G. 2. c. 6.	<i>Ditto, sheep and cattle.</i>	s. 16.
15 G. 2. c. 34.	<i>To explain ditto</i>	
16 G. 2. c. 30.	<i>Offices and employments.</i>	9 G. 4. c. 17.
22 G. 2. c. 24.	<i>Statute of Hue and Cry amended</i>	The law respecting Hue and Cry appears to be done away, as also the liability of the hundred in case of robbery.
c. 27.	Combinations of workmen	Vide supra.

<i>Statutes repealed to- tally or in part.</i>	<i>Subjects of Acts re- pealed.</i>	<i>Classes relating thereto in the new Acts.</i>
22 G. 2. c. 46. s. 34.	Writs of Execution against inhabitants of hundred.....	See now 7 & 8 G. 4. c. 31. s. 4, 7, &c.
24 G. 2. c. 45.	<i>Robberies on rivers, &c.</i>	7 & 8 G. 4. c. 29. s. 17.
25 G. 2. c. 10.	<i>Securing mines of black lead.</i>	c. 30. s. 5 to 7.
c. 36. s. 1. . . .	Advertisements prohi- bited as to goods lost with an intimation that "no questions would be asked." ..	c. 29. s. 58, 59.
s. 11..	Payments to prosecu- tors in cases of fe- lony.	7 G. 4. c. 64.
c. 37.	Murder.....	9 G. 4. c. 31. s. 2 to 8.
26 G. 2. c. 19. s. 1, 2, 3, 4, & 8.	Stealing from wrecks. search warrants for ditto.....	7 & 8 G. 4. c. 29. s. 18.
	Assaults to hinder sal- vage.	9 G. 4. c. 31. s. 24.
27 G. 2. c. 3.....	Allowances to poor wit- nesses.	7 G. 4. c. 64. s. 22 to 26.
28 G. 2. c. 19. s. 3. . .	Burning goss, &c. and perpetuating 25 G. 2. c. 36.....	7 & 8 G. 4. c. 30. s. 17
29 G. 2. c. 30.	<i>Stealing lead and other metals.</i>	c. 29. s. 37.
c. 36. s. 6, 7, 8, 9.	Liability of parishes, &c. if trees, &c. are cut or destroyed. ..	As to destroying trees, &c. see 7 & 8 G. 4. c. 30. s. 19.; as to stealing, c. 29. s. 38. but the liability of hundreds, &c. to make good the da- mage is not continued by the late Act ex- cept in case of riots.
30 G. 2. c. 24. s. 1. . . .	Obtaining money by false pretences.....	7 & 8 G. 4. c. 29. s. 53.

<i>Statutes repealed totally or in part.</i>	<i>Subjects of Acts repealed.</i>	<i>Clauses relating thereto in the new Acts.</i>
31 G. 2. c. 35.	<i>Destroying madder. . . .</i>	See 7 & 8 G. 4. c. 30. s. 21, 22. as to roots.
2 G. 3. c. 29.	<i>To amend the 1 Jac. 1. for preserving game. It relates to pigeons.</i>	7 & 8 G. 4. c. 29. s. 33.
4 G. 3. c. 12.	<i>Destroying banks, flood-gates, &c.</i>	c. 30. s. 12.
c. 31.	<i>Inter alia pl. destroying trees.</i>	c. 29. s. 36 to 41.
5 G. 3. c. 14.	<i>Fish and conies, and Lincolshire sea banks</i>	s. 34. 35.
6 G. 3. c. 36.	<i>Preservation of trees, roots, &c.</i>	c. 30. s. 19. as to destroying trees,
c. 48.	<i>Preservation of timber and woods.</i>	c. 29. s. 38 to 41. damaging and stealing.
9 G. 3. c. 29.	<i>Destroying mills, works of mines, &c.</i>	c. 30. s. 2, 5, 6, 7.
c. 41.	<i>Inter alia, preserving hollies, &c.</i>	c. 29. s. 38, 39.—c. 30. s. 19, 20,
10 G. 3. c. 18.	<i>Stealing dogs.</i>	c. 29. s. 31. 32.
c. 48.	<i>Receivers.</i>	s. 54 to 57.
13 G. 3. c. 31. s. 4, 5.	<i>Punishing larceny and receivers.</i>	passim.
c. 32.	<i>Stealing turnips, cab-bages, &c.</i>	s. 43.
c. 33.	<i>Preserving poplars, alders, &c.</i>	s. 38 to 41.—c. 30. s. 19.
16 G. 3. c. 20.	<i>Deer.</i>	c. 29. s. 26 to 29.
18 G. 3. c. 19.	<i>Prosecutor's costs. . .</i>	7 G. 4. c. 64.
19 G. 3. c. 74. (except s. 70.)	<i>Transportation, imprisonment, &c.</i>	7 & 8 G. 4. c. 28. s. 9.
21 G. 3. c. 68.	<i>To explain 4 G. 2. c. 32. lead, &c.</i>	c. 29.

<i>Statutes repealed totally or in part.</i>	<i>Subjects of Acts repealed.</i>	<i>Clauses relating thereto in the new Acts.</i>
21 G. 3. c. 69.....	<i>Lead, &c.</i>	
22 G. 3. c. 55.	<i>Receivrs.</i>	7 & 8 G. 4. c. 29. s. 54 to 57.
30 G. 3. c. 48.	<i>Petit Treason.</i>	Distinction from murder no longer continued, see 9 G. 4.
31 G. 3. c. 35.	<i>That persons convicted of petty larceny may be witnesses.</i>	The distinction between petty and grand larceny abolished by 7 & 8 G. 4. c. 29. s. 2.
c. 51.	<i>Oyster fisheries.</i>	7 & 8 G. 4. c. 29. s. 36.
33 G. 3. c. 67. s. 5 and 6.	<i>Firing ships and obstructing and assaulting seamen.</i>	7 & 8 G. 4. c. 30. s. 9. and 9 G. 4. c. 31. s. 24 to 29.
35 G. 3. c. 67.	<i>Bigamy.....</i>	9 G. 4. c. 31. s. 22.
36 G. 3. c. 9. (s. 3 to the end.)	<i>Liability of hundreds— Assaults to obstruct the passage of grain, &c. &c.</i>	7 & 8 G. 4. c. 31. passim. 9 G. 4. c. 31. s. 26.
39 G. 3. c. 85.	<i>Embezzlements of clerks and servants.</i>	7 & 8 G. 4. c. 29. s. 48 to 51.
39 & 40 G. 3. c. 77. s. 1 and 5.....	<i>Misdemeanor, stealing under 5s. wilful injuries, &c.....</i>	c. 29, 30.
41 G. 3. c. 24. (U. K.)	<i>Indemnity to persons whose wills, &c. destroyed.....</i>	c. 31.
c. 67.....	<i>Extending 13 G. 3. c. 32.</i>	Stealing, &c. vegetables 7 & 8 G. 4. c. 29. s. 43. Destroying, &c. c. 30. s. 21, 22.
c. 107.	<i>Deer.....</i>	7 & 8 G. 4. c. 20. s. 26 to 29.

<i>Statutes repealed totally or in part.</i>	<i>Subjects of Acts repealed.</i>	<i>Clauses relating thereto in the new Acts.</i>
43 G. 3. c. 58. (part of sec. 1.)	<i>Malicious shooting at, wounding, stabbing, &c. using means to procure the miscarriage of women, and setting fire to buildings.</i>	7 & 8 G. 4. c. 29. s. 26 to 29.—c. 30. s. 2. &c. 9 G. 4. c. 31. s. 11, 12, 13.
c. 59.	<i>As to laying the property.</i>	7 G. 4. c. 64. s. 22 to 24.
c. 113. (except sec. 6.	<i>Cutting away and destroying ships, regulating trials of accessories to murders, and felonies and man-slaughters.</i>	7 G. 4. c. 64. s. 9, 10, 11. 7 & 8 G. 4. c. 29. s. 61. c. 30. 9 G. 4. c. 31. s. 3. and 31.
44 G. 3. c. 92. s. 7, 8.	<i>Theft and larceny.</i>	c. 29. passim.
45 G. 3. c. 66.	<i>Amending 6 G. 3. c. 36. and 9 G. 3. c. 41.</i>	This relates to stealing bark of trees in the king's forests, &c. Quære, if specifically provided for in the new acts.
48 G. 3. c. 139.	<i>To repeal 8 Eliz. c. 4. as to taking clergy from the offence of privately stealing.</i>	7 & 8 G. 4. c. 29. s. 6.
c. 144.	<i>Preserving the oyster fisheries.</i>	s. 36.
51 G. 3. c. 41.	<i>To repeal 18 G. 2. as far as the same takes clergy from persons in stealing cloth, &c. in printing grounds.</i>	s. 16,
c. 120.	<i>Deer.</i>	s. 26 to 29.
52 G. 3. c. 63.	<i>Embezzling securities by bankers, &c.</i>	s. 48 to 51.
c. 64.	<i>Extending 30 G. 2. c. 24. as to obtaining money by false pretences, bonds, &c.</i>	7 & 8 G. 4. c. 29. s. 53.

<i>Statutes repealed totally or in part.</i>	<i>Subjects of Acts repealed.</i>	<i>Classes relating thereto in the new Acts.</i>
52 G. 3. c. 180.	<i>Destroying property and recovering the damages.</i>	7 & 8 G. 4. c. 29. <i>passim.</i>
53 G. 3. c. 162.	<i>Relating to larceny as respects imprisonment and hard labour.</i>	c. 29. <i>passim.</i>
54 G. 3. c. 101.	<i>Child stealing.</i>	9 G. 4. c. 31. s. 21.
56 G. 3. c. 73.	<i>Stealing from mines. ..</i>	7 & 8 G. 4. c. 29. s. 37.
c. 125.	<i>Destroying buildings and machinery, and enabling the owners to recover damages. ..</i>	c. 30, 31. but c. 31. gives redress in case of riots only.
57 G. 3. c. 19. s. 38.	<i>Liability of hundreds, towns, &c.</i>	
57 G. 3. c. 90.	<i>Going armed at night to destroy game.</i>	9 G. 4. c. 69. Night poaching.
58 G. 3. c. 38.	<i>Extending regulations of the 11 W. 3.</i>	As to seamen; see 9 G. 4. c. 13. s. 26 and 30.
c. 70.	<i>Repealing those parts of several acts allowing rewards for prosecuting felons. ..</i>	7 G. 4. c. 64. s. 22.
59 G. 3. c. 27.	<i>As to trials of felonies on rivers, canals, &c.</i>	7 & 8 G. 4. c. 29. s. 17.
c. 96.	<i>To facilitate trials for robbing coaches, &c. and on boundaries of counties.</i>	7 G. 4. c. 64. s. 9 to 12. 7 & 8 G. 4. c. 29. s. 76.
1 G. 4. c. 56.	<i>Summary punishment for damaging wilfully. ..</i>	c. 30.
c. 90.	<i>Explaining 43 G. 3. c. 113.</i>	Vide supra.
c. 102.	<i>Stealing from mines. ..</i>	7 & 8 G. 4. c. 29. s. 37.
c. 115.	<i>Repealing the 39 Eliz. making abduction capital; the 4 G. 1. which made returning from transportation capital; and the 5 G. 2. c. 30. making concealing effects by bankrupts capital. ..</i>	As to abduction, see 9 G. 4. c. 31. s. 19; 20. Returning from transportation; 5 G. 4. c. 84. Concealing effects by bankrupts, 6 G. 4. c. 16.

<i>Statutes repealed to- tally or in part.</i>	<i>Subjects of Acts re- pealed.</i>	<i>Classes relating thereto in the new Acts.</i>
1 G. 4. c. 117.....	<i>In effect restoring be- nefit of clergy in cases of stealing in shops, &c. and to 5s. value.</i>	As to benefit of clergy, see 7 & 8 G. 4. c. 28. s. 6 and 7.
1 & 2 G. 4. c. 88.....	Assaulting, wounding, &c.	Assaulting officers in order to rescue prisoners, see s. 12 and a. 25 of 9 G. 4. c. 31.
3 G. 4. c. 24.	<i>Receivers.....</i>	7 & 8 G. 4. c. 29. s. 54 to 57.
c. 33.	<i>Damages from rioters or malicious.....</i>	c. 30, 31. passim.
c. 38.	<i>Manslaughter, servants robbing their masters and accessories be- fore the fact in lar- cencies and felonies...</i>	As to manslaughter, see 9 G. 4. c. 31. s. 9. Accessories, 7 G. 4. c. 64. Larcenies generally, 7 & 8 G. 4. c. 29.
c. 114.....	Receivers and false pre- tences.	7 & 8 G. 4. c. 29. s. 54 to 57 as to receivers. As to false pretences, s. 53.
	Assaults.	9 G. 4. c. 31. s. 24 to 29.
c. 126. s. 128.	Felonies on turnpike trusts.	7 & 8 G. 4. c. 30. s. 14. and 7 G. 4. c. 64. s. 17.
c. 46.....	Repealing several acts so far as they inflict capital punishments.	See the exception at the end of clause 1, of c. 27.
c. 53.....	Giving clergy in cer- tain larcenies.....	7 & 8 G. 4. c. 28. s. 6 and 7.
c. 54.....	Giving clergy in certain felonies, on convic- tions under the 9th of G. 1. and the 27th of G. 2	

XXIV A SCHEDULE OF STATUTES REPEALED.

<i>Statutes repealed totally or in part.</i>	<i>Subjects of Acts repealed.</i>	<i>Classes relating thereto in the new Acts.</i>
6 G. 4. c. 19.	<i>Sending threatening letters.</i>	7 & 8 G. 4. c. 29. s. 8, 9.
c. 56.	<i>Stealing property in mines and from corporations.</i>	s. 37.
c. 94. s. 7, 8, 9 and 10.	<i>Misdemeanors by factors, &c.</i>	s. 51.
7 G. 4. c. 69.	<i>Stealing from gardens and hot-houses.</i>	s. 42.

AN ANALYSIS
OF, AND
DIGESTED INDEX
TO, THE
CRIMINAL STATUTES.

ABDUCTION, Forcible,

Of women, on account of their property, fel. 9 G. 4.
pun. Tr. life or 7 years, or Impr. with or c. 31.
without H. L. not ex. 4 yrs. 9 Geo. 4. c. 31. s. 19.
s. 19.

Of girls under 16 yrs. misd. pen. Fine or Impr. s. 20.
or both, as the Ct. shall award. Id. s. 20.

ABETTERS. See *Accessories*.

ABORTION.

Administering drugs, or using other means to s. 13.
procure abortion of a woman quick with
child, fel. pun. D. Id. s. 13.

If the woman be not quick with child, fel. pun.
Tr. not ex. 14 nor less than 7 yrs. or Impr.
with or without H. L. not ex. 3 yrs. at the

ABORTION—*continued.*9 G. 4.
c. 31.

disc. of the Ct. and if a male, to be once, twice, or thrice pub. or priv. W. in add. to Impr. Id.

Aiders and abettors therein are liable to the same pun. Id.

ACCESSARIES,

7 G. 4.
c. 64.

Before the fact in fel. may be indict. and conv. as access. before the fact to the prin. fel. together with the fel. or may be indict. and conv. of a substantive fel. whether the prin. fel. shall or shall not be amenable to justice, and may be pun. in the same manner as an access. before the fact to the same fel. if conv. as an access. may be pun. and the offence may be tried and pun. by any C. having juris. to try the princ. fel. in the same manner as if the offence had been comm. at the same place as the prin. fel. altho' the offence was comm. at sea or land, within H.M.'s dom. or without. 7 Geo. 4. c. 64. s. 9.

s. 9.

If the prin. fel. is comm. in one co. and the counselling, procuring, &c. be comm. in another co. the last offence may be enquired of, tried, and pun. in either co. Id.

s. 9.

But no one, duly tried for any such offence, whether as an access. before the fact, or for a substantive fel. can be again indict. or tried for the same offence. Id.

ACCESSARIES—*continued.*

After the fact, in fel. whether it be a fel. at 7 G. 4.
com. law or by stat. the offence may be tried c. 64.

and pun. by the Ct. having juris. to try the
prin. off. in the same manner as if the offence
had been comm. in the same place as the
prin. fel. altho' the offence was comm. at sea
or on land, within H.M.'s dom. or without.
Id. s. 10.

If the prin. fel. is comm. in one co. and the s. 10.
offence of the access. is comm. in another
co. the access. may be tried and pun. in
either co. Id.

But no such person; duly tried as an access. s. 10.
shall be indict. or tried again for the same
offences. Id.

*Before and after the fact—when the prin. fel.
is not attained.*

When a princ. off. is in any wise conv. of any s. 11.
fel. any access. either before or after the fact,
may be proceeded against in the same man-
ner as if the princ. fel. had been attained
thereof; notwithstanding the prin. fel. shall
be dis. or be admitted to the benefit of clergy,
pardoned, or otherwise delivered before at-
tainder; and such access. shall suffer the
same pun. if conv. as if the princ. off. had
been attained. Id. s. 11.

ACCESSARIES—*continued.*

- 7 & (1. 4. c. 30. Before the fact—*In malicious injuries.*
 In every fel. pun. (under the 7 and 8 Geo 4. c. 30.) every princ. in the second degree, and every access. before the fact, shall be punishable with D. or otherwise as the princ. in the first degree is punishable. 7 & 8 Geo. 4. c. 30.
 Every access. after the fact to a fel. punishable under the same act, on conv. pun. Impr. not ex. 2 yrs. Id.
 And every aider or abetter, &c. to any misd. pun. under the said act, to be indict. and pun. as a princ. Id. See *Principal and Accessary*, ante.
- s. 27. And when any person shall be conv. of any indict. off. punishable under the said act, for which Impr. may be awarded, the Ct. may sentence the off. to Impr. and H. L. and also sol. con. for the whole or any part of the Impr. or of such Impr. with H. L. as the Ct. think fit. Id. s. 27.
- s. 42. Where any fel. or misd. punishable under the said act, is comm. within the jurisd. of the Admiralty, the same shall be dealt with and tried as any other fel. or misd. comm. within that jurisd. Id. s. 42.
 But not to extend to the Post Office, Revenue Stores, Bank, or South Sea Company. Id.

ACCESSARIES—*continued.*

Before the fact—*In injuries to the person.*

Every access, before the fact to any fel. punishable under the 9 Geo. 4. c. 31. for whom no pun. has been by that stat. provided, pun. at the disc. of the Ct. ; Tr. not ex. 14 nor less than 7 yrs. or Impr. with or without H. L. not ex. 3 yrs. 9 Geo. 4. c. 31. 9 G. 4.
c. 31.

After the fact, (*except in murder*) pun. Impr. with or without H. L. not ex. 2 yrs. Id.

Every aider and abetter in any misd. punishable under the said act, to be proceeded against and pun. as a prin. off. Id.

Accessaries in murder and manslaughter. See those titles, post.

Before the fact—*In Larceny.*

In every fel. punishable under the 7 & 8 Geo. 4. c. 29, s. 61, every prin. in the second degree, and every access before the fact, pun. D. or otherwise, as the prin. in the first degree is by the said act punishable, 7 & 8 Geo. 4. c. 29. s. 61. 7 & 8 G. 4
c. 29.

After the fact—*In Larceny.*

Every access, after the fact to any fel. punishable under the said act, (*excepting only a receiver of stolen property*) pun. Impr. not ex. 2 yrs. Id.

Aiders and abettors in any misd. punishable under

ACCESSARIES—continued.

7 & 8 G. 4.
c. 29. the said act, may be indict. and pun. as a princ. off. Id.

s. 45. *Receivers in Fel.* are guilty of fel. and may be indict. and conv. either as access. after the fact. or for a substantive fel. and in that case whether the prin. fel. shall or not have been previously conv. or shall or not be amenable to justice, pun. Tr. not ex. 14, nor less than 7 yrs. or Impr. not ex. 3 yrs. and if a male, once, twice or thrice pub. or priv. W. in add. to such Impr. Id. s. 45.

But such person is not to be tried twice for the same offence. Id.

Receivers in Misdemeanours.

s. 55. Receivers of property, the stealing whereof is by the said act a misd. are guilty of a misd. and may be indict. and conv. whether the person guilty of the prin. misd. shall or not have been previously conv. thereof, or shall or not be amenable to justice, pun. Tr. 7 yrs. or Impr. not ex. 2 yrs. if a male, once, twice or thrice pub. or priv. W. in add. to the Impr. Id.

s. 56. *Receivers*, whether charged as access. after the fact to a fel. or to a substantive fel. or with a misd. only, may be indict. tried, and pun. in any Co. or place where the stolen property

ACCESSARIES—*continued.*

shall be found in possession, or where the prin. fel. or misd., may be tried in the same manner as such receiver may be indict. tried, and pun. in the co. or place where he actually received the property. *Id.* s. 56. 7 & 8 G. 4. c. 64.

ADDITION.

An indict. or inf. shall not be abated by reason of a dilatory plea of misnomer, or defect of, or for want of add. (a) but the Ct. may order the same to be amended, and call on the party to plead. 7 Geo. 4. c. 64. s. 19. 7 G. 4. c. 64

ADMINISTERING DRUGS to procure abortion, see *Abortion*, p. 1. ante.

ADMINISTRATION. See *Navy, Pay*, post.

ADVERTISING

A reward for the return of stolen property, *no questions asked.* Persons advertising for, or printing such advertisement, pen. 50*l.* to him that sues, for every offence, by action of debt, with full costs. 7 & 8 Geo. 4. c. 29. s. 59. 7 & 8 G. 4. c. 29.

(a) The statute of additions (1 H. 5. c. 5.) is not repealed. If a party is outlawed by a wrong addition, he may take advantage of it in error, for errors are not assisted by this sect. of the stat. Sir R. Parker's case, Comb. 164. But this objection would be of little benefit to a prisoner; for if an outlawry is awarded, prisoner must plead to the indictment. 2 Curw. Hawk. 665.

AGENTS.

- 7 & 8 G.4. **Embezzlement by banker, merchant, broker,**
c. 29. attorney, or agent of property intrusted to them for special purposes, misd. pun. Tr. not ex. 14, nor less than 7 yrs. or Fine or Impr. or both. Id. s. 49.
- s. 49. **Embezzling property deposited with them for safe custody or special purpose, without authority to sell, negotiate, transfer, or pledge,** misd. pun. any of the above pun. as the Ct. may award. Id.
- s. 60. **Not to affect trustees or mortgagees, nor bankers, &c. receiving money due on securities, nor to securities on which they have a lien, claim, or demand, unless the transfer be of a greater number than necessary.** Id. s. 60.

AMENDMENT of Informations and Indictments,

see *Addition*, ante.

- 7 G. 4. **Of proceedings relative to the customs, by Js. P.**
c. 48. 7 Geo. 4. c. 48. s. 17. See *Customs*.

ANGLING

- 7 & 8 G.4. **In the day time, in water adjoining or belonging to a dwelling house, pen. not ex. 5*l*. and angling in the day time in any water not adjoining or belonging to a dwelling house, pen. not ex. 2*l*. on conv. before one J. P.** 7 & 8 Geo. 4. c. 20. s. 54.

APPEAL

Against conv. in malicious injury. If the sum adjudged on summary conv. *ex. 51.* or the impr. *ex. one c. m.* or the conv. is before one J. P. only, the *appeal* lies to the next G. or Q. Sess. notice thereof to be given, and recog. with two sureties, entered into before one J. P. to appear, try the appeal, abide the judgment of the Ct. and pay costs awarded. *Id.* s. 31. 7 & 8 G. 4. c. 20.

APPEARANCE.

The mode of compelling appearance, in all offences punishable on summary conv. See 7 & 8 G. 4. c. 30. 7 & 8 Geo. 4. c. 30. s. 29.

APPREHENSION of offenders in cases . . .

Under the Larceny Act. 7 & 8 Geo. 4. c. 29. s. 63. 7 & 8 G. 4. c. 29.

Under the Metropolitan Roads Act. 7 Geo. 4. c. 13. s. 13. 7 G. 4. c. 13.

Under the Malicious Injuries Act. 7 & 8 Geo. 4. c. 30. s. 28. 7 & 8 G. 4. c. 30.

Relating to the Customs. 6 Geo. 4. c. 106; s. 31. 6 G. 4. c. 106.

APPRENTICES.

Neglect of apprentices, paupers and helpless persons, are indictable offences. See *Rex v. Frier and ux.* Russ. & Ry. C. C. R. 20. *Rex v. Meredith.* *Id.* 46. *Rex v. Booth.* *Id.* 47. (n) *Rev v. Warren.* *Id.* 28. (n).

ARREST. See *Apprehension*, ante.

- 9 G. 4. Of clergyman performing Divine Service, or in
c. 33. going or returning, misd. pun. Fines or Impr.
or both, as the Ct. shall award. 9 Geo. 4.
c. 33. s. 23.

ARSON.

- 7 & 8 G. 4. Setting fire to buildings, with intent to injure or
c. 30. defraud any person, fel. pun. D. 7 & 8
Geo. 4. c. 30. s. 2.
- s. 17. Firing stacks of corn, &c. pun. D. Crops of corn,
&c. whether standing or cut, or wood, coppice
or plantation of trees, or heath, gorse,
furze, fern, wheresoever growing, fel. Tr. 7
yrs. or Impr. not ex. 2 yrs. and if a male,
once, twice or thrice pub. or priv. W. in add.
to the Impr. Id. s. 17.
- s. 5. Firing coal mines, fel. pun. D. Id. s. 5.

ARTICULO MORTIS.

The declarations of the deceased made on the day
he was wounded, and when he believed he
should not recover, is admissible evidence,
although he did not die until some days after.

Rex v. Mosley, Ry. & M. C. C. R. 97.

Nothing can be received as evidence in a declara-
tion in *articulo mortis* that would not be so
if the party were sworn: any thing that a
murdered person in *articulo mortis* says as
to the fact, is receivable; but not what he

ARTICULO MORTIS—*continued.*

says as matter of opinion. *Rex v. Sellers*,
M. S. O. B. 1796.

These declarations are only admissible where the death of the deceased is the subject of inquiry, and the circumstances of the death are the subject of the dying declarations, and the Ct. would not admit a declaration of the dying person agt. any one ind. for perjury. *Rex v. Mead*, 4 D. & B. 120.

The declarations of subscribing witnesses confessing the forgery of deeds, were admitted in *Wright v. Littler*, 5 Burr. 1244. 6 East, 195.

ARTIFICERS, &c.

Combination of artificers, workmen, &c. to obtain advance of wages, &c. All the stats. from 33 Edw. 1. to 5 Geo. 4. are repealed by 6 Geo. 4. c. 129. 6 G. 4. c. 129.

Artificers going abroad. All the acts relating to this subject are also repealed by 5 Geo. 4. c. 97. 5 G. 4. c. 97.

ASSAULT, Common.

On summary conv. before two Js. P., pun. Fine not ex. together with costs (if ordered) 5l. to overseers of the poor, to be paid over by them in aid of the co. rate of the place where the offence was com. 9 Geo. 4. c. 31. s. 27. 9 G. 4. c. 31.

If the Fine with the costs (if ordered), are not paid immediately after conv. or within such

ASSAULT—*continued.*

9 G. 4.
c. 31. s. 27.

time as the Js. shall appoint, comm. to the com. g. or h. c. not ex. 2 cal. m. unless Fine &c. sooner paid. Id.

If the Js. shall deem the offence not proved, or find the assault to have been justified, or so trifling as not to merit pun. and shall dismiss the comp., they shall deliver a cert. under their hands of such dismissal to the party compl. of. Id.

s. 28.

The party obtaining such cert., or having been conv. shall have paid the whole amount adjudged to be paid, or shall have suffered the Impr. awarded for non-payment; in every such case he shall be released from all further proceedings civil or crim. for the same cause. Ibid. s. 28.

s. 28.

If the assault shall have been accompanied by any attempt to com. fel., or the Js. shall be of opinion that it is a fit subject for a prosecution by ind. they shall abstain from any adjud. thereon, and deal with the case in same manner as before the passing of this act. Id. s. 29.

But Js. P. are not authorized to hear and determine any case of assault and battery in which any question shall arise as to the title to lands; &c., or any interest therein; or in any in bankruptcy or insolvency, or any exe-

ASSAULT—*continued.*

- cution under the process of any Ct. of Justice. *Id.* 9 G. 4. c. 31. s. 29.
- With intent to commit felony; pun. Impr. with H. L. 5 G. 4. c. 114.
 not ex. the term for which the Ct. may imp.
 for such offence, either in addition to, or in lieu of any other pun. which might be inflicted on offenders before the passing of this act. 5 Geo. 4. c. 114.
- Privy Councillors.—Striking or wounding a privy councillor was by the 9 Ann. c. 16. made a capital offence. But that stat. is repealed by 9 Geo. 4. c. 31.
- Members of the two Houses of Parliament and their servants, under 5 Hen. 4. c. 6. 11 Hen. 6. c. 11. are repealed by *id.*
- Clerks in Orders, under the stat. *Articulis Cleri*, 9 Edw. 2. stat. 2. c. 3. is repealed. *Id.*
- With weapons in a church or church-yard, under 5 & 6 Edw. 6. c. 4. s. 8. is repealed. *Id.*
- Mariners assaulting their commander to hinder him from fighting the ship, under 22 & 23 Car. 2. c. 11. repealed. *Id.* But this is a capital offence under 11 & 12 W. 3. c. 7. s. 9. which act is not repealed.
- Assaulting magistrates, officers and others endeavouring to save wrecked property, pun. Tr. for 7 yrs., or Impr. with or without H. L. for so long as the Ct. shall award. *Id.* s. 24.

ASSAULT—*continued.*

- 7 & 8 G. 4. With intent to rob, fel. Tr. at the disc. of the
c. 29. Ct. for not less 7 yrs., or Impr. not ex. 4 yrs.
and if a male, once, twice or thrice pub. or
priv. W. in add. to the Impr. 7 & 8 G. 4.
c. 29. s. 6.
- 9 G. 4. In pursuance of a conspiracy to raise the rate of
c. 31. wages, pun. Impr. with or without H. L.
not ex. 2 yrs. and Fine, with sureties to keep
the peace. 9 Geo. 4. c. 31. s. 25.
- s. 25. With intent to rescue.—To prevent apprehen-
sion—on officers, pun. as last aforesaid,
Id.
- 6 G. 1. With intent to destroy garments, pun. Tr. 7 yrs.
c. 23. 6 Geo. 1. c. 23. s. 11.
With intent to commit a rape.—A boy under 14
cannot be conv. for this offence. *Rex v. Eldershaw*, 5 C. & P.
- 7 & 8 G. 4. On deer-keepers and their assistants, fel. pun.
c. 27. the same as for simple larc. 7 & 8 Geo. 4.
c. 27. s. 29. See *Larceny*, post.
- Summary Conviction.*
- 9 G. 4. On seamen, ship carpenters, keelmen or caster, to
c. 31. hinder their working; pun. on conv. before
2 Js. P. Impr. and H. L. not ex. 3 cal. m.
*Persons punished for such offences by the
above act are not to be punished for the same
offence by any other law.* 9 Geo. 4. c. 31.
s. 26.

ASSAULT—*continued.*

To prevent the buying or selling, or free passage
of grain, flour, meal, &c., on conv. before 9 G. 4.
c. 31. s. 26.
2 Js. P. Impr. and H. L. not ex. 3 cal. m. Id.

*Persons thus pun. are not to be pun. for
the same offence by any other law. Id.*

Expences in cases of misd., when allowable.

In assaults, with intent to com. fel., attempt to 7 G. 4.
com. fel., riot, misd., for receiving stolen c. 64.
property, upon peace officer in the exc. of
his duty, or upon any person acting in his
aid, neglect or breach of duty as peace offi-
cer, assault comm. in pursuance of any con-
spiracy to raise the rate of wages, obtaining
money under false pretences, wilful and
corrupt perjury, wilful and indecent expo-
sure of the person, subornation of perjury.
7 Geo. 4. c. 64. s. 23.

ATTORNEY,

Embezzling, &c. property entrusted to him for spe-
cial purposes, p. 8, ante, misd. pun. Tr.
not ex. 14 nor less than 7 yrs. or Fine, or Imp.
or both. See *Agents*, p. 8, ante.

AVENUE.

Unlawfully and maliciously destroying or damag- 7 & 8 G. 4.
ing the whole or any part of a tree, sapling c. 30.
or shrub or underwood growing in any ave-
nue, &c. adjoining a dwelling-house, if the
injury done amounts to 1l. fel. pun. at the

AVENUE—*continued.*

7 & 8 G. 4.
c. 80.

disc. of the Ct. Tr. 7 yrs. or Impr. not ex. 2 yrs.; if a male, once, twice or thrice pub. or priv. W. if the Ct. think fit, in add. to Impr. 7 & 8 Geo. 4. c. 30. s. 19. See *Trees*, post.

B.

BAIL in felony, by Justices.

7 G. 4.
c. 64.

One J. P. cannot take bail on a charge of fel. or suspicion of fel.; he must either dismiss the charge, or commit the accused, if there be positive credible proof or a strong presumption of guilt. And if he thinks there is not such presumption of guilt, and that he ought not to dismiss the charge, then he must order the accused party to be detained until he is taken before two justices, 7 Geo. 4. c. 64. s. 1.

If the accused party is brought before two Js. either in the first instance, or on being ordered to be detained by one J., the two Js. may, if they think that there is not a strong presumption of guilt, but that suff. appears against him to make a *judicial* enquiry proper, admit him to bail. Id.

And they may admit him to bail, not only if

BAIL—*continued.*

no strong presumption is raised by the evidence adduced on the part of the prosecutor, but also when it has been raised, but is weakened by the evidence on the part of the accused. *Id.* 7 G. 4. c. 64.

But it is not compulsory on any Justice or Justices to hear evidence on the part of the accused, unless it appears to be conducive to the aids of justice to hear it. *Id.*

BANK NOTES.

Engraving any plate of copper, &c. for making forged bank notes, or having any such in possession, fel. Tr. for 14 yrs. 1 Geo. 4. c. 92. s. 1. 1 G. 4. c. 92.

Engraving on any plate of metal, &c. the line work for the ground work of promissory notes or bills of exchange, to resemble the ground work of bank notes, or any other matter to resemble bank notes, or having any such plate, &c. or impression thereof in possession, or uttering or publishing any impression thereof, fel. Tr. for 14 yrs. *Id.*

The Bank may proceed on an ind. for the minor off: altho' an ind. has been found for the capital charge.

BANKS.

Injuries to sea, river, or canal banks, locks, flood-gates or other work, fel. pun. Tr. for life, or 7 & 8 G. 4. c. 30.

BANKS—*continued.*

7 & 8 G. 4.
c. 30. not less than 7 yrs. or Impr. not ex. 4 yrs.
at disc. of the Ct. ; if a male once, twice, or
thrice pub. or priv. W. in add. to the Impr.
7 & 8 Geo. 4. c. 30. s. 12.

Cutting away, &c. piles or obstructing navigation,
fel. pun. Tr. 7 yrs. or Impr. not ex. 2 yrs.
and W. as above. Id.

BANKERS.

Embezzling property entrusted to them for special
purposes, misd. pun. Tr. not ex. 14 nor less
than 7 yrs. or Fine, or Impr. or both. See
Agents, p. 8. ante.

BANKRUPT.

1 & 2 G. 4.
c. 115. Persons disturbing the commissioners may be
apprehended and taken before a magistrate
to be dealt with according to law. 1 & 2
Geo. 4. c. 115. s. 21. (a)

6 G. 4.
c. 16. False swearing, pun. the same as for perjury.
6 Geo. 4. c. 16. s. 99.

s. 112. Not surrendering, not discovering their property,
nor delivering up papers, &c. concealing
books, &c. and secreting property to the
amount of £10 fel. pun. Tr. for life, or not
less than 7 yrs. or Impr. with H. L. not ex.
7 yrs. Id. s. 112.

(a) This act is not repealed.

BAWDY OR DISORDERLY HOUSES.

Keeping any such house, pun. Impr. with H. L. 3 G. 4.
at the disc. of the Ct. 3 Geo. 4. c. 114. c. 114.

BEASTS. Summary Jurisdiction.

Stealing dogs, beasts or birds, pun. on conv. and 7 & 8 G. 4.
before a Js. of the P. 1st off. to forfeit and c. 30.
pay above the value of the dog, &c. not ex.
£20. Pen. for subsequent off. comm. to H. L.
not ex. 12 cal. m. if such subsequent conv.
is before 2 Js. they may order the off. to
be once or twice pub. or priv. W. at the end
of 4 days from the time of conv. 7 & 8
Geo. 4. c. 30. s. 31.

Persons found in possession of any such dog, &c. 7 & 8 G. 4.
or the skin or plumage, and under a search c. 29.
warrant (s. 63. See *Search Warrant*, post.)
the same to be restored to the owner, pen. on
conv. before a J. P. 1st off. and every sub-
sequent off. forfeiture and conv. as above.
7 & 8 G. 4. c. 29. s. 32.

BEDFORD LEVEL.

Destroying banks, &c. and other off. therein, pen. 4 G. 4.
Tr. life, or not less than 7 yrs. or Impr. with c. 46.
H. L. not ex. 7 yrs. 4 Geo. 4. c. 46.

BENEFIT OF CLERGY,

As to persons conv. of fel. is abolished. 7 G. 4. 7 G. 4.
s. 28. s. 6. c. 28.

BIGAMY.

Every person guilty of bigamy, and every person

BIGAMY—*continued.*9 G. 4.
c. 31.

coonselling, aiding or abetting therein, fel. pun. Tr. 7 yrs. or Impr. with or without H. L. not ex. 2 yrs. *The off. may be tried, &c. in the co. where the party is apprehended, or is in custody.* 9 Geo. 4. c. 31. s. 22.

BIRDS. *Summary Jurisdiction.*Stealing. See *Beasts*, p. 19. ante.

BIRTH.

Concealment of the birth of bastard children. See title *Concealment*, p. 31. post.

BLASPHEMOUS AND SEDITIOUS LIBELS.

60 G. 3.
c. 3.

Persons conv. once, and off. a second time, pun. as in cases of high misd. or banishment for such time as the Ct. shall order. 60 Geo. 3. c. 3.

BODIES.

Stealing a dead body is an indictable off. *Rex v. Gilles, Russ. and Ry. C.C.R. 366. n.*

BRAWLING IN CHURCHES AND CHURCH-YARDS.

5 & 6 Ed. 6.
c. 4.

Punishable by ecclesiastical censures. 5 & 6 Edw. 6. 4. s. 1 & 2.

BRIDGES.

7 & 8 G. 4.
c. 30.

Destroying or injuring public bridges, fel. pun. (at the disc. of the Ct.) Tr. for life, or not less than 7 yrs. or Impr. not ex. 4 yrs. and if a male, once, twice or thrice pub. or priv.

BRIDGES—*continued.*

W. in add. to the Impr. 7 & 8 G. 4. c. 30. 7 & 8 G. 4.
s. 13. c. 30.

BROKERS,

Embezzling property entrusted to their care for special purposes, misd. pun. Tr. for 14 or not less than 7 yrs. or Fine or Impr. or both.
See *Agents*, p. 8. ante.

BULL-BAITING.

This offence is not punishable under the stat. for preventing cruelty to cattle, bulls not being included in the act of 3 Geo. 4. c. 71. See ex parte Hill, 3 C. & P. 225.

BUOYS.

Cutting away buoys, ropes, marks, &c. belonging to ships, whether in distress or otherwise, fel. pun. Tr. not ex. 7 yrs. or Impr. in mitigation, for any number of yrs. at the disc. of the Ct.
1 & 2 Geo. 4. c. 75. s. 11.

BURIAL.

Obstructing a clergyman in reading the service of the burial of the dead is an indictable off.
Rex v. Cheere, 7 D. & R. 461.

BURGLARY.

Persons conv. of, pun. D. entering a dwelling house with intent to commit fel. or breaking out of a dwelling in the night, it is burglary.
7 & 8 Geo. 4. c. 29. s. 11.

No building, altho' within the same curtilage with

BURGLARY—*continued.*

- 7 & 8 G. 4.
c. 29. 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 the building and dwelling house, either immediate or by means of a covered and inclosed passage leading from the one to the other.* Id. s. 13.

BURNING. See *Arson*, p. 10. *ante.*

C.

CANAL.

Destroying banks, locks, &c. See *Banks*, p. 17. *ante.*

- 7 & 8 G. 4.
c. 64. The venue may be laid and offences tried and pun. in any co. thro' any part of which the canal shall run; or where the side, centre or any part of a canal or navigation, shall constitute the boundary of any *two* cos., the offence may be tried and pun. in either co. 7 & 8 Geo. 4. c. 64. s. 13.

CARNAL KNOWLEDGE

- 9 G. 4.
c. 32. Of children under ten yrs. of age, fel. pun. D. 9 Geo. 4. c. 31. s. 17.
Of girls above ten, and under twelve yrs. of age,

CARNAL KNOWLEDGE—*continued.*

misd. pun. Impr. with or without H. L. for 9 G. 4.
such time as the Ct. shall award. c.31. s.17.

As to proof of the offence, *it is not necessary in* s. 18.
any such case to prove actual emission of
seed, in order to constitute a carnal know-
ledge, but the carnal knowledge is complete
upon proof of penetration only. Id. s. 18.

CARPENTER, Ship.

Assaulting. See *Assault on Seamen*, p. 14. ante.

CARRIAGE OF GOODS.

The 24 sect. of 3 W. & M. c. 12. and 3 sect. of 7 & 8 G. 4.
21 Geo. 2. c. 28. which gave power to ma- c. 29.
gistrates in Q. Sess. to fix the rates of car-
riage, and to impose pen. for taking other
rates, are repealed by 7 & 8 Geo. 4. c. 29.
s. 44.

CASTER.

Assaulting. See *Assault*, p. 11. ante.

CATTLE.

Killing, maiming or wounding any cattle, (a), fel. c. 30.
pun. at the disc. of the Ct., Tr. for life, or

(a) Pigs are considered cattle within the meaning of this
stat. *Rex v. Chapple*, R. & Ry. C.C.R. 77. And asses,
Rex v. Whitney, Ry. & M. C.C.R. 3.

The wound need not be such as to cause a permanent in-
jury. *Rex v. Haywood*, R. & Ry. C.C.R. 16.

But injuring a sheep by setting a dog at it is not such a
maiming or wounding as was within the 4 G. 4. c. 54. *Rex*
v. Chalkley, Id. 258.

CATTLE—*continued.*

7 & 8 G. 4. not less than 7 yrs., or Impr. not ex. 4 yrs.
c. 30. and if a male, once, twice or thrice pub. W.
in add. to the Impr., (if the Ct. think fit).
7 & 8 Geo. 4. c. 30. s. 16.

7 & 8 G. 4. Stealing horses and cattle, or killing with intent to
c. 29. steal the carcass or skin, or any part of the
cattle so killed, fel. pun. D. 7 & 8 Geo. 4.
c. 29. s. 25. See *Horses*, post. *Accessa-*
ries after the fact in horse stealing, are
not punishable with D.

If a person stealing other property, takes a horse,
not with intent to steal it, but only to assist
in getting away with the other property, such
taking a horse is not a fel. *Rez v. Crump*,
1 C. & P. 658. See also *Rez v. Phillips*
et al. 2 East, P. C. 662, 663.

Killing or maiming cattle. See *Cattle*, p. 23. ante.

CERTIORARI,

7 & 8 G. 4. May issue before ind. found. 7 & 8 Geo. 4.
c. 28. c. 28. s. 4.

7 G. 4. But it will not be granted unless the objections
c. 48. to the proceedings be stated. 7 Geo. 4.
c. 48. s. 17.

Objections to be stated in cases relative to revenue
of customs. Id.

Justices may amend any information, conv. or
warrant of comm. for any offence under the
acts relating to the customs. Id.

CHALLENGE OF JURORS.

Persons arraigned for treason, fel. piracy or misd. 7 & 8 G. 4.
c. 28.

challenging peremptorily a greater number of the jury than they are entitled by law to do, every challenge beyond the number allowed by law is void, and the trial to proceed as if no such challenge had been made.

7 & 8 Geo. 4. c. 28. s. 3.

No challenge can be taken either to the array or to the polls until a full jury appear. *Rex v. Edmunds*, 4 B. & A. 471.

If the panel is quashed on a challenge of the array for unindifferency of the sheriff, the prosecutor should apply to the Ct. to direct a new jury process to the coroners. *Rex v. Dalby*, 1 D. & R. 145.

CHELSEA HOSPITAL.

In ind. for stealing or embezzling property belonging 7 G. 4.
to, the property should be laid in "the Lords c. 16.
and others Commissioners of the Royal Hospital for Soldiers at Chelsea, in the co. of Midd.;" and also respecting frauds by personating, &c. and forgeries relative to this hospital. 7 Geo. 4. c. 16. s. 35, 36.

Persons guilty of offences relating to Chelsea Hos- s. 38.
pital, and pensioners, &c. fel. pun. Tr. for life, or such term as the Ct. shall adjudge.
7 Geo. 4. c. 16. s. 38.

CHELSEA HOSPITAL—*continued.*

7 G. 4. Persons falsely taking the oaths relating to, are
c. 16. guilty of perjury. Id. s. 16. 27, 28.

CHEATS.

7 & 8 G. 4. Obtaining by false pretences any *chattel money*,
c. 29. or valuable security, with intent to cheat and defraud, misd. pun. at the disc. of the Ct. Tr. for 7 yrs. or Fine or Impr. or both. 7 & 8 Geo. 4. c. 29. s. 53.

If a person obtains such property in any such manner as to amount to larceny, he is not entitled to be acquitted of the misd. Id.

And no such ind. shall be removed by certiorari; and no person tried for such misd. shall be liable to be afterwards prosecuted for *larceny* upon the same facts. Id.

CHILD STEALING.

Leading, taking, decoying or enticing away by force or fraud, a child under ten yrs. with intent to deprive any person having the lawful care, charge or possession of the child, or with intent to steal any article upon or about such child, to *whomsoever such article may belong*, or receiving or harbouring such child knowing the above circumstances, and all aiders and abettors, fel. Tr. for 7 yrs. or Impr. with or without H. L. not ex. 2 yrs. if a male, to be once, twice or thrice pub. or priv.

CHILD STEALING—*continued.*

Wh. in add. to the Impr. if the Ct. think fit. 9 G. 4.
c. 31.
9 Geo. 4. c. 31. s. 21.

But not to extend to fathers taking their illegitimate children. Id.

CHURCH AND CHURCH YARDS.

Striking in. The acts relating to these offences are repealed by 9 Geo. 4. c. 31. See *Brawling in Churches and Church Yards*, p. 20, ante.

CLERGY.

Benefit of, abolished. See *Benefit of Clergy*, p. 19, ante.

CLERGYMEN, Arresting of. See *Arrest*, p. 10, ante.

Beating of. This was punishable under the *articulo cleri*. 9 Ed. 2. st. 1. c. 5. repealed by 9 Geo. 4 c. 31.

CLERKS AND SERVANTS.

Larceny by, pun. at the disc. of the Ct. Tr. not ex. 14 nor less than 7 yrs. or Impr. not ex. 8 yrs. if a male, to be once, twice or thrice pub. or priv. W. in add. to the Impr. if the Ct. think fit. 7 & 8 G. 4. c. 29.
s. 46.

Embezzlement by, pun. as above. Id. s. 47.

CLERKS IN ORDERS.

Beating. See *Clergymen*, ante.

COALS, OR ORE.

9 G. 4.
c. 29.

Stealing from mines, fel. pun. the same as for *simple larceny*, (by this act, sect. 3.) 7 & 8 Geo. 4. c. 29. s. 37. See *Larceny*, post.

COIN.

Offences agt. Having counterfeit coin (a) in possession, with intent to utter it as good is no offence, for there is no criminal act done. *Rex v. Stewart, R. & Ry. C. C. R. 288.*

Procuring it with intent to utter it as good, is a misd. ; having a large quantity of it, is evidence that it was procured with that intent, unless there be circumstances to show that the deft. was the maker of it. *Rex v. Fuller, Id. 308.*

(a) Inconvenience having arisen in the law department of his majesty's mint, from the neglect of immediate communication on the commitment of persons charged with offences relating to the coin, against whom it is wished the mint should adopt prosecutions, it is recommended that in all cases the committing magistrate or his clerk do, without delay, transmit copies of the informations of such witnesses as are taken, together with every other particular in explanation of the evidence, to the office of the solicitor, that the same may be submitted to the Board of Mint Officers for their determination and directions, and in due course the result will be communicated.

And also in all cases where advice or assistance is required, if the same be applied for, the solicitor will afford every facility, and in many instances previous to intended commitments, such reference would save considerable additional trouble and expence to all parties concerned, but more particularly to the witnesses, who can obtain no allowance from the county.

COMBINATION OF WORKMEN. See *Artificers*, p. 11, ante.

COMMISSION OF THE JUDGES.

When the judge's commissions (*on the circuit*) cannot be opened in time, a *quorum* commission may open them the next day, and the records are to be drawn up as if the commission was opened on the proper day; and the cause of delay to be certified to the lord chancellor. 3 G. 4. c. 10. s. 1, 2.

COMMITMENTS. (*Summary Conviction.*)

Where *one* J. may commit. See *Bail*, p. 16, ante.

When remand. *Id.*

When *two* Js. may commit. *Id.*

When remand. *Id.*

In exclusive juris., Js. P. may commit for trial at the assizes for capital offs., 60 Geo. 3. c. 14. s. 1. 60 G. 3. c. 14.

And bind over the parties to prosecute, and give evidence there. *Id.* s. 2. s. 2.

The expences allowed by the Judge, are to be paid by the *local jurisdiction*. *Id.* s. 3. s. 3.
But see *Expences*, p. 50, post.

For offences at sea. The Coms. of O. and T. for trying offs. comm. at sea, or one or more Js. P. may take exams. relative to offs. that is, *treason, piracy, felony, robbery, murder, conspiracy, or other offs.* of what nature or kind 7 G. 4. c. 38.

COMMITMENT—*continued.*7 G. 4.
c. 38.

soever comm. within the juris. of the Admiralty, and commit persons charged to remain in custody *until discharged by due course of law, or until bailed*, in cases in which bail may by law be taken. 7 Geo. 4. c. 38.

7 & 8 G. 4.
c. 28.

Punishments—all indictable offs. prosecuted in the High Court of Admiralty of *England* shall, upon every first and subsequent conv., *be subject to the same pun.* whether of D. or otherwise, as if such offs. had been comm. on land. 7 & 8 Geo. 4., c. 28. s. 12.

9 G. 4.
c. 31.

All indictable offs. mentioned in the act 9 Geo. 4. (Injuries to the Person Act) comm. within the juris. of the Admiralty of *England*, shall be deemed offs. of the same nature, and liable to the same pun. as if comm. on land in *England*, and may be dealt with, tried, and determined in the same manner as any other offs. comm. within the juris. of the Admiralty of *England*. 9 Geo. 4. c. 31. s. 32.

For murders and manslaughters committed on land abroad.

British subjects may be tried in England, for murders and manslaughters comm. abroad, and any J. P. of the place where the person charged shall be, may take cognisance of the off., and proceed therein as if the same had

COMMITMENT—*continued.*

been comm. within the limits of his ordinary 9 G. 4.
 juris. Id. s. 7. c. 31.

COMPETENCY OF WITNESSES.

The affirmation of *Quakers* and *Moravians* ad- c. 34.
 missible evidence. 9 Geo. 4. c. 32. s. 1.

The party whose name is forged is a competent s. 2.
 witness in prosecutions for forgery. Id. s. 2.

Every pun. for felony, after it has been endured, s. 3.
 shall have the effect of a pardon under the
 great seal. Id. s. 3.

No misd. except perjury shall render a party an in- s. 4.
 competent witness, after he has undergone
 the pun. Id. s. 4.

CONCEALMENT

Of the birth of dead bastard children.

A woman delivered of a child, and shall by secret 9 G. 4.
 burying, or otherwise disposing of the dead c. 31.
 body, endeavouring to conceal the birth,
 misd. pun. Impr. with or without H. L. not
 ex. 2 yrs. in the com. g. or h. c. *It is not ne-*
cessary to prove whether the child died be-
fore or after its birth. 9 Geo. 4. c. 31.
 s. 14.

If any woman tried for the murder of her
 child shall be acquitted, the jury who ac-
 quitted her, may find, in case it shall appear
 in evidence that she was delivered of a child,
 and that she did by secret burying, or other-

CONCEALMENT—*continued.*

9 G. 4.
c. 31. s. 14.

wise disposing of the dead body, endeavour to conceal its birth ; and in that case the Ct. may pass such sentence as if she had been convicted upon an indictment for concealing the birth. *Id.*

If a woman is tried for the misd. of concealment, the Ct. has no power of ordering the expences of the prosecution, &c.

CONFESSION.

The confession of a prisoner is sufficient, though there is no other proof of his having comm. the offence, or of the offence having been comm., if that confession was in consequence of a charge against him. *Rex v. Eldridge*, R. & R. C. C. R. 400.

A confession obtained *without threat or promise* is admissible. *Rex v. Thompson*, R. & M. C. C. R. 27.

Unless a confession is obtained by telling a prisoner it would be better for him to confess, or worse for him if he did not, and unless it came within the broad rule of *threat* or *promise*, *it ought to be received.* Oxford Sp. Ass. 1828: By Park, J.

CONSPIRACY

To keep witnesses out of the way, is an indictable offence. See *Rex v. Smith*, M. S. T. T. 1828.

CONSPIRACY—*continued.*

Assault in pursuance of a conspiracy to raise wages, pun. Impr. with or without H. L., not ex. 2 yrs. or Fine, with sureties for keeping the peace, 9 Geo. 4. c. 31. s. 25. 9 G. 4. c. 31.

CONSTABLES.

Assaulting, the like pun., Id.

CONTRA PACEM.

See *Indictment*, post.

CONTRA FORMAM STATUTI.

See *Indictment*, post.

CONVICTIONS.

Form of, in injury to the person, given by the statute 9 Geo. 4. c. 31. s. 35.

In malicious injuries. Id.

In larceny, the like. 7 & 8 Geo. 4. c. 29. s. 71. 7 & 8 G. 4. c. 29.

CORONERS.

Depositions before, for murder and manslaughter, to be certified to the Ct. in which the trial is to be. 7 Geo. 4. c. 64. s. 4. 7 G. 4. c. 64.

Neglecting so to do, punishable in a summary way by the Ct. as the Ct. shall think fit. Id. s. 5. s. 5.

And this extends to coroners as well of Cos. as other jurisdictions. Id. s. 6. s. 6.

COSTS.

See *Expences*, post.

COUNTERFEIT MONEY.

See *Coin*, p. 28, ante.

3 G. 4.
c. 114.

Punishment for uttering, Impr. with H. L. not ex. the term for which the Ct. could at the passing of this act, Impr. for such off., *either in addition to or in lieu of any other pun.*

3 Geo. 4. c. 114.

COUNTING HOUSE, SHOP, &c.

7 & 8 G. 4.
c. 29.

Breaking into, and stealing therein, pun. Tr. for life, or not less than 7 yrs. or Impr. not ex. 4 yrs.; and of a male to be once, twice or thrice pub. or priv. W. in add. to the Impr. 7 & 8 Geo. 4. c. 29. s. 14, 15.

COUNTY, PROPERTY, LAYING OF.

See *Indictment*, post.

CROPS, BURNING.

See *Arson*, p. 10, ante.

CURTILAGE.

s. 14.

Stealing in buildings within the curtilage, not being part of a dwelling house mentioned in s. 13 of 7 & 8 Geo. 4. c. 29. ante, on conv. on ind. for burglary, housebreaking or stealing to the value of \$1. in a dwelling house, containing a separate count for such off. pun. Tr. for life, or 7 yrs., or Impr. not ex. 4 yrs. and if a male, to be once, twice or thrice pub. or priv. W. in add. to Impr. (if the Ct. think fit.) Id. s. 14.

CURTILAGE—*continued.*

To punish for this off. there must be either a separate ind. or a separate count joined to the count for burglary, housebreaking, (under 7 & 8 Geo. 4. c. 29. s. 12.) or stealing in a dwelling house, to the value of 5l. Car. C. L. 296.

CUSTOMS, Offences against the.

- Forging or uttering any draft, instrument or writing whatsoever of the receiver general or comptroller general, &c. of the customs, fel. pun. D. without benefit of clergy. 6 Geo. 4. c. 106. s. 27. 3 G. 4. c. 106.
- Counterfeiting certificate of ship's registry, pen. £500. 6 Geo. 4. c. 112. s. 39. 6 G. 4. c. 112.
- Embezzlement, &c. of goods warehoused under the act 6 Geo. 4. c. 112. misd. pun. as in cases of misd. Id. 6 G. 4. c. 106.
- Giving false evidence as to enquiries relative to customs, or persons employed as officers, perjury, pun. as in cases of perjury. 6 Geo. 4. c. 106. s. 31. s. 31.
- Taking false oaths under the ship's registry act, pen. perjury, pun. as above. Id. 6 Geo. 4. c. 110. s. 49. s. 49.
- Making false signals from the coast to smugglers, aiding and assisting therein, misd. and any person may arrest off. who are to be carried before two Js. P. residing near, to be comm. to s. 52.

CUSTOMS—*continued.*

- 6 G. 4.
c. 108. next co. g. until the next Ct. of O. T. G. Sess. or G. D. until delivered by due course of law, pen. on conv. at the disc. of the Ct. either £100 or Impr. with H. L. not ex. 1 yr. 6 Geo. 4. c. 108. s. 52.
- s. 53. The proof that the signal was not made with the intent charged in the ind. to be on the defendant. Id. s. 53.
- s. 54. Any person whomsoever may put out or prevent fires, &c. and enter lands, &c. without being liable to ind. or action for so doing. Id. s. 54.
- 7 G. 4.
c. 48. Any intimation whatever to a smuggling vessel or boat, to be deemed a signal. 7 Geo. 4. c. 48. s. 19.
- 6 G. 4.
c. 106. Obstructing officers of the army, navy, or marines duly authorized and *on full pay*, or any officer of customs or excise, in the execution of their duty, or any one assisting them, or receiving goods, or destroying them to prevent seizure, or the securing them, pen. £200. 6 Geo. 4. c. 108. s. 55.
- s. 56. Smuggling by armed persons.
Persons to the number of three or more being armed, smuggling goods outwards or inwards, or rescuing and preventing the arrest of such off. fel. pun. D. without benefit of clergy. Id. s. 56.

CUSTOMS—*continued.*

Shooting at vessels or wounding officers.

Persons to the number of 3 or more shooting 6 G. 4.
 at vessels in the British or Irish channel, or c. 108.
 within 100 leagues of the coast, or shooting
 at, maiming or wounding any officer, fel. pun.
 D. as above. *Id.* s. 57.

Being in company with more than 4 persons s. 58.
 having goods liable to forfeiture, or in com-
 pany with one person armed within 5 miles
 of any navigable river, fel. pun. Tr. 7 yrs.
 returning before the expiration of the time,
 pun. D. without benefit of clergy. *Id.* s. 58.

Where offences may be tried.

Offences agt. the revenue or customs, comm. at s. 74.
 sea are to be tried in the co. into which the
 off. shall be carried, and off. comm. in any
 city, borough, &c. to be taken to be comm.
 in the co. in which the city, &c. is situated.
 6 Geo. 4. c. 108. s. 74.

Indict. or Infor. may be tried in any co. *Id.* s. 78.
 s. 78.

Certiorari and Habeas Corpus not to be granted 7 G. 4.
 unless objections to proceedings be stated. c. 48.
 7 Geo. 4. c. 48. s. 17.

Js. may amend any infor. conv. or warrant of
 comm. under this act. *Id.*

CUTTING.

Stabbing or wounding with intent to murder, and
 all aiders and abettors therein, fel. pun. D.

CUTTING—continued.

- 9 G. 3.
c. 31. Cutting, shooting or wounding, with intent to maim, disfigure, or disable, or to do some other grievous bodily harm, or with intent to resist or prevent the apprehending an off. or his accomplices, and all aiders and abettors, fel. pun. D. 9 Geo. 4. c. 31. s. 12.
- s. 12. *But if it shall appear on the trial that such shooting or attempting to discharge loaded fire arms, or stabbing, cutting, or wounding were even under such circumstances, that if death had ensued, the same would not have amounted to murder, the person so ind. shall be acquitted of the fel. Id. s. 12.*

D.

DAMAGING SHIPS OR VESSELS.

- 7 & 8 G. 4.
c. 30. Otherwise than by fire, whether complete or in an unfinished state, so as to render them useless, fel. pun. Tr. 7 yrs. or Impr. not ex. 2 yrs. If a male, to be once, twice, or thrice pub. or priv. W. in add. to the Impr. 7 & 8 Geo. 4. c. 30. s. 10.

DEAD BODIES.

Taking away a dead body to dispose of it for gain, is an ind. off. *Rex v. Gilles, R, & Ry.* C. C. R. 366. n.

DEAD BODIES—*continued.*

To sell a dead body of a capital convict for dissection, where dissection is no part of the sentence, misd. ind. at com. law. *Rex v. Cundick*, T. & R. N. P. C. 13.

DEATH.

Judgment and sentence of in capital cases generally.

No person conv. of fel. shall suffer D. unless for some fel. which was excluded benefit of clergy before or on the 14th day of Nov. 1826, or which hath been or shall be made pun. with D. by some stat. passed after that day. 7 & 8 G. 4. c. 28. s. 7.

In cases of murder every person conv. shall be executed according to law on the *day next by one after that on which sentence shall be passed*, unless Sunday intervenes, and in that case on the Monday following, and the body of every murderer shall after execution be dissected or hung in chains as the Ct. shall order. 9 G. 4. c. 31. s. 4.

The day of execution is not a material part of the sentence; if a wrong day is awarded it will not vitiate the sentence, if the mistake is discovered and set right during the assizes. *Rex v. Wyatt*, R. & R. C. G. R. 280.

Sentence on a murderer is to be pronounced immediately after conv. unless there is reason- s. 4.

DEATH—continued.9 G. 4.
c. 31.

able cause for postponing it. 9 Geo. 4.
c. 31. s. 4.

After sentence pronounced the Ct. or judge may
stay the execution. Id.

s. 5.

When dissection is ordered by the sentence, the
body of the murderer, if executed in Midd.
or London, is to be conveyed by the Sheriff
to Surgeons' Hall or elsewhere, as the com-
pany shall appoint. Id. s. 5.

DECLARATIONS IN ARTICULO MORTIS.

See title *Articulo Mortis*, p. 10, ante.

DEEDS. See *Writings*, post.

DEER, Offences relating to,

Unlawfully and wilfully coursing, hunting, snaring
or carry away, or killing or wounding, or
attempting to kill or wound, any deer in any
part of an inclosed forest, chase or purlieu, or
in any inclosed land where deer are usually
kept, fel. pun. as for simple larceny. Id. 26.
See *Larceny*, post.

7 & 8 G. 4.
c. 29.

If the same off. is comm. in any uninclosed part
of any forest, &c. pen. on conv. before a J.P.
not ex. £50 for the 1st off. and for the 2nd off.
fel. pun. the same as for simple larceny. Id.

DEER KEEPERS:

Assault. See title *Assault*, p. 11, ante.

DEMAND

Of any chattel, money, or valuable security, with

DEMAND—*continued.*

menace or by force, fel. pun. Tr. for life or 7 yrs. or Impr. not ex. 4 yrs. If a male, to be once, twice, or thrice pub. or priv. W. in add. to the Impr. 7 & 8 Geo. 4. c. 29. s. 6. 7 & 8 G. 4.
c. 29.

DEPOSITIONS, (a)

Of the deceased is admissible evidence on an ind. for murder, altho' taken when the prisoner was charged with robbing a manufactory, of which the deceased was guard, and altho' the greater part had been reduced into writing during his absence, if the deposition is afterwards re-sworn in the presence of the prisoner; the deposition being then read over and stated by the deceased to be correct, and the prisoner being asked if he had any questions to put. *Rex v. Smith*, R. & Ry. C. C. R. 339. 2 Stark. N. P. C. 208.

The judge may order the depositions to be read when a witness upon a trial is giving evidence contradictory to the facts contained in the deposition, in order to impeach the credit

(a) The clerks of Js. should be careful in drawing up the formal introductory part of a deposition, as a very great number of those returned to the judge at the assizes would not be admitted as evidence, if the deponents were dead, by reason of some mistake or omission in point of form. Car. C. L. p. 63.

DEPOSITIONS—*continued.*

of the witness. *Rex v. Oldroyd, R. & Ry. C. C. R. 88. Lord Ellenborough and Sir James Mansfield, C. Js.* thought the prosecutor had a right to call for it.

DISTRESS,

7 & 8 G. 4. Costs of, for rates, taxes, tithes and assessments. c. 17.

All the rules, regulations, clauses, provisions, penalties, matters and things mentioned in the act 57 Geo. 3. c. 93. limiting the charges of brokers, on distraining for rents not ex. 20*l.* are to extend as far as the same are applicable and capable of being put in execution with respect to any distress or levy for any land tax, assessed taxes, poor rates, church rates, taxes, tithes, highway rates, sewer rates, or any other rates, taxes, impositions or assessments whatever, in all cases where the sum demanded or due *shall not ex. the sum 20*l.** 7 & 8 Geo. 4. c. 17.

And in all cases where the whole of the several sums sought to be levied by distress *for different purposes at the same time, shall not ex. the sum of 20*l.** and such costs, and no other, shall be taken as costs and charges of the levy and disposition of such distresses. *Id.*

And all such proceedings may be had against persons transgressing the regulations of the said act, in distraining for such taxes, &c. and all

DISTRESS—*continued.*

such persons shall be liable to and incur the like penalties as by the said act are directed with respect to persons distraining for rent contrary to this act. *Id.* 7 & 8 G. 4. c. 17.

And, that in any order or judgment of any Js. before whom any complaint shall be made in consequence of this act, such order shall be expressed, to be made upon a complaint for the breach of the said above-mentioned act as amended by this act, and the said act and this act shall be construed together as one act. *Id.*

DOGS, *Stealing of. (Summary Conviction.)* 7 & 8 G. 4. c. 30.
 For 1st offence, to forfeit above the value of the dog, not ex. 20*l.* Pun. for 2nd offence comm. to H. L. not ex. 12 cal. m. 7 & 8 Geo. 4. c. 30. s. 31. See *Beasts*, p. 19, ante.

DREDGING,

Using any dredge, net, or instrument, or engine whatever, within the limits of any oyster fishery, for the purpose of taking oysters or oyster brood, altho' none shall be actually taken, misd. pun. Fine or Impr. or both, the fine not to ex. 20*l.*, nor Impr. to ex. 3 cal. m. 7 & 8 Geo. 4. c. 29. s. 36. 7 & 8 G. 4. c. 29.

It will be sufft. in any infor. to describe either by name or otherwise the bed, laying or fishery in which the above offence is com. without

DREDGING—*continued.*

7 & 8 G. 4.
c. 22. s. 36. stating the same to be in any particular parish, township or vill. *Id.*

Not to extend to prevent any person from catching or fishing for floating fish within the limits of any oyster fishery with any net, instrument or engine adapted for taking floating fish only. *Id.*

DRILLING MILITARY.

See *Soldiers*, post.

DRIVING FURIOUSLY. See note, p. 60.

Whereby any person is injured.

1 G. 4.
c. 4. If any person shall be maimed or otherwise injured by wanton and furious driving or racing, or by the wilful misconduct of any coachman or other person having the charge of any *stage coach* or *public carriage*, misd. (a). pun. Fine and Impr. 1 Geo. 4. c. 4. But not to extend to *hackney coaches* drawn by 2 horses only, and not plying for hire as stage coaches. *Id.*

DROWNING,

9 G. 4.
c. 31. Unlawfully and maliciously attempting to drown, suffocate or strangle any person with intent to murder, and aiders and abettors therein, fel. pun. D. 9 Geo. 4. c. 31. s. 11. See *Injuries to the Person*, post.

(a) The Court cannot allow the expences of the prosecutor in cases under this act. Car. C.L. 244.

DWELLING-HOUSE,

Breaking into (a) and entering and stealing therein any chattel, money or valuable security, to any value whatever, fel. pun. D. 7 & 8 G. 4. c. 29.
7 & 8 Geo. 4. c. 29. s. 12.

Stealing in a dwelling-house any such property as aforesaid, to any value whatever, any person therein being put in fear, fel. pun. D. id.

Stealing in a dwelling-house any such property as aforesaid to the value in the whole of 5l. or more, fel. pun. D. Id.

Whether the goods are under the protection of the dwelling-house, or in the personal care of the owner, is a question for the Ct. and not for the jury. S. C. Car. C. L. p. 294.

E.

EMBEZZLEMENT,

By clerks and servants, bankers, brokers, agents, &c. See *Clerks*, p. 38. ante.

ENGINES, Mining.

Destroying, or damaging with intent to destroy or render useless, fel. pun. Tr. 7 yrs. or c. 30.

(a) It is not material to show, in cases of housebreaking, that it was in the day time, or that the property stolen was of any fixed value whatever.

ENGINES—*continued.*

- 7 & 8 G. 4. Impr. not ex. 2 yrs. If a male, to be once,
c. 30. twice, or thrice pub. or priv. W. in add. to
the Impr. 7 & 8 Geo. 4. c. 30. s. 7. 6.
- s. 6. *But not to extend to damage comm. under
ground by the owner of an adjoining mine
in working the same. Id. s. 6.*

ENLISTING

- 9 G. 4. In foreign service without the consent of H. M.
c. 4. mis. pen. Fine and Impr. at the disc. of the
Ct. when conv. 9 Geo. 4. c. 4. See the
Mutiny Act.

ESCAPE. See *Prison Breach*, post.

EVIDENCE. See *Confession*, p. 32, *Accessories*, p. 2, and *Depositions*, p. 41, ante.

- c. 32. Competency of witnesses. The affirmation or declaration of quakers and moravians, in all cases criminal and civil, may be taken instead of an oath in the usual form. If any such person shall be conv. of falsely affirming or declaring, pun. subject to the pains, penalties, and forfeitures, as persons guilty of perjury. 9 Geo. 4. c. 32. s. 1.
- s. 2. The party whose name is forged is a competent witness in prosecutions for forgery, either at com. law or by stat. Id. s. 2.
- s. 3. Every pun. for fel. after it has been endured, has

EVIDENCE—*continued.*

the same effect as a pardon under the Great Seal. (a) *Id.* s. 3. 9 G. 4. c. 23.

A person conv. of any misd. except perjury and subornation of perjury, and having endured pun. shall not after pun. be deemed an incompetent witness. *Id.* s. 4. s. 4.

EXAMINATIONS.

As to the return of them in fel.

Js. P. are to take the examination of prisoners and informations agt. them, bind over all the parties to prosecute, and give evidence, and deliver the examinations, &c. to the proper officer at the sitting of the Ct. in which the trial is to be. 7 Geo. 4. c. 64. s. 2. 7 G. 4. c. 64.

In cases of misd. (b) and suspicion thereof, the depositions and examination are to be taken in writing and returned with recognizes, &c. as in cases of fel. (as above,) and the parties are to be bound over in the like manner. *Id.* s. 3. s. 3.

Before Coroners. The examinations and deposi-

(a) The benefit of clergy being abolished, this enactment was necessary to prevent the disabilities of attainder.

(b) Before this enactment was made, Js. seldom took the examinations in writing in cases of misd. But now the whole of the proceedings before Js. must be taken in writing, and returned in the same manner as in cases of felony. And the magistrate has now the same power of compelling the attendance of witnesses in misdemeanor, which he had before in cases of felony. Car. C. L. p. 14.

EXAMINATIONS—*continued.*

- 7 G. 4.
c. 64. tions in cases of murder and manslaughter must be subscribed by the crown and certified, and the recognizances with the inquisition returned to the Ct. in which the trial is to be. Id. 4.
- s. 5. Js. and coroners, offending in these respects, may be pun. at the disc. of the Ct. Id. 5.
- s. 6. All those provisions which relate to Js. or coroners, apply to the Js. and coroners, not only of cos. at large, but to all other juris. Id. s. 6. See *Exclusive Jurisdictions*, post.

EXCISE.

- 7 & 8 G. 4.
c. 53. Perjury relating to, pun. as for wilful and corrupt perjury. 7 & 8 Geo. 4. c. 53. s. 31.
- Subornation of, relating to, pun: as for subornation of perjury. Id.
- s. 56. Forgery, relating to, fel. pun. D. without benefit of clergy. Id: s. 56.
- Assisting therein, or uttering, or publishing, a draft, instrument, or writing relating to the excise, with intent to defraud H. M. or any person whomsoever, fel. pun. D. without benefit of clergy. Id.
- Assaulting a revenue officer.
- 9 G. 4.
c. 31. In the due execution of his duty, or any one acting in his aid, with intent to prevent the

EXCISE—continued.

apprehension or detaining the party so assaulting, or any other person for any offence for which he may be liable by law to be apprehended or detained, pun. Impr. with or without H. L. not ex. 2 yrs. or fine and sureties for keeping the peace. 9 Geo. 4. c. 31. s. 25.

Resisting and assaulting.

Any person being armed with any offensive weapon whatsoever, assaulting or resisting any officer of excise, or any person acting in his aid, &c. such officer and person so acting may oppose force to force. 7 & 8 Geo. 4. c. 53. s. 31.

EXCLUSIVE JURISDICTIONS, Local.

Js. may commit for trial at the assizes in capital off. and bind over the parties to prosecute and give evidence. 60 Geo. 3. c. 14.

Offences comm. in a co. of a city or town may be tried in the co. at large. 38 Geo. 3. c. 52. (See *Rex v. Mellor*, R. & R. C. C. R. 144.)

Prosecutors' expences for capital offences in exclusive jurisdictions which the judge shall allow by virtue of *any law now in force*, shall be paid by the town, liberty, soke, or place in which the off. shall have been comm. in the same manner as if the off. had been tried

EXCLUSIVE JURISDICTIONS—continued.60 G. 3.
c. 14.

within the limits of the exclusive jurisdiction.
60 Geo. 3. c. 14. s. 3.

EXCUSABLE HOMICIDE.9 G. 4.
c. 31.

No pun. or forfeiture shall be incurred by any person killing another by misfortune, or in his own defence, or in any other manner without fel. 9 Geo. 4. c. 31. s. 10.

EXPENCES IN FELONY.7 G. 4.
c. 64.

Of the prosecutor and his witnesses in preferring the ind. and all reasonable expences incurred by attending before the examining magistrate and the grand jury, and also compensation for loss of time and trouble, whether ind. found or not, and of persons attending on recognizance or subpoena, to be allowed by order of the Ct. 7 Geo. 4. c. 64. s. 22.

The compensation for trouble and loss of time to be ascertained by the certificate of the committing magistrate granted before the trial or attendance in Ct. if the magistrate thinks fit to grant it; the amount is to be ascertained by the officer of the Ct. as to the regulations of the rate of such expences and compensation. Id. See p. 51. post.

This section extends only to prosecution for fel. but the prosecutor is not to be allowed the expences of apprehending the prisoner. Car. C. L. 107.

EXPENCES IN MISDEMEANORS.

In cases of misd. expences may be allowed in the following cases—

To the prosecutor or other person attending the Ct. on recognizance or subpoena, to give evidence in cases of assault with intent to comm. fel.

In attempts to com. fel., riot, misd. for receiving stolen property; in assaults upon a peace officer in the execution of his duty, or upon any person acting in his aid; neglect or breach of duty as a peace officer; in assaults comm. in pursuance of conspiracy to raise the rate of wages; for obtaining property by false pretences; in wilful and indecent exposure of the person; in perjury, subornation of perjury, (except the expences incurred before the examining magistrate. 7 Geo. 4. c. 64. s. 23.

In exclusive juris. See p. 49, ante.

In the Admiralty Cts. expences may be ordered in all charges of fel. or of misd. where they might be allowed in other Cts. to be paid by the assistant to the counsel for the affairs of the admiralty and navy. 7 Geo. 4. c. 64. s. 27.

EXPORTING TOOLS OR MACHINERY.

All the laws relative to artificers going abroad and exporting tools and machinery, &c. are repealed by 5 Geo. 4. c. 97.

F.

FACTORS OR AGENTS

- 7 & 8 G. 4. Disposing of, or pledging goods entrusted to them
c. 29. for sale, or any bill of lading, warehouse keeper's or wharfinger's cert. warrant or order for delivery of goods, for their own benefit, misd. pun. Tr. for 14 yrs. nor less than 7, or Fine or Impr. or both. 7 & 8 Geo. 4. c. 29. s. 51.
Except to the extent of what is due to the factor, and his acceptances at the time of the deposit and pledge. Id.

FALSE OATH. See *Perjury*, post.

FALSE PRETENCES.

- 7 & 8 G. 4. Obtaining any chattel, money or valuable security,
c. 29. (a) with intent to cheat or defraud, misd. pun. Tr. 7 yrs. or Fine or Impr. or both, as the Ct. shall award; such offences not to merge in fel., no certiorari—and the off. is not to be tried for larceny on the same facts. 7 & 8 Geo. 4. c. 29. s. 53.
- 9 G. 4. By soldiers enlisting, making false statements at
c. 4. the time of enlisting, pun. as for obtaining money by false pretences. 9 Geo. 4. c. 4. s. 98. (*Mutiny Act.*)
- Expence of prosecution. See title *Expences*, p. 51, ante.

(a) For what is deemed to be valuable security. See *Larceny*, post.

FALSELY PERSONATING SEAMEN, &c.

Any person representing him or herself as the next of kin of any seaman or marine, or any agent whose authority is revoked, offering to receive pay, prize money, bounty money, or other allowance of money, misd. and pun. accordingly. 59 G. 3. c. 56. s. 3.

Inserting false dates in any order for payment of prize money, bounty money, grants or other allowances of money payable by the commissioners and governors of *Greenwich Hospital* or their treasurer, misd. and pun. accordingly. Id. s. 12.

Persons entitled to prize money using false documents, misd. with forfeiture of all prize money, bounty money, pension money or allowance of money due. Id. s. 17.

Falsely personating officers, seamen, marines, and causing, procuring, aiding and assisting therein, or forging any letter of attorney, order, bill, ticket, certificate of service, or other certificate whatsoever, assignment, will or other power or authority whatsoever, in order to receive wages, &c. s. 18.

Or uttering as true any such documents, or taking a false oath to obtain a probate or letters of administration, or demanding or receiving wages, &c. knowing the will to be forged, or the probate or administration to have been

FALSELY PERSONATING, &c.—*continued.*

- 59 G. 3.
c. 56. obtained by false oath with intent to defraud,
fel. pun. D. without benefit of clergy. Id.
s. 18.
- 1 & 2 G. 3.
c. 49. Procuring persons to sign a false petition under
the 1 & 2 Geo. 4. c. 49. or procuring others
to demand money due, or supposed to be due
to seamen, &c. under a certificate from the
inspector of seamen's wills, pun. Tr. 7 yrs.
as persons conv. of fel. 1 & 2 Geo. 4.
c. 49. s. 3.
- s. 4. Procuring others to utter any forged letter of at-
torney, bill, certificate, &c. to obtain sea-
men's wages, &c. or procuring another to
demand pay, &c. fel. pun. D. without benefit
of clergy. Id. s. 4.

FENCES.—*Summary Conviction.*

Destroying,—of any description whatever.

- 7 & 8 G. 4.
c. 30. Unlawfully and maliciously cutting, breaking,
throwing down; or in anywise destroying any
fence of any description whatever, or any
wall, stile or gate, or any part thereof re-
spectively, pun. on conv. before a J. P. for
the first offence, to pay over and above the
amount of injury done, not ex. 5*l.* pen.; for
any subsequent offences comm. to the co. g.
or H. C. to H. L. not ex. 12 cal. m. If
such subsequent conv. shall take place be-
fore 2 Js. they may further order, if a male,

FENCES—*continued.*

to be once or twice pub. or priv. W. at the end of 4 days after conv. 7 & 8 G. 4. c. 30. s. 23.

Stealing rails, fences, &c. *Summary Jurisdiction.* c. 29.

Stealing or cutting, breaking or throwing 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, pen. on conv. before a J. P. for the first offence forfeit and pay over and above the value of the article or articles stolen, or the amount of injury done, not ex. 5*l.*; on a second conv. comm. to the co. g. or h. cor. to H. L. not ex. 12 cal. m. If such subsequent conv. shall take place before 2 Js. they may further order, if a male, to be once or twice pub. or priv. W. at the end of 4 days after the conv. 7 & 8 Geo. 4. c. 29. s. 40.

FERN:

Setting fire to any heath, gorze, furze or fern, wheresoever the same may be growing, fel. pan. Tr. 7 yrs. or Impr. not ex. 2 yrs. and if a male, to be once, twice or thrice pub. or priv. W. in add. to the Impr. if the Ct. shall think fit. 7 & 8 Geo. 4. c. 30. s. 17.

FISH.

Destroying, in private fisheries, and breaking down dams of fish-ponds.

FISH—*continued.*7 & 8 G. 4.
c. 30.

Unlawfully and maliciously breaking down or otherwise destroying the dam of any fish-pond, or of any water which is private property, or in which there is any private right of fishery, with intent to take and destroy any fish therein, or thereby causing the loss or destruction of any of the fish; or unlawfully and maliciously putting any lime or other noxious material in any such pond or water, with intent to destroy any of the fish therein.

Or unlawfully and maliciously breaking down or otherwise destroying the dam of any mill-pond, misd. pun. at the disc. of the Ct. Tr. 7 yrs. or Impr. not ex. 2 yrs. and if a male, once, twice or thrice pub. or priv. W. if the Ct. think fit, in add. to the Impr. 7 & 8 Geo. 4. c. 30: s. 15.

Stealing fish:

Unlawfully and wilfully taking any fish in any water which runs through, or is in any land belonging to a dwelling house of any person being the owner of the water, or having a right of fishing therein, misd. pun. accordingly.

Stealing fish in any other water — *Summary Conviction.*

Unlawfully and wilfully taking or destroying, or attempting to take or destroy, any fish in any water not being such as above mentioned,

FISH—continued.

but being private property, or in which there is any private right of fishery, pen. on conv. before a J. P. forfeit and pay over and above the value of the fish taken or destroyed (if any) not ex. 5*l.* Id. 7 & 8 G. 4. c. 30. s. 15.

But not to extend to angling in the day time. Id.

If any person shall by angling, unlawfully and wilfully take or destroy, or attempt to take or destroy any fish in any such water as first above mentioned, pen. on conv. before a J. P. forfeit and pay not ex. 5*l.* Id.

And if in such water second above mentioned, pen. on conv. as aforesaid, forfeit and pay not ex. 2*l.* Id.

If the boundary of any parish, township or vill, shall be on or by the side of any such water as before mentioned respectively, it shall be sufficient to prove that the offence was committed either in the parish, township or vill named in the ind. or inf. or in any parish, township or vill adjoining thereto. Id.

Nets, &c. may be seized.

If any person shall be found fishing, against the provisions of this act, the owner of the ground, water or fishery, where the offender shall be found, his servants, or any person authorized by him, may demand from the offender any rods, lines, hooks, nets or other

FISH—*continued.*7 & 8 G. 4.
c. 30.

implements for taking or destroying fish then in his possession; and if the offender shall not immediately deliver them up, the same may be seized and taken from him by such owner, &c. Id. s. 35.

Any person angling in the day-time against the provisions of this act, from whom any implements used by anglers shall be taken or delivered up as aforesaid, *shall be exempted from the payment of any damages or penalty for such angling.* Id.

FIXTURES BELONGING TO BUILDINGS.

c. 29.

Stealing or ripping, cutting or breaking with intent to steal, any glass or wood work belonging to any building whatever, or any lead, iron, copper, brass or other metal, or any utensil or fixture whatever made of metal or other material, respectively fixed in or to any building whatever, or any thing made of metal fixed in any land, being private property, or for any fence to any dwelling house, garden, or area; or in any square, street or other place dedicated to public use or ornament, fel. pun. the same as for simple larceny. 7 & 8 Geo. 4: c. 29. s. 44.

In case any such thing fixed in any square, street or other like place, it is not necessary to allege the same to be the property of any person. Id.

FLOOD GATES.

Destroying. See *Banks*, p. 17. ante.

FORCING SEAMEN ASHORE.

If the master of any merchant vessel shall during 9 G. 4.
his being abroad, force any man ashore, or c. 31.

or wilfully leave him behind in any of his Majesty's colonies or elsewhere, or shall refuse to bring home, with him all such of the men whom he carried out as are in a condition to return when he shall be ready to proceed on his homeward bound voyage, misd. pun. Impr. as the Ct. shall award; offs. to be prosecuted by indict.(a) or inf. at the suit of Atty. G. in the K. B. 9 Geo. 4. c. 31. s. 30.

FORGERY.

See *Bank Notes*, p. 17, ante. *Custom* relating to the, p. 35, ante. *Marriage*, post. *Quarantine*, post. *Navy Pay Stamps*, post.

The party whose name is forged is a competent witness. See *Evidence*, p. 46, ante.

FOREIGN SERVICE.

See *Enlisting in*, p. 46, ante.

FRUIT. (*Summary Conviction.*)

Stealing from gardens, &c.

If any person shall steal or destroy, or damage, with intent to steal, any plant, root, fruit or vegetable production growing in any garden,

(a) The Ct. has no power to order costs of prosecution to be paid by the co. in this case. Car. C. L. p. 267.

FRUIT—*continued.*

7 & 8 G. 4.
c. 29.

orchard, nursery-garden, hot-house, greenhouse or conservatory, pun. on conv. before a J. P. and at his disc. either comm. to the c. g. or H. C., there to be Impr. only, or Impr. and kept to H. L. not ex. 6 cal. m. or else forfeit and pay over and above the value of article or articles stolen, or the amount of injury done, not ex. 20*l.* for the first off. ; any subsequent off. is fel. pun. as for simple larceny. 7 & 8 Geo. 4. c. 29.

FURIOUS DRIVING. (a)

See *Driving Furiously*, p. 44, ante.

FURZE, BURNING.

See *Fern*, p. 55, ante.

(a) Where death ensues from a collision of carriages. C. J. Best, in his charge to the Wilts grand jury, 1827, stated " that the collision of carriages might be either accidental or from the *negligence* of one or both of the drivers ; and in such case it would be *manslaughter*. And he included within the term *negligence*, not only *careless* driving, but exciting the horses to such speed that they cannot be stopped or properly directed ; the knowingly driving *unbroken* or *vicious* horses, *overloading* a coach, or using one that has not *sufficient strength*, or *improper harness*."

" If a man reckless of consequences, either from mere wantonness, or from an angry feeling against the proprietors of a rival coach, but intentionally drives one carriage against another, and thereby occasions the death of a person in *either carriage*, that is murder, although the driver did not contemplate so fatal an issue. Disguise it under what terms you will, whether it originates in *rivalry*, *impatience*, or mere *wanton indifference* to the safety of life, such furious driving manifests that atrocious wickedness of disposition which lawyers call *malice prepense*."

G.

GAME.

Night Poaching— Offences punishable by ind.

From and after the 19th July, 1828, persons 9 G. 4.
to the number of *three or more together* un- c. 69.
lawfully entering by *night*, or being in any
land open or inclosed (a) for the purpose of
destroying game or *rabbits*, any of such per-
sons *being armed* (b) with any gun, cross
bow, fire-arms, bludgeon or any *other of-*
fensive weapon, *misd. pun.* of each and
every one of them at the disc. of the Ct. (c)
Tr. not ex. 14, nor less than 7 yrs. or Impr.
with H. L. not ex. 3 yrs. (*Eng. and Scot.*)
9 Geo. 4. c. 69. s. 9. (d)

For the purposes of this act, *night* is to be s. 12.
considered to commence at the *first hour*
after sunset, and to conclude at the beginning
of *the last hour before sunrise*. Id. s. 12.

And for the like purposes the word *game* in- s. 13.
cludes *hares, pheasants, partridges, grouse,*
heath or moor game, black game, and bus-
tards. Id. s. 13.

(a) See n. (e), p. 65, post, as to what are open and inclosed grounds.

(b) There must be *thres in number*, although only *one* of them need be armed to constitute the offence.

(c) An offence against this sect. cannot be tried at the q. sess. but it being a *misd. one* J. may commit for trial, and the accused party is entitled to be bailed.

(d) See n. (a). p. 62, post.

GAME—*continued.**Apprehension of offenders. (a)*9 G. 4.
c. 69.

Any person found in any land committing any offence mentioned in sect. 1. of this act (p. 65, post), the owner or occupier, or any person having a right or *reputed* right of free warren or free chase therein, or the lord of manor or reputed manor, or gamekeeper or *servant of the above persons*, or any one against such gamekeeper or servant, *to seize and apprehend the offender upon such land, or in case of pursuit being made, in any other place to which he may have escaped,* and deliver him to a peace officer that he may be taken before 2 Js. P. Id. s. 2.

Assaulting Game-keepers.

s. 2.

If any such offender (agt. sect. 1. p. 66, post) shall *assault or offer violence with any gun, cross bow, fire arms, bludgeon, stick, club, or any other offensive weapon whatsoever,* to any person so authorized (under sect. 2. above) to seize and apprehend him, pun. at the disc. of the Ct. whether the 1st, 2nd, or any other offence, misd. Tr. 7 yrs. or Impr.

(a) This clause only extends to offenders against sect. 1. of this act. There is no clause which expressly relates to the apprehension of armed persons offending against sect. 9. p. 61, ante; but this appears to be of little consequence, as there would seldom or never be a case where the parties offending against sect. 9. would not also come within the meaning of sect. 1.

GAME—*continued.*

with H. L. in com. gor. H.C. not ex. 2 yrs. (a) 6 G. 4.
and in Scotland pun. in the like manner. c. 69.
9 Geo. 4. c. 69. s. 2.

Limitation of proceedings under *summary conv.*

Prosecutions punishable upon *summary pro-* s. 4.
ceedings under this act, must be commenced
within 6 cal. m. after the offence comm. Id.
s. 4.

Prosecutions *punishable* by ind. or otherwise
than upon *summary conv.* must be com-
menced within 12 cal. m. after the offence
comm. Id.

Proof in case of 2nd offence.

Every *conv.* for a 1st or 2nd offence must be s. 8.
returned by the *conv. J.* to the next *q. sess.*
for the place where the offence comm. and
there cord of such conv. or any copy (b)
there of shall be evidence in any prosecution
against the party thereby *conv.* for a *second*
or *third* offence. The clerk of the peace is
to keep a register of such *conv.* Id. s. 8.

(a) One *J.* may commit for trial; and offences under this
sect. may be tried either at *q. sess.* or at the assizes; but the
accused is entitled to bail, the offences being only misd.

(b) Where the original record is not produced as evidence,
copy examined with the original record so returned to the
clerk of peace must be produced to prove the previous *conv.*
and the person who examined it must prove it "a true copy;"
and the gaoler or some other person should be called to prove
the prisoner to be the same person mentioned in the former
conviction.

GAME—continued.

9 G. 4.
c. 69.

In case of a third offence in *Scot.* or in other cases in *Scot.* where sentence of Tr. may be pronounced; the offender shall be tried by the High Ct. or Circuit Ct. of Justiciary.

Id. 4.

Summary Conviction.— Mode of proceedings in cases punishable on

s. 3.

Any person charged on oath of a credible witness, or in *Scot.* on application of the procurator fiscal of the Ct. before any J. P. with an offence punishable upon *summary jurisdiction* under this act, may issue a warrant to apprehend and bring the offender before two Js. Id. s. 3,

s. 5.

Form of the *conv.* is given in the act. Id. s. 5.

Appeal clause.

s. 6.

Any person aggrieved by *summary conv.* may appeal to the next Ct. G. or Q. Sess. holden not less than 12 days after *conv.*, notice of appeal in writing being given to the complainant, and of the cause and matter of appeal, within 3 days after *conv.* and 7 clear days before the sess. The party is either to remain in custody until the sess. or within such 3 days enter into recognizance or bond of caution in *Scot.* with sufficient surety before one J. P. to appear on the appeal, abide judgment and pay costs. Upon such notice

GAME—*continued.*

being given, and recognizance or bond, &c. 9 G. 4.
 entered into, the J. shall liberate the party if c. 69.
 in custody. The Ct. at sess. to hear and
 determine the appeal, and make order either
 with or without costs to either party, as the
 Ct. think fit. And in case of dismissal of
 the appeal or affirmance of conv. the Ct. shall
 order and adjudge the offender to be dealt with
 pun. according to the conv. and pay costs
 awarded, and also issue process for enforcing
 the judgment. Id. s. 6.

Offences punishable upon summary conviction. (a)

First offence.

Any person after 19th July, 1828, by *night* (b) s. 1.
 unlawfully taking or destroying any *game* (c)
 or *rabbits*, (d) in any land open or inclosed(e),
 or by *night* (e), unlawfully entering or be on
 any land, open or inclosed, with an *gun, net,*

(a) This section applies where the party goes out unarmed.

(b) That is, from the first hour after sunset until the beginning of the last hour before sunrise. See p. 61, ante.

(c) The game meant here are hares, pheasants, partridges, grouse, heath or moor game, black game, and bustards. See p. 77, ante.

(d) Although this sect. includes the destroying both game and rabbits, it does not extend to persons going out in the night with intent to destroy rabbits.

(e) The words "forest, chase, park," &c. as well as the words "open or inclosed grounds," were mentioned in the 57 G. 3. c. 90. repealed by this act. It was held that all those places are either open or inclosed grounds. *Rex v. Parkhurst, R. & Ry. C.C.R. 563.*

GAME—continued.

9 G. 4.
c. 69.

engine, or other instrument for taking or destroying game, pun. on conv. before two J. P. comm. to com. g. or h. cor. not ex. 3 cal. m. to H. L. and at the end of Impr. to find sureties by recognizance, or in *Scot.* by bond of caution, himself in 10*l.* and two sureties in 5*l.* each, or one surety in 10*l.* not to offend again for one year; and not finding such sureties, then to be further Impr. and H. L. not ex. 6 cal. m. unless sureties sooner found. 9 Geo. 4. c. 69. s. 1.

Second offence.

Offending a second time, (a) on conv. before 2 Js. P. comm. to com. g. or h. cor. not ex. 2 cal. m. to H. L. and at the end of Impr. to find sureties as above, himself in 20*l.* and two sureties in 10*l.* each, or one surety in 20*l.* and not to offend again for 2 yrs.; and not finding such sureties, to be further Impr. with H. L. for 1 yr. unless such sureties sooner found.

Third offence.

Any person being guilty of a third offence,

(a) *Qu.* Is it necessary to constitute a second offence, that the party should commit precisely the same offence in both instances? Suppose a party *killed game* in the night the first time, and he went out *with intent* to kill game the second, as this is a penal stat. could he be considered to have committed a second offence?

GAME—*continued.*

misd. (a) and on conv. pun. at the disc. of 9 G. 4.
 the Ct. Tr. 7 yrs. or Impr. with H. L. in c. 69.
 com. g. or h. cor. not ex. 2 yrs.—For the
 like offences in *Scot.* the like pun. Id. s. 1.
 Offences punishable by Indictment. See p. 61.
 ante.

GAMING.

Assault and challenges on acct. of money won at
 play.

The stat. 9 Ann. c. 15. s. 8. which made these
 assaults and challenges punishable with 2 yrs.
 Impr. and forfeiture of the goods and chat-
 tels and personal estate of the offender, is re-
 pealed by 9 Geo. 4. c. 31. and also the
 9 Ann. c. 14.

GARDEN.—*Summary Conviction.*

Stealing plants, fruits, &c. from.

First Offence. — Any person stealing, destroy- 7 & 8 G. 4.
 ing, or damaging with intent to steal, any c. 29.
plant, root, fruit, or vegetable production
 growing in *any* garden, orchard, nursery
 ground, hothouse, greenhouse or conserva-
 pun. on conv. before a J. P. at the disc. of
 the J. either comm. to the com. g. or h. cor.
 to be Impr. only, or Impr. and H. L. not

(a) The third offence being a transportable misd. one J.
 may commit the offender for trial at the assizes or q. sess. and
 as the offence is only a misd. the prisoner is entitled to be ad-
 mitted to bail.

GARDENS—*continued.*7 & 8 G. 4.
c. 29.

6 cal. m. or else forfeit and pay over and above the value of the articles stolen, or the amount of injury done, not ex. 20*l.* 7 & 8 Geo. 4. c. 29. s. 42.

Second Offence.— Fel. pun. as for simple larceny. (a) Id.

Stealing trees and vegetable productions from parks, gardens, pleasure grounds, &c. of the value of 1*l.* or elsewhere of the value of 5*l.*

s. 33.

Stealing, or cutting with intent to steal, breaking, rooting up or otherwise destroying, or damaging with intent to steal, 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, (if the value of the article, or articles stolen, or amount of injury done, ex. 1*l.*) fel. pun. as for simple larceny (a). If growing elsewhere than in the above situations (if the value of the article or articles stolen or injury done ex. 5*l.* fel. pun. as above. 7 & 8 Geo. 4. c. 29. s. 38.

Destroying trees or shrubs in parks, gardens, &c. of the value of 1*l.*

Unlawfully and maliciously cutting, breaking, barking, rooting up or otherwise destroying

(a) See *Larceny*, post, for the punishment.

GARDENS—*continued.*

or damaging 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, (*if the amount of injury done ex. 5l.*) fel. pun. at disc. of the Ct. Tr. not ex. 7 yrs. or Impr. not ex. 2 yrs. If a male, to be once, twice or thrice pub. or priv. W. in add. to Imp. (*if the Ct. thinks fit.*) 7 & 8 Geo. 4. c. 30. s. 19.

Destroying trees, shrubs, &c. of the value of 5l. growing elsewhere.

Unlawfully and maliciously doing the said acts, elsewhere than in the situations abovementioned, (*if the amount of injury done ex. 5l.*) fel. pun. any of the above which the Ct. may award for the fel. last above mentioned. Id.

The like offence (*Summary Conviction,*) where the trees, &c. wheresoever growing, are of the value of *one shilling*, pun. on conv. before a J. P. for the 1st offence, to forfeit and pay above the amount of injury done, not ex. 5l. For the 2d offence, comm. to the com. g. or h. of cor. to H. L. not ex. 12 cal. m. If the 2nd conv. takes place before two Js. they may order the offender, if a male, to be once

GARDENS—*continued.*

or twice pub. or priv. W. after the end of 4 days from conv. Any other subsequent offence is fel. pun. as any of the punishments mentioned s. 19. p. 69. ante.

Destroying vegetable productions in gardens, hothouses, &c.

7 & 8 G. 4.
c. 30.

Summary Conviction.—Unlawfully and maliciously destroying, or damaging with intent to destroy, any plant, root, fruit, or vegetable production growing in any garden, orchard, nursery-ground, hothouse, green-house or conservatory, pun. on conv. before a J. P. at his disc, comm. to the com. g. or h. of cor. there to be Impr. only, or Impr. with H. L. not ex. 6 cal. m. or else forfeit and pay above the amount of injury done, not ex. 20*l.* as the J. P. shall think fit. (a) Committing any of the said offences again, fel. pun. as for fel. above mentioned, s. 19. p. 69, ante.

7 & 8 Geo. 4. c. 30. s. 2.

GREENWICH PENSIONERS.

Personating. See *Falsely Personating*, p. 53. ante.

(a) For the summary mode of proceedings against offenders, see *Summary Conviction, Malicious Injuries*, post.

H.

HABEAS CORPUS,

In cases relative to the Customs. See *Customs*,
p. 35. ante.

HARD LABOUR,

Punishment of, in certain cases of misd. in add.
to Impr.

The Ct. may sentence the offender to Impr. with
H. L. not ex. the time for which such Ct.
might at the passing of this act Impr. for
such offences, either in add. to or in lieu of
any other pun. which might be inflicted be-
fore the passing of this act, viz.

In any attempt to com. fel. riot, being an utterer of
counterfeit money, knowing the same to be
counterfeit, keeping a com. gaming house,
keeping a com. bawdy-house, keeping a com.
ill-governed house and disorderly house, wil-
ful and corrupt perjury, entering any *open or*
inclosed ground (a) with intent to destroy,
take or kill game or rabbits, or with intent to
aid, abet and assist therein, or to kill game
or rabbits, and having been found at night
armed with any offensive weapon. 3 Geo. 4.
c. 114. 9 G. 4.
c. 114.

HARES or RABBITS,

Destroying, in warrens or breeding ground at night.

(a) See note, p. 61, ante.

78 & G. 4. Unlawfully and wilfully in the night time taking or killing any *hare* or *coney* in a warren or ground used for breeding or keeping them, whether inclosed or not, *misd. pun.* as for simple larceny (a). 7 & 8 Geo. 4. c. 29. s. 30.

Destroying in the day time.

Unlawfully and wilfully comm. the like offence in the *day time*, or setting or using any snare or engine for taking rabbits, hares or conies, *pen. on conv. before a J. P. forfeit and pay not ex. 5l. as the J. thinks fit. But not to extend to persons taking or killing in the day time any conies on any sea or river bank in the co. of Lincoln, so far as the tide extends, or within one furlong of such bank.* 7 & 8 Geo. 4. c. 29. s. 30.

HARM, Grievous bodily. See *Cutting, &c.*, p. 38, ante.

HEATH BURNING.

See *Arson*, p. 10, ante.

HELPLESS PERSONS,

Neglect of. See *Apprentices*, p. 9, ante.

HOMICIDE not felonious.

9 G. 4. No pun. or forfeiture shall be incurred by any one who kills another by misfortune or in his own defence, or in any other manner without felony. 9 Geo. 4. c. 31. s. 10.

(a) See *Larceny*, post, for the punishment.

HOPBINDS, Destroying.

Unlawfully and maliciously cutting or otherwise destroying any hopbinds growing on poles in any plantation of hops, fel. pun. at the disc. of the Ct. Tr. for life, or not less than 7 yrs. or Impr. not ex. 4 yrs. ; if a male, to be once, twice or thrice pub. or priv. W. (if the Ct. think fit,) in add. to Impr. 7 & 8 Geo. 4. c. 30. s. 18.

HORSE AND CATTLE STEALING.

Stealing any *horse, mare, gelding, colt or filly*, or any *bull, cow, ox, heifer or calf, or any ram, ewe, sheep or lamb*, or wilfully killing any such cattle (a) with intent to steal the carcass or skin, or any part thereof, fel. pun. D. 7 & 8 Geo. 4. c. 29. s. 25.

HOT HOUSES. See *Garden*, p. 67, ante.

HOUSEBREAKING. See *Dwelling-House*, p. 45. ante.

HUNDRED, Remedies against.

Liability of the Hundred in cases of demolishing by rioters.

If any church or chapel, or any dissenting chapel duly registered, or any house, stable, coach-house, outhouse, warehouse, office, shop, mill, malthouse, hop-oast, barn or granary, or any building or erection used in

(a) It has been held that pigs were cattle, *Rex v. Chapple*, R. & R. 77; and *asses*, *Rex v. Whitney*, R. & M. 3.

HUNDRED—*continued.*7 & 8 G. 4.
c. 31.

carrying on any trade or manufactory, or branch thereof, or any machinery, whether fixed or moveable; prepared for or employed in any manufactory, or in any branch thereof, or any steam engine or other engine for sinking, draining, or working any mine, or any strait, building, or erection used in conducting the business of any mine, or any bridge, waggon-way, or trunk for conveying minerals from any mine, shall be feloniously demolished, pulled down, or destroyed wholly or in part, by any persons tumultuously assembled together, in every such case the inhabitants, wapentake, ward, or other district, by whatever name denominated, in which any of the said off. shall be comm. are to make full compensation to the person damaged, not only for damage done, but also for damage done at the same time to any picture, furniture, or goods whatever in any church, &c.
7 & 8 Geo. 4. c. 31. s. 2.

How to be proceeded agt. where the damage ex.
£30.

s. 3.

No action or *summary* proceeding as after-mentioned, (p. 76.) shall be maintainable under this act for any damage caused as aforesaid, (sect. 2.) unless the person damaged, or such of them as know the circum-

HUNDRED—*continued.*

- stances of the off. or his servant or servants 7 & 8 G. 4.
 who had care of the property damaged, shall c. 31.
 within 7 days after the off. comm. go before
 a J. P. residing near the place where the
 off. was comm. having juris. therein, and
 state on oath the names of the off. (if known)
 and submit to be examined as to the off.
 and become bound by recognizance to pro-
 secute; such action to be commenced within
 3 cal. m. after off. comm. Id. s. 3.
- The process must be served on the high const. s. 4.
 who may let judgment go by default or
 defend it. Id. s. 4.
- The inhabitants of the hundred are competent s. 5.
 witnesses. Id. s. 5.
- If the plaintiff shall recover, the writ of execu- s. 6.
 tion shall not be executed, but the sheriff on
 receiving it shall issue his warrant to co. trea-
 surer, who is to pay the amount. Id. s. 6.
- The sheriff may direct his warrant into liberties. s. 13.
 Id. s. 13.
- The expences of the high const. are to be allowed s. 7.
 by J. P. and paid by the co. treasurer, and
 the whole is then to be levied on the hundred,
 above their share of the co. raté. Id. s. 7.
- For the mode of payment in liberties, see s. 12.
 14 and 15.
- For the mode of suing for damage done to s. 11.

HUNDRED—continued.

- 7 & 8 G. 4. churches and chapels, or property belonging
c. 31. to corporations, see the act, s. 11.

Proceedings where the damage does not exceed 30*l.*

Summary Proceeding.

- s. 9. No person can commence an action agt. the hundred, or other like district, where the damage does not exceed £30, but the party damnified must within 7 days after the off. comm. give notice in writing of his claim for compensation to the high const. (a) or some one of such const. (if there is more than one,) of the hundred or district in which the off. is comm. The high const. must then within 7 days after receipt of the notice exhibit the same to 2 Js. of the co. residing near or acting for the hundred, &c. and they are thereupon to appoint a special p. sess. of all the Js. of the co. &c. to be held within not less than 20 nor more than 30 days after exhibition of such notice for the purpose of hearing and determining such claim on account of such damage, &c. The high const. is within 3 days after such appointment to give notice in writing to the claimant of the day, hour, and place of holding the sp. p. sess. and is within 10 days to give the like

(a) According to the form set forth in the schedule to the act.

HUNDRED—*continued.*

notice to all the Js. acting for the hundred or district, and the claimant is required to place notice in writing (*a*) on the church or chapel door or other conspicuous part of the parish church in which such damage has been comm. on two Sundays preceding the day of holding the sp. p. sess. Id. s. 3. 7 & 8 G. 3. c. 31.

The Js. not being less than two, at such p. sess. s. 9. or any adjournment thereof, are to hear and examine on oath or affirmation the claimant and any inhabitant of the hundred, &c. and their witnesses, as to the damage sustained; and the said Js. or the major part of them, if they shall find that the claimant has sustained any damage by the means aforesaid, shall make an order for payment of the amount to him, together with reasonable costs, and also an order for payment of the costs of the high const. or inhabitants upon the treasurer of the co. &c. who is to pay the same, and charge the same in manner before mentioned, (s. 7. p. 75, ante.) Id. s. 9.

For cases which do not exceed £30, and those which exceed that sum, see s. 1. 5. 11. 12. 14 and 15. p. 75, ante.

(*a*) According to the form set forth in the schedule of this act.

I.

IMPARLANCE.

Plea of not guilty and traverse:

7 & 8 G. 4.
c. 28.

Where a person not having the privilege of peerage is arraigned on any ind. for treason, fel. or piracy, and shall plead n. g. he shall without farther form be deemed to have put himself upon the country for trial, and the Ct. shall order a jury to try him accordingly.

7 & 8 Geo. 4. c. 28. s. 1.

60 G. 3.
& 1 G. 4.
c. 4.

Any person prosecuted in the K. B. (or *Dublin*) for any misd. either by inf. or indict. removed into that Ct. and shall appear in term, shall not *imparle*, but shall plead or demur in four days from the time of appearance. 60 Geo. 3. and 1 Geo. 4. c. 4. In default of appearance, or pleading, or demurring as aforesaid, judg. may be entered against defendants as for want of a plea. Id. In case defendant appears by his clerks in Ct. he shall not *imparle* to the following term, but a rule to plead may forthwith be given, and a plea or demurrer enforced or judgment entered thereupon in the same manner as might have been done before the passing of this act, in cases where defendant had appeared by his clerk in Ct. or attorney. Id.

IMPARLANCE—*continued.*

The Ct. or Judge may, if sufficient cause is shewn, allow further time to plead or demur. 60 G. 3. and 1 G. 4. c. 4.

Id. s. 2.

Where any person prosecuted for any misd. by indictment at any sessions of the peace, or of O. and T. or gt. sess. or sess. of gaol del. in Gt. Brit. or Irel. and comm. or held to bail 20 days at least before the sess. at which the ind. shall be found, he shall plead (a) and the trial shall proceed thereupon, unless removed by certiorari. Id. s. 3.

The certiorari may issue as well before ind. found as after. Id. s. 4.

If the defendant has not been comm. or held to bail for 20 days, or had notice to appear at a subsequent sess. he shall plead and try at that sess. Id. s. 5.

In cities and towns corporate, ind. may be removed into the adjoining co. under 38 G. 3. c. 52. and tried there under this act. Id. s. 6.

The Ct. may upon sufficient cause shewn, allow further time (b) for pleading or for the trial. Id. s. 7.

(a) In misd. the defendant has no right to traverse till the next sess. if he has been in custody or out on bail for twenty days or more.

(b) Where a defendant has been held to bail, or comm. for

IMPARLANCE—*continued.*

60 G. 3.
and 1 G. 4.
c. 4. s. 7.

In all prosecutions for misd. by the Attorney or Solicitor General, the Ct. shall, if required, direct a copy of the ind. or inf. to be given after appearance to the defendant, his clerk in Ct. or attorney free of expence.

And if the prisoner shall not be brought to trial within 12 cal. m. after a plea of not guilty, the party may (after 20 days' notice to the Attorney or Solicitor General), apply to the Ct. who may (if they see just cause to do so), authorise the defendant to bring on the trial, unless a *nolle prosequi* is entered. Id.

But not to extend to prosecutions by inf. in the nature of *quo warranto* nor for non-repair of any bridge or highway. Id.

INDICTMENT.

The venue in cases of murder and manslaughter.

9 G. 4.
c. 8.

Where a person being feloniously stricken, poisoned, or otherwise hurt upon the sea, or at any place out of England, shall die of such stroke, &c. in England, or being so stricken, &c. at any place in England, shall die of such stroke, &c. upon the sea, or at

more than 20 days on a charge of fel. and the bill before the grand jury is returned "no true bill," but a bill for a misd. in attempting fel. is found, the defendant is entitled to traverse. *Res v. James*, 3 Car. & P. 222.

INDICTMENT—*continued.*

any place out of England, every such off. 9 G. 4.
 whether comm. in respect of any such case, c. 31.
 it shall amount to murder or manslaughter,
 or of being an accessory before the fact of
murder or after the fact of manslaughter,
 may be tried and pun. in the co. or place in
 England in which the death, stroke, &c. shall
 happen, in the same manner in all respects,
 as if the offence had been comm. in that co.
 or place. 9 Geo. 4. c. 8. s. 31.

Venue in offences on the borders of counties.

When a fel. or misd. is comm. on the bound. or 7 G. 4.
 bounds. of 2 or more cos. or within 500 yds. c. 64.
 thereof, *or shall be given in one co. and be*
completed in another, every such fel. or misd.
 may be tried and pun. in either co. 7 Geo. 4.
 c. 64. s. 12.

As to offences comm. on persons or property on
 coaches, &c. or inland navigation.

Where a fel. or misd. is comm. on any per- s. 13.
 son or property in or upon any stage coach,
 waggon, cart, *or other carriage whatever*,
 employed in any journey, or on any person
 or property on board *any vessel whatever*
 employed in any voyage or journey on any
 navigable river, canal, or inland navigation,
 such fel. or misd. may be tried and pun. in
 any co. through any part of which such

INDICTMENT—*continued.*7 G. 4.
c. 64.

off. to have been comm. on a day subsequent to the finding of the indict. or exhibiting the inf., or on an impossible day, or on a day that never happened, nor for the want of a proper or perfect venue, where the Ct. shall appear by the indict. or inf. to have had jurisd. over the off. 7 Geo. 4. c. 64. s. 20.

As to accessaries before and after the fact, see *Accessaries*, p. 2 & 3, ante.

The like, receivers, see *Accessaries, Receivers*, p. 6. ante.

Where the property is found in some other part of the U. K.

The act of 7 & 8 Geo. 4. c. 29. does not extend to Scotland or Ireland, except in the following cases.

7 & 8 G. 4.
c. 29.

Where a person having stolen or otherwise feloniously taken any chattel, money, valuable security or other property: whatever, in any part of the U. K. shall afterwards have the same in his possession in any other part of the U. K. he may be ind. tried and pun. for larceny or theft, in that part of the U. K. where he shall have the property. 7 & 8 G. 4. c. 29. s. 76.

Receivers of such stolen property are to be dealt with as last aforesaid. Id.

INDICTMENT—*continued.*

Offences at sea.

Where a fel. or misd. pun. under this act, 7 & 8 G. 4. c. 29.
shall be committed within the jurisd. of the Admiralty of England; the same may be dealt with, tried and determined as any other fel. or misd. within that jurisd. Id. s. 77.

Of the name and addition; see *Addition*, p. 7, ante.

Of laying the property, whether real or personal, where it is vested in partners, joint-tenants, &c.

In all ind. or inf. for fel. or misd. it is sufficient to lay the possession or property of partners in trade, joint-tenants, parceners or tenants in common, in one of them and *another or others*, and also when it is necessary for any purpose whatever to mention those parties, in any ind. or inf. as joint-stock companies and trustees, they are to be described in the same manner. 7 Geo. 4. c. 64. s. 14.

In a county or division.

The property of co. or divisions may be laid in the inh. without mentioning the names of any. Id. s. 15.

In a parish, township or place:

Property of a parish, with respect to a workhouse or poorhouse provided for the use of the poor, or to be used in a workhouse or poorhouse, or by the master thereof, or by s. 16.

INDICTMENT—*continued.*

- 7 G. 4.
c. 64. the workmen or servants employed therein :
it may be laid in the overseers of the poor *for
the time being*, without naming any of them.
Id. s. 16.
- Property of a parish as to highways. Materials,
tools or implements provided for the high-
ways, (except trustees or commissioners of
turnpike roads) may be laid in the surveyor
or surveyors of the highways *for the time
being*, without naming any one of them. Id.
- Property of a turnpike trust.
- s. 17. Where the property belongs to the trustees of a
turnpike road trust, it may be laid in the
trustees or commissioners of such road with-
out naming any of them. Id. s. 17.
- s. 18. Where the property is vested in or under the
the management of commissioners of sewers.
It may be laid as belonging to the commission-
ers of sewers without naming any of them.
Id. s. 18.
- Where the property belongs to Chelsea Hospital.
- 7 G. 4.
c. 16. It is to be laid in the lords and others commis-
sioners of the Royal Hospital for soldiers at
Chelsea, in the co. of Midd. 7 Geo. 4.
c. 16. s. 35. See tit. *Chelsea Hospital*,
p. 25, ante.
- In case of leaving seamen abroad. See *Forcing
Seamen Ashore*, p. 59. ante.

INFORMATION.

When the Ct. may order a copy, see *Impar lance*,
 §c: p. 78, ante.

In offences relating to the customs, see *Cus-
 toms*, p. 35, ante.

INJURIES, Malicious.

To property. See *Malicious Injuries*, post.

INJURIES TO THE PERSON. (a)

Every offence of petty treason, which before the
 commencement of this act would have
 amounted to murder, shall be deemed to be
 murder only, and all persons guilty thereof,
 whether as principals or accessaries, shall be
 ind. tried and pun. as principals and accessa-
 ries in murder. 9 Geo. 4. c. 31. s. 2.

Murder.

Every person conv. of murder, or of being an
 accessory *before* the fact to murder, pun. D.
 Id. s. 3.

Every accessory *after* the fact to murder, pun.
 at the disc. of the Ct. Tr. for life, or Impr.
 with or without H. L. in the com. g. or h.
 cor. not ex. 4 yrs. Id.

Murder or manslaughter committed abroad by
 his majesty's subjects, and charged with the

(a) The various laws relating to murder and *personal in-
 juries*, dispersed through a variety of statutes, were by the
 9 G. 4. c. 31. reduced into one act, in which some important
 alterations and improvements are observable.

INJURIES TO THE PERSON—*continued.*9 G. 4.
c. 4.

offence in England, or being accessory before the fact to murder, or after the fact to murder or manslaughter respectively, comm. on land out of the U. K. whether within the king's dom. or without; any J. P. of the co. or place where the person charged shall be, is authorized to take cognizance of the offence, and proceed therein as if it had been comm. within *his ordinary juris*. and if the party charged shall be comm. for trial, or admitted to bail, a commission of O. T. shall issue for the speedy trial of the offender, and the persons named in the commission shall hear and determine the offence in the same manner, as if the offence had been comm. in the said co. or place. 9 Geo. 4. c. 4. s. 7. See *Commitments*, p. 29, ante.

Peers or persons entitled to the privilege of peerage, ind. for such offences shall be tried by their peers in the usual manner. *Id.*

Nothing contained in the said act shall prevent any person being tried in any place out of this kingdom, (a) for murder or manslaughter

(a) If an offender is tried and acquitted in a foreign country for a murder committed in that country, he may plead the acquittal in bar of indictment in England under a special commission. *Hutchinson's Case*, 1 Show. 6. Bull. N.P. 245.

INJURIES TO THE PERSON—*continued.*

comm. abroad, in the same manner as he might have been tried before the passing of this act. *Id.* 9 G. 4. c. 4. s. 7.

Manslaughter.

Every person conv. of manslaughter, pun. at the disc. of the Ct. Tr. for life, or not less than 7 yrs. or Impr. with or without H. L. in the com. g. or h. cor. not ex. 4 yrs. or Fine as the Ct. shall award. 9 Geo. 4. c. 31. s. 9.

The like offence comm. abroad, see *Commitments*, p. 29, ante.

Homicide not felonious. See *Homicide*, p. 72, ante.

Attempts to murder by poisoning, drowning, strangling or suffocating, shooting or stabbing.

Administering or attempting to administer to any person, or causing to be taken by any person, any poison or other destructive thing, or attempting to drown, suffocate or strangle any person, or shooting at any person, or by drawing a trigger, or in any other manner attempting to discharge any kind of loaded arms (a) at any person, or stabbing, cutting or s. 11.

(a) These words will comprise *air guns*, though perhaps not *cross bows*, although a *cross bow* may be considered loaded when the bullet is put into the place from whence it is to be propelled by the distension of the gut; so a bullet is to be propelled from the air-gun by the escape of the air in the chamber.

INJURIES TO THE PERSON—*continued.*9 G. 4.
c. 31

wounding any person with intent in any of the said cases to murder, and every person aiding or abetting, fel. pun. D. 9 Geo. 4. c. 31. s. 11.

Concealment of the birth of bastard children. See *Concealment*, p. 31, ante.

Furious driving. See *Driving Furiously*, p. 57, ante.

Sodomy.

s. 15.

Every person conv. of this *abominable crime*, either mankind or with *any animal*, fel. pun. D. 9 Geo. 4. c. 31. s. 15.

s. 18.

In cases of sodomy, it is not necessary to prove the actual emission of seed in order to constitute the offence, but it is to be deemed complete upon proof of penetration only. Id. s. 18.

Rape.

s. 18.

Persons conv. of rape, (a) fel. pun. D. Id. s. 16.
Carnal knowledge of girls under 10 yrs. See p. 22. ante.

The like of girls between 10 & 12 yrs. Id.

Forcible abduction of women on account of their property, and against their will. See p. 1, ante.

(a) It was held that *the least degree of penetration was sufficient to constitute this offence.* See *Russen's case*, 1 East, P. C. 438. Russell, 303.

INJURIES TO THE PERSON—*continued.*

Forcible abduction of girls under 16 yrs. See p. 1, *ante.*

Child stealing. See p. 26, *ante.*

Bigamy. See p. 10, *ante.*

Arresting clergymen during divine service, or going to or returning from. See p. 10, *ante.*

INSOLVENT DEBTORS.

A prisoner wilfully and fraudulently omitting in his schedule any effects or property whatsoever, or retaining or excepting out of his schedule, as wearing apparel, bedding, working tools and implements, or other necessaries, property of greater value than 20*l.* with intent to defraud his or her creditors; and every person aiding and assisting him (*or her*) (*a*) to do so, on conv. to be deemed guilty of a misd. pun. Impr. with H. L. not ex. 3 yrs. 7 G. 4. c. 57. s. 70.

Persons forswearing in any oath to be taken under this act, pun. as for perjury. Id. s. 71.

Quakers making false affirmations, incur and shall suffer the same pen. as for perjury. Id.

INTERPRETATION,

General rule of, relating to any offence whatever, punishable upon ind. or summary juris. 7 & 8 G. 4. c. 29.

(*a*) The words "or her," which no doubt were intended to have been inserted, are omitted in the statute.

INTERPRETATION—*continued.*7 & 8 G. 4.
c. 28.

under the 7 & 8 Geo. 4. c. 28. or any other statute.

In describing or referring to the offence or the subject matter, on or with respect to which it shall be comm. or the offender, or the party affected or intended to be affected by the offence hath used or *shall use words importing the singular number, or the masculine gender only, yet the statute shall be understood to include several matters,* as well as one matter; and *several persons,* as well as one person; and *females,* as well as males; and *bodies corporate,* as well as individuals; unless it be otherwise specially provided, or there is something in the subject or context repugnant to such construction, and whenever any forfeit. or pen. is payable to a party aggrieved, it shall be payable to a body corporate in every case where such body shall be the party aggrieved. 7 & 8 Geo. 4. c. 28. s. 14.

JUDGMENT,

On indictment for felony without benefit of Clergy.

7 G. 4.
c. 64.

Where a person is indicted for any offence for which by this or any other statute or statutes *made or to be made,* the offender is or shall be excluded from the benefit of clergy,

JUDGMENT—*continued.*

such person shall be equally excluded from the benefit of clergy whether conv. by verdict or by confession, or upon arraignment shall stand mute of malice, or will not answer directly to the charge, or shall challenge peremptorily above the number of 20 of the jury, or shall be outlawed upon the indictment, although the statute or statutes taking away the benefit of clergy, in any such case may not expressly provide that the offender shall be excluded from the benefit of clergy, in case such offender shall confess or stand mute, or not answer directly, or challenge peremptorily above 20 of the jury or be outlawed. And this extends as well to accessaries as to principals. 7 Geo. 4. c. 64. s. 7. See *Punishment*, post.

Of death in capital cases. *Sentence of death*, post.
Justifiable Homicide. See *Homicide*, p. 72, ante.

K.

KEELMEN.

Assaulting to prevent them working. See p. 14.

KILLING CATTLE. See p. 23, ante. See *Cattle*, p. 23, ante.

Unlawfully and maliciously killing, maiming or wounding cattle, fel. pun. at the disc. of the Ct. Tr. for life, or not less 7 yrs. or

7 & 8 G. 4.
c. 30.

KILLING CATTLE—*continued.*7 & 8 G. 4.
c. 30.

Impr. not ex. 4 yrs. If a male, to be once, twice, or thrice pub. or priv. whipped, in add. to the Impr. (if the Ct. think fit.)
7 & 8 Geo. 4. c. 30. s. 16. See *Cattle*, p. 29, ante.

Maiming cattle. See *Maiming*, post.

King's Stores.

5 G. 4.
c. 53.

Stealing or embezzling His Majesty's ammunition, sails, cordage, or naval or military stores, or procuring, aiding, or abetting the offenders, pun. Tr. for life, or not less than 7 yrs. or Impr. only, or Impr. with H. L. in the com. g. or h. cor. not ex. 7 yrs. 5 G. 4. c. 53.

L.

LABOUR, HARD—Punishment of, in certain cases of misd. 3 G. 4. c. 114.

The Ct. may sentence an offender to Impr. with H. L. for any term, not ex. the term for which the Ct. might before the passing of this act, Impr. for such offences *either in add. to or in lieu of any other pun.* which may be inflicted on offender by any law in force before this act, that is to say, attempt to commit fel. riot, uttering counterfeit mo-

LABOUR, HARD—*continued.*

ney, knowing the same to be counterfeit, 3 G. 4.
 keeping a com. gaming, or bawdy or disorderly house, wilful and corrupt perjury, or c. 114.
 subornation of perjury; having entered any
open or inclosed ground, with intent illegally to destroy, take, or kill game or rabbits, or with intent to aid, abet and assist any person or persons illegally to destroy, take, or kill game or rabbits, and having been found at night armed with any offensive weapon. 3 Geo. 4. c. 114.

LARCENY (*a*)—General Clauses (*b*).

The distinction between grand and petty larceny. s. 2.
 is abolished, and every larceny, whatever may be the value of the property stolen, shall be of the same nature, and subject to the same incidents as grand larceny was before the 1st July, 1827, and every Ct. whose power as to the trial of larceny, was before the 1st July, 1827, limited to petty larceny shall have power to try every case of larceny, the pun. of which cannot ex. the pun. for

(*a*) To constitute the offence of larceny, there must be a taking from the possession, & carrying away against the will of the owner, and a felonious intent to convert to the offender's use.

(*b*) The larceny consolidation act (7 & 8 G. 4. c. 29.) commenced 1 July 1827.

LARCENY—*continued.*

7 & 8 G. 4. simple larceny, (a) and also to try all acces-
c. 30. saries to such larceny. Id. s. 2.

7 & 8 G. 4. General Rule of Interpretation, 7 & 8 Geo. 4.
c. 28. c. 28. s. 14. See p. 91, ante.

7 & 8 G. 4. *Valuable Security.*—*What shall be considered*
c. 29. *valuable security under this act.* 7 & 8
Geo. 4. c. 29.

s. 5. Any tally, order or other security whatsoever en-
titled or evidencing the title of any person
or body corporate to any share or interest in
any public stock or fund, whether in Gt. Brit.
or Ireland, or of any foreign state, or in any
fund of any body corporate, company or so-
ciety, or to any deposit in any savings bank,
or any debenture, deed, bond, bill, note, war-
rant, order, or other security whatever, for
money or for payment of money whatever of
this kingdom, or of any foreign state, or any
warrant or order for the delivery or transfer of
any goods or valuable thing, shall be included
under, and denoted by the words "*Valuable
Security.*" 7 & 8 Geo. 4. c. 29. s. 5. See
p. 98, 99.

Punishment of Larceny.

s. 3. Every person conv. of simple larceny, or of any
fel. made punishable like simple larceny, shall
(except in cases otherwise provided for,) be

(a) For which see below.

LARCENY—*continued.*

liable at the disc. of the Ct. to be Tr. for 7 & 8 G. 4.
7 yrs. or Imp. not ex. 2 yrs. and if a male, ^{c. 2.}
to be once, twice, or thrice pub. or priv. W.
(if the Ct. shall think fit) in add. to such
Impr. Id. s. 3.

Hard Labour or solitary confinement.—Power of
the Ct. to order, in add. to the Impr.

Where a person is conv. of any fel. or misd. 7 & 8 G. 4.
punishable under this act, for which Impr. ^{c. 29.}
may be awarded, the Ct. may sentence the
offr. to be Impr. only, or Impr. and kept to
H. L. in the com. g. or h. cor., and also di-
rect him to be kept in sol. conf., for the
whole or any portion of the Impr. or of the
Impr. with H. L. as the Ct. shall think fit.
7 & 8 Geo. 4. c. 29. s. 4.

Accessaries before the fact. Id. s. 61. See p. 5, ante. s. 61.

Accessaries after the fact. Id.

Receivers. Id. s. 45. See p. 6, ante. s. 45.

For the pun. of fel., see *Punishment*, post.

**Respecting property stolen in one part of the
U. K. and found in another.**

This act (7 & 8 G. 4. c. 29.) does not extend to
Scot. or Ire. except in the following cases :

**Stealing or otherwise feloniously taking away any s. 70.
chattel, money, valuable security (a), or other**

(a) What is considered valuable security, see p. 96.

LARCENY—*continued.*7 & 8 G. 4.
c. 29.

property whatsoever, in one part of the U. K. and having the same in possession in another part, the off. may be indict. tried, pun. &c. for larceny or theft, in that part of the U. K. where he shall have the property, in the same manner as if he had actually stolen or taken it in that part. *Id.* s. 76.

A receiver of property so stolen or taken, may be indict. tried and pun. in that part of the U. K. where he shall receive or have the property, in manner aforesaid. *Id.*

Felonies or misd. comm. within the jurisd. of the Admiralty.

s. 77.

Where any fel. or misd. punishable under this act, (7 & 8 Geo. 4. c. 29.) shall be comm. within the jurisd. of the Admiralty of England, the same shall be tried and determined as any other fel. or misd. comm. within that jurisd. *Id.* s. 77.

Not to affect or alter any act relating to the pub. offices, pub. revenue, or the naval, military, victualling or other pub. stores, (except the acts of the 31 Eliz. and 22 Car: 2. which are repealed,) or the Bank of England, or South Sea Company. *id.*

s. 5.

Stealing securities for money.

Stealing a tally, order, or other security what-

LARCENY—*continued.*

soever, entitling or evidencing the title of any person or body corporate to any share or interest in a pub. stock or fund, whether of this kingdom or of Gt. Brit. or 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 offr. shall be deemed guilty of fel. of the same nature and in the same degree, and punishable in the same manner, as if he had stolen any chattel of the like value with the share, int. or deposit to which the security stolen may relate, or with the money due on the security 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 such several documents shall throughout this act be deemed for every purpose to be included under and denoted by the words "*valuable security.*" Id. s. 5.

7 & 8 G.4.
c. 29.

LARCENY—continued.**Robbery.—Stealing from the person.**

7 & 8 G. 4.
c. 29. Robbing another of any chattel, money or valuable security fel. pun. D. Id. s. 6.

Assaulting with intent to rob.

Stealing any such property from another, or assaulting with intent to rob; or with menaces; or by force demanding any such property with intent to steal, fel. pun. at the disc. of the Ct. Tr. for life, or not less than 7 yrs. or Impr. not ex. 4 yrs. If a male, to be once, twice, or thrice pub. or priv. W. (if the Ct. shall think fit,) in add. to Impr. Id.

As to obtaining money or valuable security (b), &c. by threatening to accuse a person of infamous crime.

s. 7. Accusing or threatening to accuse any one of any infamous crime (next after mentioned, s. 9.) with intent to extort or gain, or by intimidation, accusation, or threat, extorting or gaining any chattel, money, or valuable security. Rob. to be ind. and pun. D. Id. s. 7.

What is deemed an infamous crime.

s. 9. The abominable crime of buggery comm. either

(a) For what is a valuable security, see p. 96, ante.

(b) To constitute this offence, money or other valuable security must be actually obtained; if threats are used, but no money, &c. obtained, the offence comes under the preceding sect. and is punishable by transportation, &c.

LARCENY—*continued.*

with mankind or with beast, every assault with intent to com. such crime, and every attempt or endeavour to com. such crime and every solicitation, persuasion, promise or threat, offered or made to any person to induce such person to com. or permit the said crime, shall be deemed to be an infamous crime. Id. s. 9. 7 & 8 G. 4.
c. 29.

Sending threatening letters, or threatening to accuse a party of certain crimes.

Sending (a) or delivering a letter, or writing, demanding with menaces, and without any reasonable or probable cause, any chattel, money, or valuable security, or accusing or threatening to accuse, or *knowingly* sending or delivering any letter, or writing, accusing or threatening to accuse any person of a crime punishable with D. Tr. or pillory, (b) of any assault with intent to com. a rape, or an attempt or endeavour to com. a rape, or of any infamous crime above defined, (s. 9.) with a view or intent to extort or gain any s. 9.

(a) Sending a letter threatening to expose person for some unjust or oppressive proceeding, or some irregularity in conduct not cognizable or punishable by the criminal law, though libellous, would not make the party liable to indictment under this sect. It must be some crime mentioned in the sect. attended with legal punishment.

It has been held, dropping a letter in a man's way, that he may pick it up, is a *sending* it to him within the meaning of the stat. *Rex v. Wagstaff*, Russ. & Ry. C. C. R. 398.

LARCENY—*continued.*

7 & 8 G. 4.
c. 29. chattel, &c. fel. pun. at the disc. of the Ct.
Tr. for life, or not less than 7 yrs. or Impr.
not exceeding 4 yrs.; and if a male, to be
once, twice, or thrice pub. or priv. W. (if the
Ct. shall think fit. Id. s. 9.

s. 10. Sacrilege—*when a capital offence.*

Breaking and entering any church or chapel,
and stealing therein any chattel (a), or hav-
ing stolen any such chattel therein, shall
break out of the same, fel. pun. D. s. 10.

Burglary. See p. 21, ante.

Housebreaking. See *Dwelling House*, p. 45,
ante.

Stealing in dwelling house, (b) some person put in
fear. See *Dwelling House*, p. 45, ante.

Stealing in dwelling house to the value of 5*l.*

See *Dwelling House*, p. 45, ante.

s. 14. Stealing in a building within the curtilage. (b)
Breaking and entering any building, and steal-
ing therefrom any chattel, money, or valua-

(a) This forms the offence of sacrilege, and to constitute the crime under this stat. the church must be either broken into, or the offender having concealed himself when it was open, and stolen some chattel, broken out of it. The thing must not be any fixture of the church or pews, but *some moveable thing* which answers the description of *chattel*.

(b) That is, some building not being part of the dwelling-house in which a burglary may be committed; not being a building or house, having communication between the dwelling-house and such building, either immediately or by means of a covered way and inclosed passage leading from one to

LARCENY—*continued.*

ble security, the building being within the curtilage of a dwelling house unoccupied therewith (a), but not being part thereof according to s. 19. every offender being convicted either upon indictment for the same or for burglary, or for house-breaking, or stealing to the value of 5*l.* in a dwelling-house, containing a separate count for such offence, pun. at the disc. of the Ct. Tr. for life, or not less than 7 yrs. or Impr. not ex. 4 yrs. If a male, to be once, twice or thrice pub. or priv. W. (if the Ct. shall think fit), in add. to Impr. Ib. s. 14. 7 & 8 G. 4. c. 29.

Breaking into shops, warehouses, &c.

Breaking and entering any shop (b), warehouse, or counting house, and stealing therein any chattel, money, or valuable security, fel. pun. as last mentioned, (s. 14.). Ib. s. 15. s. 15.

the other, but standing apart, but at the same time forming the curtilage or part of the offices, if they were so connected, the breaking and entering of such a house, would constitute burglary.

(a) A count (on this sect.) in the indict. for breaking and entering an outhouse may be either single or joined with a count for burglary, housebreaking, or stealing to the value of 5*l.* But there must be a distinct count for the offence under this sect. of the stat. or the party cannot be convicted.

(b) The hundred is liable to damages if a shop is riotously damaged or destroyed, 7 & 8 G. 4. c. 31. s. 2. See *Hundred*, p. 73, ante.

LARCENY.—*continued.*

7 & 8 G. 4. *Stealing goods, silk, woollen, linen, or cotton, or*
c. 29. *mixed, of the value of 10s. in the course of*
manufacture,

Stealing to the value of 10s. any goods, or arti-
cle of silk, woollen, linen or cotton, or of
any one or more of those materials mixed
with each other, or with any other material,
whilst laid, placed, or exposed during any
stage, process, or progress of manufacture,
in any building, field, or other place, (a)
pun. any of the punishment mentioned, in
s. 14. Id. s. 16.

Stealing goods, &c. on board vessels, barges,
boats, &c.

s. 17. *Stealing 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 creek, or
stealing goods or merchandize from any dock
or quay adjoining to any port, &c. pun. as
last mentioned, (sect. 14, p.103.) Ib. s. 17.

(a) This clause is for the protection of goods in process of manufacture, and which are necessarily left out and exposed in open fields, houses, sheds, &c. By this statute the offence is extended to any goods in any buildings or sheds, such as paper, leather, &c. as well as goods on bleaching greens and open grounds.

LARCENY—*continued.*

Plundering wrecks or stealing goods from ships *7 & 8 G. 4.*
in distress. *c. 29.*

Plundering or stealing any part of any ship or vessel (*a*) in distress, (*b*) wrecked, stranded or cast on shore; or any goods, merchandize or articles of any kind, *fel. pun. D. Ibid. s. 18.*

Where articles of small value are stranded or cast on shore, and stolen without cruelty, outrage or violence, *pun. as for simple larceny,* and in either case the offender may be ind. and tried either in the co. where the offence is comm. or in any adjoining co. *Id.*

Stealing or destroying records, &c.

Taking for any fraudulent purpose from the place of deposit, (*c*) or from any person hav-

(*a*) This section applies as well to foreign as to British ships or vessels.

(*b*) *Distress* applies to a vessel still afloat, but being disabled. Going on board such a vessel in such a state, and plundering her, will come within this clause, as well as going on board after she had struck, and then plundering her. *Sed qu.* How would the case be if the crew had deserted her? Would the going on board and plundering come within the meaning of the statute?

(*c*) That is, after the termination of an action or suit, and the proceedings have been filed, until which they cannot be considered as records. If any of the documents mentioned in this sect. are brought into the proper office to be filed, or they have been delivered out in order to be given in evidence on a trial or cause, and while in the custody of the officer and entrusted to him they are stolen or injured, it is a case within this sect. of the stat.

LARCENY—*continued.*7 & 8 G. 4.
c. 29.

ing the custody thereof, or unlawfully and maliciously obliterating, injuring or destroying *any record, writ, return, panel, process, interrogatory, deposition, affidavit, rule, order, warrant of attorney*, or any original document belonging to any Ct. of Record, civil or criminal, or relating to any matter depending or terminated in such Ct. or any bill, answer, interrogatory, deposition, order, or decree, or any document belonging to any Ct. of Equity, or relating to any matter depending or terminating in such Ct. misd. pun. at the disc. of the Ct. Tr. 7 yrs. or fine or Impr. or both, as the Ct. shall award.

In the ind. for this offence it is not necessary to allege the article destroyed, &c. to be the property of any person or of any value. Id. s. 21.

Stealing, destroying, or concealing wills. Id.

s. 21.

Destroying or concealing for any fraudulent purpose, any will, codicil, or other testamentary instrument, whether relating to real or personal estate or both, misd. pun. as last mentioned, s. 21.

In the ind. for this offence, it is not necessary to allege the will, &c. to be the property of any person, or of any value. Id.

LARCENY—*continued.*

See *saving clause and exemption from pun.* 7 & 8 G. 4.
s. 24. p. 108, post. c. 29.

Stealing or destroying writings of real estate.

Stealing any paper or parchment written or s. 21.
printed, or partly written and partly printed,
being evidence of the title or any part of the
title to any real estate, (a) misd. pun. as
last mentioned, (s. 21). Id. s. 23.

In the ind. for this offence, it shall be s. 23.
sufficient to allege the thing stolen to be
evidence of the title, or of part of the title
of the person or persons having a present
interest whether legal or equitable in the
real estate, and to mention the real estate,
or some part thereof; and it is not neces-
sary to allege the thing to be of any value.
Id. s. 23.

As to exemption from pun. in certain cases, see
the following section.

Saving of the remedies at law and in equity.

Nothing in this act contained relating to either s. 24.
of the misdemeanors aforesaid, nor any pro-
ceeding, conviction, or judgment to be had
or taken thereupon, shall prevent, lessen, or
impeach any remedy at law or in equity,

(a) By these words it seems that the stealing *leaves* for
terms, or deeds of a less value, would not be comprized
within the meaning of this clause.

LARCENY—*continued.*7 & 8 G. 4.
c. 29.

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. Id. s. 24.

Exemptions from punishment in certain cases.

No person shall be liable to be convicted of either of the misd. (s. 22 and 23 last mentioned) by any evidence whatever in respect of any act done by him, if he shall at any time previously to his being ind. for such offence have disclosed such act on oath, in consequence of any compulsory process of any Ct. of law or equity in any action, suit or proceeding which shall have been *bona fide* instituted by any party aggrieved, or if he shall have disclosed the same in any examination or deposition before any commissioners of bankrupt. Id.

Stealing horses, sheep, or cattle.

s. 25.

Stealing any horse, mare, gelding, colt or filly, or any bull, cow, ox, heifer or calf, or any ram, ewe, sheep or lamb, or wilfully killing any such cattle (a) with intent to steal the

(a) In an indict. for stealing a sheep or other cattle, it must be laid to be of some value. *Rex v. Peel*, Russ. & Ry. 407.

LARCENY—*continued.*

carcase or skin, or any part thereof, fel. pun. 7 & 8 G.4.
D. Id. s. 25. c. 29.

Deer stealing. See *Deer*, p. 40, ante. And *Summary Conviction*, post.

Power of deer keepers or their assistants to seize guns, engines, dogs, &c.

Any person entering into any forest, chase or purlieu, whether inclosed or not, or into any inclosed land, where deer are usually kept, with intent to hunt, course, wound, kill, snare or carry away deer, every person having the care of such deer, and his assistants, whether in his presence or not, are authorized to demand from the offender any gun, fire arms, snare or engine in his possession, and dog brought there for such purposes, and in case the offender shall not immediately deliver them up, to seize and take the same from him in any of the aforesaid places, or upon pursuit made in any other place for the use of the owner of the deer. s. 29.

Assaulting deer keepers or their assistants. s. 29.

Unlawfully beating or wounding any person having the care of deer, or his assistants, fel. pun. as for single larceny. Id. s. 29.

Destroying hares or rabbits in warrens or breeding grounds, in the night.

Unlawfully and wilfully in the night time taking

LARCENY—*continued.*7 & 8 G. 4.
c. 29.

or killing any hares or conies, (a) in a warren or ground used for breeding or keeping hares, &c. whether inclosed or not, misd. pun. as for simple larceny. (b) Id. s. 30.

For the like offence in the day time. See *Summary Conviction*, post.

Night poaching. See *Game*, p. 61, ante.

Fish, offences relating to. See p. 55, ante.

Oysters, stealing or dredging for.

s. 36.

Stealing oysters or oyster brood from any oyster bed, laying or fishery sufficiently marked out or known (c) -as such, lar. pun. accordingly. Id. 36.

As to dredging for oysters, see p. 43, ante.

Stealing trees and vegetable productions from gardens, &c. if of 1*l.* value, or elsewhere of the value of 5*l.* See p. 67, ante.

The like growing any where of the value of 1*s.*

See p. 68, ante.

Stealing fruit, plants, &c. from gardens, orchards, &c. See *Garden*, p. 59.

(a) See *Game*, p. 61, ante.

(b) For the punishment of simple larceny, see p. 96, ante.

(c) It is necessary before any conv. can take place on this sect. that the boundary of the oyster bed, from which the oysters were stolen, should be distinctly proved, because all the king's subjects have a right to fish in the open sea, on the shores of which oyster layings or beds are generally made.

LARCENY—*continued.*

Stealing vegetables. See *Summary Conviction*, 7 & 8 G. 4. c. 29.
Larceny, post.

Stealing coal or ore from mines.

Stealing or severing 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, fel. pun. as for simple larceny. See p. 96. ante.

Stealing fixtures. See *Fixtures*, p. 58. ante.

Larceny by tenants and lodgers.

Stealing any chattel or fixture let to be used with any house or lodging, (a) fel. pun. as for simple larceny. Id. s. 45.

In the case of stealing any chattel, the ind. is to be preferred in common form as for larceny.

In the case of stealing fixtures, the ind. is to be preferred in the same form as if the off. was not a tenant or lodger, and in either case to lay the property in the owner, or person letting to hire. Id. 45.

Larceny and embezzlement by clerks and servants.

See *Clerks*, p. 27, ante.

Embezzlement by bankers, brokers, attorney or agent. See *Agents*, p. 8, ante.

(a) This offence is extended by this act to ready-furnished houses.

LARCENY—*continued.*

7 & 8 G. 4. Factors pledging goods for their own benefit. See c. 29.

Factors, p. 52, ante.

False pretences. See p. 52, ante.

Restitution of stolen goods.

s. 57. A person guilty of any felony or misd. under this act, in stealing, taking, obtaining or converting, or in knowingly receiving any chattel, money or valuable security, or other property whatsoever, may be ind. for any such offence, by or on behalf of the owner, his executor or admin. and convicted thereof, and in that case, the property is to be returned to the owner, &c. (a) and the Ct. may order restitution in a summary manner. (b) *Id.* s. 57.

If it should appear before any order made, that any valuable security (c) shall have been *bond*

(a) That is, on the conviction of the parties who stole the goods, though the party stealing it was guilty of misd. only. Formerly the owner was entitled to have his property restored in felony only, but not in cases of misd. before this act.

(b) The judge before whom a prisoner is tried and convicted has power by this act to order restitution of the goods stolen, which have been produced at the trial; but in case the stolen property has not been produced, a writ of restitution must be resorted to by the owner.

(c) This applies to valuable securities only, such as bills, &c. mentioned in page 96, ante. Where an offender is indicted for stealing such property, and the parties who were liable to pay such securities have *bond fide* discharged them, or parties have taken them in payment *bond fide*, and without notice or cause of suspicion, such securities are not to be

LARCENY—*continued.*

fide paid or discharged, by any person liable to the payment thereof, or being a negotiable instrument, shall have been *bond fide* taken or received by transfer or delivery for a valuable consideration, without notice, or without any reasonable cause to suspect that the same had been stolen, &c. the Ct. may order restitution thereof. *Id.* s. 57. 7 & 8 G. 4. c. 29.

Advertising a reward for the recovery of stolen goods, and no questions asked, for every offence, pen. 50*l.* and costs, to any one that will sue by action. (*a*) 7 & 8 Geo. 4. c. 29. s. 59. See p. 7, ante.

Printing such advertisements, pen. 50*l.* and costs, by action as above. *Id.*

LEAD.

Stealing or ripping, cutting or breaking, with intent to steal, lead, &c. and utensils (*b*),

returned to the owners; as the effect of this might be to make them to be paid twice, which this clause is made to prevent, and protect negociable security.

(*a*) This is the only sect. of this act which gives a penalty recoverable by action at the suit of a common informer.

(*b*) *Utensils.*—That is to say, copper spouts, cisterns, stoves, &c. fixed in brick work. If not so fixed, the taking of them, though amounting to larceny, will not come within the meaning of this sect.

Metal in any land.—This is applicable to metal pumps, lamp posts, iron water pipes, iron gas pipes, &c.

LEAD—*continued.*

7 & 8 G. 4. glass, or wood-work (a), from buildings, &c.
c. 28. fel. pun. as for simple lar. (b) Id. s. 44. See
Fixtures, p. 58, ante.

9 G. 4. LEAVING SEAMEN ASHORE. 9 Geo. 4.
c. 31. c. 31. s. 30. pun. for, see p. 59, ante.

LETTERS.

7 & 8 G. 4. Demanding money with menaces and threats.
c. 29. 7 & 8 Geo. 4. c. 29. s. 8. pun. for, see p. 101,
ante.

LIBELS.

Blasphemous and seditious, pun. for, see p. 20,
ante.

7 & 8 G. 4. LOCKS, Destroying. 7 & 8 Geo. 4. c. 30. s. 12.
c. 30. pun. for, see p. 17, ante.

LODGERS.

c. 29. Larceny by tenants and lodgers, pun. for, see
p. 111, ante. Id. c. 29.

LODGINGS.

Stealing goods from. See *Fixtures*, p. 58, ante.

LOOM.

7 & 8 G. 4. Destroying silk, woollen or cotton goods, or
c. 30. manufactured goods, or goods in any state of
manufacture, breaking or destroying, or

(a) That is to say, window frames glazed, being part of the dwelling house, offices, or erections; but this clause does not apply to *glass lights* in frames to hot-beds, &c.

(b) For this punishment, see p. 96, ante.

LOOM—*continued.*

damaging with intent to destroy or render useless, any goods or article being in the loom or frame, or any machine, engine, rack or tenters, or in any stage of manufacture, fel. pun. at the disc. of the Ct. Tr. for life, or not less than 7 yrs. or Impr. not ex. 4 yrs.; if a male, to be once, twice or thrice pub. or priv. W. if the Ct. think fit, in add. to Impr. Id. c. 30. s. 3. 7 & 8 G. 4.
c. 30.

M.

MACHINERY.

Destroying, or forcibly entering buildings for that purpose, cutting, &c. any warp or shute, of or any loom, frame, machine, engine, rack, tackle or implement whatever, fixed or moveable, prepared for, or employed in manufacturing or preparing any goods or articles, (a) or by force entering any house, shop, building or place, with intent to commit any of the said offences, fel. pun. as last above mentioned. Id.

Destroying threshing machines, or machines used in any kind of manufacture, not provided in this act by sect. 3.

(a) This sect. is confined to injuries done to machinery used in the manufactures therein mentioned only.

MACHINERY—continued.

- 7 & 8 G. 4. Cutting, breaking, destroying, or damaging
c. 30. with intent to destroy or render useless, any
threshing machine, or any machine or engine,
whether fixed or moveable, employed in any
manufactory whatsoever^(a), except the manu-
facture of silk, linen or cotton goods, or
mixed goods, or any frame work, knitted
piece, stocking hose or lace, not provided for,
and punishable under s. 3. of this act, fel.
pun. at the disc. of the Ct. Tr. for 7 yrs. or
Impr. not ex. 2 yrs.; and if a male, to be W.
as last above mentioned. Id. s. 4.

Machinery, exporting of.

- 5 G. 4. The act prohibiting the exportation of machinery
c. 97. is repealed by 5 Geo. 4. c. 97.

MAIMING CATTLE.

- 7 & 8 G. 4. Fel. pun. at the disc. of the Ct. Tr. for life, or not
c. 30. less than 7 yrs. or Impr. not ex. 4 yrs.; and
if a male, to be once, twice or thrice pub. or
priv. W. if the Ct. think fit, in add. to Impr.
7 & 8 Geo. 4. c. 30. s. 16. See *Killing
Cattle*, p. 93, ante.

7 & 8 G. 4. MALICIOUS INJURIES TO PROPERTY.

- c. 29. Setting fire to buildings, fel. pun. D. 7 & 8 G. 4.
c. 29. s. 2. See *Arson*, p. 10, ante.

(a) By this sect. the offence is extended to all machinery
whatsoever.

MALICIOUS INJURIES, &c.—*continued.*

Setting fire to crops, fel. pun. Tr. for 7 yrs. or 7 & 8 G. 4.
 Impr. not ex. 2 yrs. if a male, to be once, c. 33.

twice or thrice pub. or priv. W. if the Ct. should think fit, in add. to Impr. 7 & 8 G. 4.

c. 30. s. 17. See p. 10, ante.

Destroying manufactured goods in loom, 7 & 8 c. 30.

Geo. 4. c. 30. s. 3. See p. 114, ante.

Destroying threshing machines. Id. s. 4. See s. 4.

p. 115, ante.

Setting fire to coal mines, fel. pun. D. 7 & 8 s. 5.

Geo. 4. s. 5. See p. 18, ante.

Drowning or obstructing mines, fel. pun. at the s. 6.

disc. of the Ct. Tr. 7 yrs. or Impr. not ex.

2 yrs.; if a male, to be once, twice or thrice pub. or priv. W. Id. s. 6.

Destroying mining engines, &c. fel. pun. as the s. 7.

Ct. may award, (under s. 6. above.) Id. s. 7.

See p. 45, ante.

Injuries by rioters.

Persons riotously and tumultuously assembled s. 8.

together, and with force demolishing, pulling down, or destroying any church or chapel, or any house, stable, coach-house, outhouse, warehouse, office, shop, mill, malthouse, hop-oast, barn or granary, or any building or erection used in any trade or manufacture, or any machinery, whether fixed or moveable, or any steam or other engine used in

MALICIOUS INJURIES, &c.—*continued.*

- 7 & 8 G. 4.
c. 30. the carrying on, completing (a) or maintaining (b) the navigation thereof, fel. pun. at the disc. of the Ct. Tr. for 7 yrs. or Impr. not ex. 2 yrs. and if a male, to be once, twice or thrice pub. or priv. W. if the Ct. think fit, in add. to Impr. Id. s. 12.

Destroying or injuring public bridges.

- s. 13. Pulling down or destroying any public bridge, or doing any injury with the intent to render the same dangerous, or impassable, fel. pun. Tr. for life, or not less than 7 yrs. or Impr. nor ex. 4 yrs. and if a male, to be once, twice or thrice pub. or priv. W. in add. to Impr. as the Ct. think fit. Id. s. 13.

Destroying turnpike gate, toll houses, weighing engines, &c.

- s. 14. Throwing down, levelling, or otherwise destroying the whole or part of a turnpike gate, or wall, chain, rail, post, bar or other fence belonging thereto, or any house, building or weighing engine, misd. pun. accordingly. (c) Id. s. 14.

(a) These words make it an offence to pull up or cut off the piles, and remove them or the chalk, &c. while the work is going on to make a river navigable, or in digging a canal for the same purpose.

(b) These words apply to offences committed after either of the above works are completed.

(c) That is, he must be convicted on an indictment for

MALICIOUS INJURIES, &c.—*continued.*

Breaking down or otherwise destroying the dam of a fish pond or mill pond, misd. pun. at the disc. of the Ct. Tr. for 7 yrs. or Impr. not ex. 2 yrs.; and if a male to be once, twice, or thrice, pub. or priv. W. (if the Ct. think fit), in add. to Impr. Id. s. 15. See *Fish*, p. 56, ante.

7 & 8 G. 4.
c. 30.

Destroying Fish in private Fisheries, pun. as above. See *Fish*, p. 56, ante.

Maiming, killing or wounding cattle, fel. See *Cattle*, p. 23, ante.

Hopbinds.

Cutting or destroying hopbinds, growing on poles in plantation of hops (*a*), fel. pun. at the disc. of the Ct. Tr. for life, or not less than 7 yrs. or Impr. not ex. 4 yrs.; if a male, to be once, twice, or thrice pub. or priv. W. (if the Ct. think fit), in add. to Impr. Id.

Destroying or damaging trees or shrubs in gardens,

the offence, and such sentence given as the Ct. shall think fit. This offence is not punishable on a summary conviction.

(*a*) The words are, in statutes like this, to be construed strictly. To cut shoots of hops before they are poled, is as great an offence as to cut them when they are attached to the poles. But before the hops are attached to the poles, it may be a question whether such an offence comes within the meaning of the stat. The offence seems to be confined to injuries done to hop plantations, and not to the cutting of such hops as are frequently found in the hedges of old plantations.

MALICIOUS INJURIES, &c.—*continued.*

- 7 & 8 G. 4.
c. 30. if of 1*l.* value, fel. pun. at the disc. of the Ct. Tr. for 7 yrs. or Impr. not ex. 2 yrs.; and if a male to be once, twice or thrice pub. or priv. W. if the Ct. think fit, in add. to Impr. Id. See *Gardens*, p. 68, ante.
- s. 19. The like offence comm. elsewhere, if of the value of 5*l.* fel. pun. any of the pun. last mentioned. Id. s. 19. See *Gardens*, p. 69, ante.
- s. 20. The like offence comm. wherever growing, if of the value of 1*s.* summary conv. Id. s. 20. See *Gardens*, p. 69, ante.
- s. 21. Destroying vegetable productions in gardens, hot-houses, orchards, nursery grounds, &c. summary conv. Id. s. 21. See *Gardens*, p. 70, ante.
- Malt houses.**
- s. 2. Setting fire to, fel. pun. D. 7 & 8 Geo. 4. c. 30. s. 2. See *Arson*, p. 10, ante.
- s. 8. Riotously demolishing or destroying (a), fel. pun. D. Id. s. 8.

MANSLAUGHTER.

- 9 G. 4.
c. 31. Every person conv. of manslaughter, pun. at the disc. of the Ct. Tr. for life, or not less than 7 yrs. or Impr. with or without H. L. in the com. g. or H. C. not ex. 4 yrs. or Fine as the

(a) In this case the hundred is liable, 7 G. 4. c. 31. s. 2.

MANSLAUGHTER—continued.

Ct. shall award. 9 Geo. 4. c. 31. s. 9. See 9 G. 4.
Indictment, p. 80, ante. c. 31.

The like off. com. on land abroad. See *Injuries to the Person*, p. 87, ante.

As to laying the venue in. See *Indictment*, p. 80, ante.

MAN-TRAPS, SPRING-GUNS, &c.

Setting or placing, or causing to be set or placed, any spring-gun, man-trap, or other engine calculated to destroy human life or inflict grievous bodily harm upon a trespasser, or other person coming in contact therewith, with that intent, misd. 7 & 8 G. 4. c. 18. s. 1.

Any person permitting any such spring-gun, man-trap or engine which may have been fixed or left in any place then being, or afterwards coming into, the possession or occupation by some other person, to continue set, or fixed, the person permitting the same to continue shall be deemed to have set and fixed the same. Id. s. 3. s. 3.

But not to extend to make it a murder to set or cause to be set, or to be continued set, from sunset to sunrise, any spring-gun, &c., which shall be set in a dwelling-house for the protection thereof. Id. s. 4. s. 4.

MANUFACTURE.

Destroying goods in any course of manufacture,

MANUFACTURE—continued.

- 7 & 8 G. 4.
c. 30. fel. pun. at the disc. of the Ct. Tr. for life, or 7 yrs. or Impr. not ex. 4 yrs. with W. in add. to Impr. 7 & 8 Geo. 4. c. 30. s. 3.
See *Loom*, p. 114, ante.
- c. 29. Stealing goods of the value of 10s. in a course of manufacture, pun. at the disc. of the Ct. Tr. for life, or not less than 7 yrs. or Impr. not ex. 4 yrs. with W. in add. to Impr. 7 & 8 Geo. 4. c. 29. s. 16. See *Larceny*, p. 104. Stealing within the Curtilage.

MARINERS

- 50 G. 3.
c. 69. Enlisting or entering in foreign service, misd. pun. Fine or Impr. at the disc. of the Ct. 50 G. 3. c. 69. s. 2.

MARRIAGE,**Improper solemnization.**

- 4 G. 4.
c. 76. Solemnizing matrimony in any other place than a church or pub. chapel where banns may be lawfully published, or at any time before the hours of 8 and 12 in the forenoon, unless by special licence, or without publication of banns, unless license of marriage is first obtained, fel. pun. Tr. for 14 yrs. 4 Geo. 4. c. 76. s. 21.
Falsely pretending to be in holy orders; solemnizing matrimony, fel. pun. as above. Id.
- Forging or destroying registers.
Inserting or causing to be inserted in the register book of marriages, with intent to elude the

MARRIAGE—*continued.*

force of this act, any false entry, or forging 4 G. 4.
 or altering any entry, or assisting in so doing, c. 76.
 of any such licence; or uttering or publish-
 ing as true any false register or copy, or any
 forged licence of marriage, or destroying
 any register book of marriages, or any part
 thereof, with intent to avoid any marriage, or
 subject any person to the pen. of this act,
 fel. pun. Tr. for life. Id.

Bigamy.

Fel. pun. Tr. for 7 yrs. or Impr. with or without s. 22.

H. L. in the com. g. or H. C. not ex. 2 yrs. :
this off. may be tried in the co. where the offr.
is apprehended, or is in custody. 9 Geo. 4.
 c. 31. s. 22.

MEMBERS OF PARLIAMENT,

Assaulting them or their servants. See *Assault*,
 p. 13, ante.

MILITARY TRAINING:

Drilling for military service without legal autho- 60 G. 3.
 rity, pun. Fine or Impr. not ex. 2 yrs. at the c. 4.
 disc. of the Ct. 60 Geo. 3. c. 4. s. 1. See
Soldiers, post.

MINES,

Firing. Fel. pun. D. 7 & 8 Geo. 4. c. 30. s. 5. 7 & 8 G. 4.
 See p. 117, ante. c. 30.

Drowning or obstructing mines, fel. pun. at the s. 6.
 disc. of the Ct. Tr. for 7 yrs. or Impr. not
 ex. 2 yrs. with W. Id. s. 6. See p. 117, ante.

MINES—continued.

7 & 8 G. 4. Destroying engines used in mines, fel. pun. any of
c. 30. the above pun. Id. s. 7. See p. 117, ante.

Stealing from coal mines, &c. fel. pun. as for
simple larceny. 7 & 8 Geo. 4. c. 29. s. 37.

See *Larceny*, p. 111, ante.

MISCARRIAGE.

9 G. 4. Procuring the miscarriage of a woman quick with
c. 31. child, fel. pun. D. 9 Geo. 4. c. 31. s. 13.

See *Abortion*, p. 1, ante.

The like of a woman *not* quick with child, and
aiders and abettors therein, fel. pun. at the
disc. of the Ct. Tr. not more than 14 yrs.
nor less than 7 yrs. or Impr. with or without
H. L. in the com. g. or H. C. not ex. 3 yrs.
with W. in add. to Impr. Id. See *Abortion*,
p. 1, ante.

MISNOMER.

7 G. 4. As to the name and add. 7 Geo. 4. c. 64. s. 10.
c. 64. See *Addition*, p. 7, ante.

MORTIS, in Articulo.

As to declarations of deceased persons, see p. 10,
ante.

MURDER—In England.

9 G. 4. Both prin. and acces. before the fact, pun. D. and
c. 31. acces. after the fact in, pun. at the disc. of
the Ct. Tr. for life, or Impr. with or without
H. L. not ex. 4 yrs. 9 Geo. 4. c. 31. s. 3.
See *Injuries to the Person*, p. 87, ante.

MURDER—continued.

- Murder abroad. *Id. ibid.* p. 87, ante. 9 G. 4.
 Of the venue in murder or manslaughter. See c. 31.
Indictment, p. 87, ante.
 Of sentence of death, and judgment of death.
 See *Death*, p. 39, ante.
 Regulations of prison as to convicts after conv. 7 & 8 G. 4.
 7 & 8 Geo. 4. c. 28. s. 4, 5. c. 28.

MUTE.

- Standing mute, plea of, not guilty to be entered by the Ct. 7 & 8 Geo. 4. c. 28. s. 2, 3.
 s. 2 & 3. See *Challenge*, p. 25, ante.

N.**NAME AND ADDITION.**

- Of the prisoners, 7 & 8 Geo. 4. c. 64. See *Addition*, p. 7, ante. *Misnomer*, p. 196, ante. 7 & 8 G. 4. c. 64.

NAVIGABLE RIVER.

- Destroying banks, locks, &c. fel. pun. Tr. for life, or 7 yrs. or Impr. not ex. 4 yrs. with once W. c. 30.
Id. c. 30. s. 12. See *Banks*, p. 17, ante.
Canal, p. 22, ante.

Venue.

- For offences on navigable river, canal, &c. 7 G. 4.
 7 Geo. 4. c. 64. s. 13. See *Indictment*, p. 22, ante. c. 64.

NAVIGABLE RIVER—*continued.*

Obstructing navigations, &c. See *Malicious Injuries*, p. 119, *ante.*

NAVY PAY, Prize Money, &c.

59 G. 3. Offences relating to. 59 Geo. 3. c. 56. s. 3. See
c. 56. *Excise*, p. 48, *ante.*

Persons really entitled to prize money, &c. using false documents, misd. pun. forfeiture of all prize money, &c. due on account of his service, misd. *Id.*

s. 18. Falsely personating any officer or seamen, (a) marines, &c. entitled to wages, or their representatives, fel. pun. D. *Id.* s. 18.

Or forging any letter of atty. order, bill, cert. agreement, will, &c. or other order whatever, to receive wages, &c. fel. pun. D. *Id.*

Or uttering them, fel. pun. D. *Id.*

Or taking false oath to obtain probate or administration, in order to receive wages, &c. fel. pun. D. *Id.*

Or demanding or receiving wages, &c. knowing the will, &c. to be forged, or the probate or administration to have been obtained by false oath, with intent to defraud, fel. pun. D. without benefit of clergy. *Id.*

(a) It is so in the statute, which appears to be a clerical mistake. *Qu.* Would it not be prudent to add an additional count in an indictment under this clause, laying the offence as the personating of A. B. a person entitled to prize money, &c. (*as the case may be.*)

NAVY PAY—*continued.*

Procuring persons to sign a false petition under the 1 & 2 Geo. 4. c. 49. or procuring others to demand money due to seamen, &c. under a certificate from the inspector of seamen's wills, fel. pun. Tr. for 7 yrs. as in case of fel. 1 & 2 Geo. 4. c. 43. s. 3. 1 & 2 G. 4. c. 49.

Procuring others to utter any forged letter of any bill, ticket, &c. to obtain seamen's wages, &c. or procuring others to demand pay of prize money, &c. fel. pun. D. without benefit of clergy. Id. s. 4. s. 4.

NIGHT POACHING.

Offences punishable on summary conv. 9 Geo. 4. c. 69. s. 1. 9 G. 4. c. 69.

The like by indictment. Id. s. 9. See *Game*, p. 61, ante, and *Poaching*, p. 134, post.

NUISANCE.

Respecting the improper construction or negligent use of furnaces in working steam engines.

If it appears to the Ct. in case of conv. or ind. that the grievance may be remedied by altering the construction of the furnace, the Ct. may without the consent of the prosecutor, make such order therein as may be thought expedient for preventing the nuisance in future, before passing final sentence on the defendant. 1 & 2 Geo. 4. c. 4. 1 & 2 G. 4. c. 4.

NUISANCE—*continued.*

1 & 2 G. 4.
c. 41. *But not to extend to steam engines for working mines, or smelting, &c.* Id. s. 3.

And the Ct. may award costs to the prosecutor to be paid by the party, conv. either before or at the time of giving final judgment, Id. s. 24. except to owners, &c. of furnaces of steam engines, solely for working mines and smelting ore and minerals. Id. s. 3.

NURSERY GROUNDS.

c. 29. Stealing from. 7 & 8 Geo. 4. c. 29. See *Garden*, p. 67, ante.

O.

OATH, False.

3 G. 4.
c. 114. Taking a false oath, pun. the same as for perjury, *i. e.* Impr. with or without H. L. 3 Geo. 4. c. 114. See *Perjury*, p. 132, post.

OFFENCES AT SEA AND ABROAD.

7 G. 4.
c. 30. Commissioners for trying offences, and Js. may take examination relating to offences comm. at sea, within the juris. of the Admiralty, and comm. off. until discharged by due course of law. 7 Geo. 4. c. 30. See *Sea, Offences at*, post.

ORCHARD.

7 & 8 G. 4.
c. 29. Stealing from. 7 & 8 Geo. 4. c. 29. See *Garden*, p. 67, ante.

ORE.

Stealing from mines, fel. pun. as for simple larceny. (a) Id. s. 37. See *Coal Mine*, p. 28, and p. 111, ante. 7 & 8 G. 4. c. 29.

OYSTER.

Robbing beds, and dredging for oysters, misd. s. 36. pun. Fine not ex. 20l. or Impr. not ex. 3 cal. m. or both. See *Dredging*, p. 43, ante.

P.

PARDON.

The king's sign manual to have the effect of a pardon under the great seal. 7 & 8 Geo. 4. c. 28. s. 13. c. 28.

PARISH PROPERTY.

Stealing of, to be laid as the property of the overseers for the time being, without naming any one of them. 7 Geo. 4. c. 64. s. 16. See *Indictment*, p. 85, ante. 7 G. 4. c. 64.

PARK.

Stealing trees, &c. in. 7 & 8 Geo. 4. c. 29. s. 38. See *Garden*, p. 67, ante. 7 & 8 G. 4. c. 29.

PARTNERS.

Property of partners and joint-tenants, parceners, &c. whether real or personal, it is sufficient 7 G. 4. c. 64.

(a) See *Larceny*, p. 96, for this punishment.

PARTNERS—*continued.*

- 7 G. 4.
c. 64. to name one of them in the ind. “ and another or others.” 7 Geo. 4. c. 64. s. 14.
See *Indictment*, p. 85, ante.

PAUPERS.

- Ill treatment of, and apprentices and helpless persons. See *Apprentices*, p. 9, ante.

PERJURY AND FALSE OATH.

- 3 G. 4.
c. 114. Pen. for wilful and corrupt perjury, Impr. with H. L. not ex. the term for which the Ct. may now Impr. for, either in add. to or in lieu of any other pun. which may be inflicted on the off. by any law in force before this act. 3 Geo. 4. c. 114. See *Hard Labour*, p. 71, ante.

7 & 8 G. 4. PERSON.

- c. 29. Stealing from the, fel. D. 7 & 8 Geo. 4. c. 29. s. 6. See *Larceny*, and *Robbery from the Person*, p. 100, ante.

59 G. 3. PERSONATING.

- c. 56. Any person representing himself as the next of kin, in order to receive prize money, bounty money, &c. of any petty officer, non-commissioned officer, seaman or marine, &c. or any agent whose authority is reserved, offering to receive pay, &c. misd. and pun. accordingly. 59 Geo. 3. c. 56. s. 3.

s. 12.

Inserting a false date in an order for payment

PERSONATING—*continued.*

of prize money, &c. misd. pun. accordingly. 59 G. 3.
Id. s. 12. See *Navy Pay*, p. 128, ante. c. 56.

PETTY LARCENY.

The distinction between grand and petty larceny 7 & 8 G. 4.
is abolished, and any larceny, whatever the c. 29.
value of the property may be; shall be deemed
of the same nature, and subject to the same
incidents as grand larceny was before the
commencement of this act; and every Ct.
whose power was before the commencement
of this act limited to petty larceny, shall have
power to try every case of larceny, the pun.
of which cannot exceed the pun. for simple
larceny, and also to try all accessaries to
larceny. (a) 7 & 8 Geo. 4. c. 29. s. 1.

PIGEONS, Stealing.—*Summary Conviction.*

Killing, wounding, or taking any house dove or s. 33.
pigeon under such circumstances, shall not
amount to larceny at com. law, (b) pun. on
conv. before a J. P. to forfeit and pay above
the value of the bird, not ex. 2l. Id. s. 33.

PLEA of not guilty. 7 & 8 Geo. 4. c. 28. s. 1. c. 28.
See *Imparlance*, p. 78, ante.

(a) The latter part of this clause applies to the Ct. of
Q. Sess.

(b) Animals *feræ naturæ* are not objects of larceny, while
they are suffered to remain at large; but if confined, so that
the owner may take them at pleasure, they then become
objects of larceny. *Qu.* Whether old pigeons, unconfined,
except belonging to an open dovecote, come under this clause?

POACHING

- 9 G. 4. In the Night. Misd. pun. Tr. for 14 or 7 yrs. or
c. 69. Impr. not ex. 3 yrs. 9 Geo. 4. c. 69. s. 9.
See *Game*, p. 61, ante.

POISONING,

- c. 31. With intent to murder, fel. pun. D. 9 Geo. 4.
c. 31. s. 11.

PRINCIPAL AND ACCESSARY,

- 7 G. 4. Before and after the fact. 7 Geo. 4. c. 64. See
c. 64. *Accessaries*, p. 2, ante.

PRETENCES, FALSE.

Obtaining goods, money, &c. by false pretences,
misd. pun. Tr. Fine, or Impr. 7 & 8 Geo. 4.
c. 29. See *False Pretences*, p. 52, ante.

PRISON BREACH AND RESCUE.

- 2 G. 4. Rescuing, or aiding or assisting in rescuing, from
c. 88. the lawful custody of any constable, &c. or
other person whomsoever, any person charged
with or suspected of fel. ; then if the person
so offending shall be conv. of fel. and be enti-
tled to benefit of clergy, and liable to Impr.
not ex. one yr., the Ct. may order that such
person, instead of being so fined and impr.
as aforesaid, (a) to be Tr. for 7 yrs. or Impr.
only, or Impr. with H. L. in the com. g. or
H. C. or Peniten. not less than 1, nor ex. 3
yrs. 2 Geo. 4. c. 88. (b) s. 1.

(a) So in the stat.

(b) So much of this act as relates to the offences of as-

PRIVY COUNCILLORS, assaulting them.

Assaulting a privy councillor was formerly a capital offence by 9 Ann. c. 16. but that stat. is repealed by the 9 Geo. 4. c. 31., and there is no specific provision made in its stead.

PRIZE FIGHTS.

All who are present, assisting or in way countenancing a prize fight, are guilty of an offence. It is the duty of magistrates to cause the combatants to come before them, and compel them to enter into recognizances to keep the peace till the next assizes or sessions, and on refusing so to do to comm. them. *Rex v. Billingham*, 2 C. & P. 234.

PROCESS.

Persons charged with offences punishable by summary conv. may be compelled to appear either by summons or warrant, at the discretion of the J. 7 & 8 Geo. 4. c. 30. s. 30. See *Summary Conviction*, post.

PRIZE MONEY, East India.

Making a false oath relative to East India prize money belonging to soldiers and seamen in the service of the E. I. C. Perj. pun. as

saunting, beating, and wounding constables, &c. or other persons, with intent to obstruct, resist, or prevent the apprehension or detention of a person charged with or suspected of fel. is repealed by 9 G. 4. c. 31. and the remedy in that case is provided for by that stat. s. 12. 25.

7 & 8 G. 4.
c. 30.1 & 2 G. 4.
c. 61.

PRIZE MONEY—*continued.*

1 & 2 G. 4. persons guilty of perj. in England. 1 & 2
c. 61. Geo. 4. c. 61. s. 6.

Procuring or suborning any person to swear falsely for any such purpose ; pun. as for perj. Id.

PROPERTY, laying of, in the indictment. See *Indictment*, p. 85, ante.

PULSE.

Setting fire to any stack of pulse, corn, or grain, (a) or crops of pulse, &c. (b) fel. See *Arson*, p. 10, ante.

PUNISHMENT OF FELONY in General. (c)

7 & 8 G. 4. Every person conv. of fel. not punishable with D.
c. 28. shall be pun. in the manner prescribed by the stat. specially relating to such fel.

And every person conv. of fel. for which *no pun.* hath been, or hereafter may be specially provided, shall be pun. under this act, and at the disc. of the Ct. Tr. not ex. 7 yrs. or Impr. not ex. 2 yrs. ; and if a male, to be once, twice

(a) That is, corn, pulse, &c. brought home and stacked.

(b) That is, when in the field.

(c) The month by the common law is but 28 days, and so in the case of inrollment of deeds, and generally in all cases where months are mentioned in a statute ; but when a statute mentions a year, half year, or quarter of a year, then it is to be reckoned according to the calendar : a twelve month in the singular number, includes the whole year according to the calendar, but twelve months, six months, &c. in the plural number, are to be reckoned after the rate of 28 days to every month. 1 Inst. 135, 6. Cro. Jac. 167. 141.

PUNISHMENT—*continued.*

or thrice pub. or priv. W. (if the Ct. thinks fit,) in add. to Impr. 7 & 8 Geo. 4. c. 28. s. 8. 7 & 8 G. 4.
c. 28.

Solitary Confinement.

Where any person is conv. of any indictable off. punishable under this act, for which Impr. only may be awarded, (a) the Ct. may sentence the offr. to be Impr. only, or Impr. with H. L. in the com. g. or H. C. and also order sol. confi. for the whole or any portion of the Impr. or of such Impr. with H. L. as the Ct. think fit. Id. s. 9. 7 & 8 Geo. 4. c. 30. s. 27. 7 & 8 Geo. 4. c. 29. s. 4. s. 9.
c. 30. s. 27.
c. 29. s. 4.

Punishment after another sentence is expired.

Whenever sentence shall be passed for fel. on a person already impr. under sentence for another crime, the Ct. may award impr. for the subsequent off., to commence at the expiration of the previous sentence of impr. Id. s. 10. s. 10.

Where any such person shall be already under sentence of impr. or Tr. the Ct. may award such sentence for the subsequent off. to com-

(a) Such punishment can only be adjudged by the court, and cannot be inflicted by a J. in any case of conv.; the words of this section confine it to indictable offences, on which the party has been conv. and ordered to be Impr. as part of the punishment.

PUNISHMENT—*continued.*

7 & 8 G. 4.
c 29. s. 10.

mence at the expiration of the previous sentence of Impr. or Tr. although the aggregate term of Impr. or Tr. respectively may ex. the term for which either of those punishments could be otherwise awarded. Id.

For felony a second time.

s. 11.

If any person shall be conv. of any fel. not punishable with D. comm. after a previous conv. for fel. pun. on such subsequent conv. at the disc. of the Ct. Tr. for life, or not less than 7 yrs.; or Impr. not ex. 4 yrs., and if a male, to be once, twice or thrice pub. or priv. W. (if the Ct. think fit,) in add. to Impr. Id. s. 11.

What is sufficient to be stated in the ind. for fel. after a previous conv.

It is sufficient to state that the offr. was at a certain time and place conv. of fel. without otherwise describing the previous fel. and a cert. containing the substance and effect only (*omitting the formal part*) of the ind. and conv. for the previous fel. purporting to be signed by the clerk of the Co. or other proper officer, and upon proof of the identity of the person of the offr., or sufficient evidence of the 1st. conv. without proof of the signature or *official character* of the person appearing to have signed the same. Id.

PUNISHMENT—continued.

For uttering a false Cert. of such Ind. or Conv. 7 & 8 G. 4.

Uttering a false cert. of an indict. or conv. for a previous fel. or any other person signing such certificate other than the proper officer of the Ct. fel. pun. at the disc. of the Ct. Tr. not ex. 7 yrs. or Impr. not ex. 2 yrs.; if a male, to be once, twice or thrice pub. or priv. W. (if the Ct. think fit,) in add. to Impr. Id.

c. 28. s. 11.

For Punishment with H. L., see *Hard Labour*, p. 71, ante.

Of Whipping.

Judgment or sentence shall in no case be given that any female conv. of any offence shall be whipped; but in cases where W. of female off. has formed either part of the sentence, the Ct. or J. P. may pass sentence of confinement to H. L. in the c. g. or h. c. not ex. 6, nor less than one, or sol. con. not ex. 7 days, at any one time, in lieu of whipping. 1 Geo. 4. c. 57.

1 G. 4.
c. 57.

For Larceny.

Every person conv. of simple larceny, or of any fel. punishable like simple larceny, (except in cases otherwise provided for,) pun. at the disc. of the Ct. Tr. for 7 yrs. or Impr. not ex. 2 yrs.; and if a male, to be once, twice or thrice pub. or priv. W. (if the Ct.

7 & 8 G. 4.
c. 29.

PUNISHMENT—*continued.*

7 & 8 G. 4. think fit,) in add. to the Impr. 7 & 8 Geo. 4.
c. 29. s. 3.

Hard Labour and Solitary Confinement.

s. 4. Persons conv. of fel. or misd. punishable under this act, for which Impr. may be awarded, the Ct. in its disc. may sentence the offr. to be Impr. or Impr. with H. L. in the com. g. or h. c., and to direct the offr. to be kept in sol. confi. for the whole or any portion of Impr., or of the Impr. with H. L. Id. s. 4.

Q.

QUAKERS AND MORAVIANS Competent Witnesses.

9 G. 4. Every Quaker or Moravian required to give evi-
c. 32. dence in any case crim. or civil, instead of taking an oath in the usual form, may make his solemn affirmation or declaration, which shall have the same force and effect in all Cts. of J. and other places where by law an oath is required, 9 Geo. 4. c. 32. s. 1.

Such persons making false affirmation or declaration are subject to the pains, penalties and forfeitures as for wilf. and corrupt perjury. Id.

QUARANTINE.

Officers deserting duty.

Officers and others (employed in respect of vessels, persons, goods, &c. performing quaran-

QUARANTINE—*continued.*

tine,) deserting their duty, or permitting any person or vessel, goods or merchandize to depart or be conveyed out of the lazaret vessel or other place appointed for performing quarantine; or giving a cert. of a vessel having duly performed quarantine or airing, fel. 6 Geo. 4. c. 78.

Forging, publishing or altering, &c. such cert. with intent to obtain the effect of a true cert. fel. Id. s. 25.

Persons making false oath, or procuring others to do so, touching quarantine, are guilty of perjury or subornation of perjury, as the case may be, and shall suffer the pen. &c. of the law accordingly. Id. s. 29.

R.

RABBITS.

Destroying in warrens at night, misd. pun. Tr. not ex. 14, nor less than 7 yrs. or Impr. with H.L. not ex. 3 yrs. 9 Geo. 4. c. 69. See *Game*, p. 61, ante.

Taking or killing in the night time (a), any hare or coney in any warren or ground used for the breeding or keeping of hares or conies, whether inclosed or not, misd. and pun. accordingly. 7 & 8 Geo. 4. c. 29. s. 30.

(a) What shall be deemed night. See *Game*, p. 61, ante.

RABBITS—*continued.**Summary Conviction.*

7 & 8 G. 4. c. 29. The like offence in the day time, in setting or using therein any snare, or engine, for taking hares or conies, pen. on conv. before a J. P. not ex. 5l. Id.

But not to extend to killing conies in the day-time on any sea bank, &c. in the co. of Lincoln. Id.

RAPE.

9 G. 4. c. 31. On children under 10 years of age, fel. D. 9 Geo. 4. c. 31. s. 17. See *Carnal Knowledge*, p. 22, ante.

On children between 10 and 12 years of age, misd. pun. Impr. with or without H. L. in the com. g. or h. c. for such time as the Ct. shall award. Id. See *Carnal Knowledge*, p. 22, ante.

s. 25. Assault, with intent to commit rape, is fel. pun. Impr. with or without H. L. in the com. g. or h. c. not ex. 2 yrs. and the Ct. may fine the off. and require sureties to keep the peace, if the Ct. think fit. Id. s. 25.

RECEIVING OF STOLEN GOODS. (a)

Fel. pun. Tr. not ex. 14 nor less than 7 yrs. or

(a) The law against a receiver of stolen goods.—Where the goods which he is charged with receiving have been *feloniously stolen*, and he has received them knowing them to have been stolen, he may be indicted for felony either for the offence itself, or as an accessory after the fact, and is convict-

RECEIVING—*continued.*

Impr. with or without W. in add. 7 & 8 Geo. 4. c. 29. s. 45. 7 & 8 G. 4.
c. 29.

Receiving anchors, &c. weighed up.

Any person purchasing or receiving anchors, cables, goods or merchandize taken up or weighed, swept for or taken possession of, which may have belonged to any ship or vessel in distress, or carried or removed from any wreck, is to be deemed guilty of receiving the same, knowing them to have been stolen, or if they had been cast on shore, pen. as for misd. at com. law, or Tr. for 7 yrs. at the disc. of the Ct. 2 G. 4.
c. 75. 2 Geo. 4. c. 75. s. 11.

Persons conveying anchors and cables abroad, pun. Tr. Id. s. 15.

See *Accessaries*—(Receivers), p. 6, ante.

The Ct. may order the expences of the prosecu-

ed, he is liable to transportation. Where he is the receiver of goods or property which have been stolen, but the stealing of which is not declared to be a felony, such as plants and fruit out of a garden, under the 7 & 8 Geo. 4. c. 29, s. 42. see p. 67, ante, or property the taking of which is by this act declared to be a misd. and pun. by ind. such as factors embezzling goods entrusted to them, (under the stat. 7 & 8 Geo. 4. c. 29. s. 51.) he may be ind. for a misd. and pun. by Tr.

Js. P. have *juris*. over receivers only, where the taking of the property, is by stat. a misd. pun. by Fine or otherwise, on summary conv. in such case they may conv. the receiver of a misd. and pun. him as a principal.

RECEIVING, &c.—*continued.*7 G. 4.
c. 64.

tion to be paid in the above cases. 7 Geo. 4.
c. 64. s. 23. See *Expences*, p. 50, ante.

7 & 8 G. 4.
c. 29.

In cases punishable on summary conviction (a), where the stealing or taking of any property whatever is by this act pun. by summary conv. either for every offence, or for the first and second offence only, or for the first offence only; any person receiving such property shall, on conv. before a J. P. be liable, for every first and second or subsequent off. of receiving to the same, forf. and pun. to which a person guilty of a first, second or subsequent off. of stealing or taking such property is by this act made liable. 7 & 8 Geo. 4. c. 39. s. 62.

RECOGNIZANCE.

Before a Justice of the Peace.

3 G. 4.
c. 46.

In every recognizance (a) entered into before a J. P. it shall be stated and specified, not only the profession, art, mystery or trade of the person entering into it, together with the christian and surname, but the parish, township or place of his residence; and if the place of residence is in a city, town or borough, then the name of the street and number of the house, (if any)

(a) See note, p. 142.

(b) That is to say, all recognizances which are to be returned to the G. or Q. Sess.

RECOGNIZANCE—*continued.*

in which the party resides, and whether owner thereof or lodger. 3 Geo. 4. c. 46. s. 4. 3 G. 4. c. 46.

And the J. P. shall give the party notice according to the form set out in the statute.

Id.

All fines, forfeited recognizances, &c. set, imposed, lost or forfeited before a J. P. or at q. sess. to be entered on a roll, a copy of which is to be sent to the sheriff with writs to levy the amount. Id.

If a person gives security to the sheriff, or offers to appear at the next gen. or q. sess. to abide the decision of the Ct. and paysuch sum and expences as shall be ordered, the sheriff shall dismiss him out of custody, and in case he does not appear, similar writs may issue against the sureties. Id. s. 5. s. 5.

Sessions may remit forfeitures, &c. on recognizances..

The Ct. of gen. or q. sess. may enquire into the circumstances of the case, and at discretion order the discharge of the whole of the forfeited recognizance, or of money paid or to be paid in lieu or satisfaction thereof, which order shall be a discharge to the sheriff or officer. Id. s. 6. s. 6.

In all cases where the party shall have been lodged in the com. g. by the sheriff, the Js. P.

RECOGNIZANCE—*continued.*3 G. 4.
c. 46.

at gen. or q. sess. may remove the party to the custody of the sheriff, &c. or upon release of the party from the whole of the forfeited recognizance, order the party to be discharged; which is a sufficient discharge to the sheriff, &c. in passing his accounts, and the Ct. of gen. or q. sess. may award reasonable costs. to be paid by either party to the other. Id. s. 6.

4 G. 3.
c. 37.

The Justices are to insert in any following roll, all fines, forfeited recognizances, &c. which have not been levied, and the sheriff shall detain the writs, which are to continue in force. 4 G. 3. c. 37.

Where the sheriff goes out of office, he shall deliver such rolls and writs to his successor, who is to execute them. Id.

s. 3.

In all cases where the party is in another co. or has goods there, the sheriff, &c. is to send a warrant and a copy of the writ to the sheriff of such other co. who is to levy and make return in 30 days after the receipt of such warrant. Id. s. 3.

And the sheriffs and clerk of the peace are to make returns to the treasury. Id.

Recognizances to appear or to prosecute and give evidence in case of fel. and misd. com. assault, articles of the peace, or to abide an

RECOGNIZANCE—*continued.*

order of bastardy, are not to be put in force 7 G. 4.
without the orders from the Ct. and a list is c. 64.
to be made out, and an order thereupon to be
made before the issuing of process. 7 G. 4.
c. 64. s. 31.

RECORDS.

Stealing or destroying.

Misd. pun. at the disc. of the Ct. Tr. for 7 yrs. 7 & 8 G. 4.
or fine or Impr. or both, as the Ct. shall c. 29.
award. 7 & 8 Geo. 4. c. 29. s. 21. See
Larceny, p. 105, ante.

REGISTERS.

Offences relating to marriages.

Forging, or destroying, or uttering false re- c. 76.
gisters, fel. pun. Tr. for life. 4 G. 4. c. 76.
See *Marriages*, p. 124, ante.

The like of ship registers. See *Customs*, p. 35, 6 G. 4.
ante. 6 Geo. 4. c. 110. s. 49. c. 110.

REMANDING,

When a J. P. shall remand until 2 Js. P. are 7 G. 4.
present. 7 Geo. 4. c. 64. s. 1. See *Bail*, c. 64.
p. 16, ante.

REPEAL OF STATUTES

Relating to capital punishments, larceny, inju-
ries to the person, malicious injuries, remedies
against the hundred. See List of Statutes
wholly or in part repealed.

RESTITUTION

7 & 8 G. 4. Of stolen goods, power in the Ct. to order.
c. 29. 7 & 8 Geo. 4. c. 29. See *Larceny*, p. 112,
ante.

REWARD,

For apprehending, offs. when allowable. The Court may order rewards to those who have been active in apprehending in the following offences, to be paid by the sheriff of the co. in which the offence shall have been comm.

7 G. 4.
c. 64.

In murder—feloniously and maliciously shooting at or attempting to discharge any kind of fire-arms at any other person—stabbing—cutting—poisoning—administering anything to procure the miscarriage of any woman—rape—burglary—felonious house-breaking—robbing of the person—arson—horse-stealing—bullock-stealing—sheep-stealing—being an accessory before the fact to any of the offences aforesaid—receiving stolen property knowing it to have been stolen. 7 Geo. 4. c. 64. s. 28.

How such rewards and allowances are to be paid to the widows and families of persons killed in endeavouring to apprehend offenders.

7 G. 4.
c. 64.

If a man is killed in endeavouring to apprehend any one charged with any of the last-

REWARD—*continued.*

mentioned offences, the Ct. before whom the off. shall be tried may order the sheriff of the Ct. to pay to the widow of the man killed, or his child or children in case the wife shall be dead, or to the father or mother in case he shall have left neither wife nor child, such sum of money as the Ct. in its disc. shall think fit. 7 G. 4. c. 64. s. 30.

For helping to stolen goods.

Taking money or reward directly or indirectly under pretence or on account of helping any person to any chattel, money or valuable security or other property whatever, which shall by any fel. or misd. have been stolen, taken, demanded, &c. unless he caused the off. to be apprehended and brought to trial, fel. pun. at the disc. of the Ct. Tr. for life or not ex. 7 yrs. or Impr. not ex. 4 yrs.; if a male, to be once, twice or thrice pub. or priv. W. in add. to Impr. if the Ct. think fit. 7 & 8 Geo. 4. c. 29. s. 58.

RIOT ACT. See Appendix, post.

RIOT.

Punishment for, Impr. with H. L. not ex. the term for which the Ct. might Impr. for that offence, either in add. to or in lieu of any other pun. which might be inflicted on off. 3 G. 4. c. 114.

RIOT ACT—*continued.*

- 3 G. 4.
s. 114. by any law in force before this act. 3 Geo. 4.
c. 114. See *Hard Labour*, p. 71, ante.

Expences of prosecution.

- 7 G. 4.
c. 64. The Ct. may allow expences in riot. 7 Geo. 4.
c. 64. s. 23. See *Expences*, p. 50, ante.

RIOTERS.

- 7 & 8 G. 4.
c. 30. Injuries done by persons riotously and tumultuously assembling together, to the disturbance of the pub. peace, and destroying houses, &c. fel. pun. D. 7 & 8 Geo. 4. c. 30. s. 1.

RIVER.

- c. 29. Stealing goods, &c. from ship or barge in a navigable river, pun. Tr. 7 & 8 Geo. 4. c. 29. s. 17. See p. 104.

RIVER BANKS.

- s. 21. Destroying river banks, sea banks or canal banks, &c. fel. pun. at the disc. of the Ct. Tr. for life, or not less than 7 yrs. or Impr. not ex. 4 yrs.; and if a male, to be once, twice or thrice pub. or priv. W. if the Ct. think fit, in add. to Impr. Id. s. 12.

ROBBERY.

- s. 6. Robbing a person of any chattel, money or valuable security, fel. pun. D. 7 & 8 Geo. 4. c. 29. s. 6. See *Larceny*, p. 100, ante.

Assault with intent to rob, fel. pun. at the disc. of the Ct. Tr. for 7 yrs. or Impr. and W. as

ROBBERY—*continued.*

last mentioned. Id. See *Larceny*, p. 100, 7 & 8 G. 4. ante. c. 29.

S.

SACRILEGE.

Persons guilty of this offence, fel. pun. D. Id. s. 10. s. 10. See *Larceny*, p. 102, ante.

SEA.

Offences at sea and abroad.

Commissioners for trying off. at sea, or Js. P. (a) 7 G. 4. may take examinations relative to the off. c. 38. comm. within the jurisd. of the Admiralty, and comm. off. 7 Geo. 4. c. 38. See *Offences*, p. 130, ante.

All offs. prosecuted in the H. Ct. of Admiralty c. 28. of England, upon any first and subsequent conv. shall *be subject to the same pun.* whether of D. or otherwise, as if the off. had been comm. on land. Id. c. 28. s. 12.

All ind. offs. mentioned in this act, (b) comm. 9 G. 4. within the jurisd. of the Admiralty, shall be c. 31. deemed to be of the same nature, and liable to the same pun. as if comm. on land in

(a) By this stat Js. P. have power of committing or bailing on charges of fel. or misd. comm. within the jurisd. of the Admiralty.

(b) Injuries to the person consolidation act.

SEA — *continued.*

9 G. 4.
c. 31. England, and may be dealt with, tried and determined as any other off. comm. within that juris. 9 Geo. 4. c. 31. s. 32.

7 G. 4.
c. 64. Expences of prosecution in Admiralty Cts.

In all prosecutions in Admiralty Cts. the Ct. may order expences in all charges of fel. or misd. where they may be allowed by other Cts. to be paid by the assistant to the counsel to the Admiralty. 7 Geo. 4. c. 64. s. 27.

SEA BANKS, &c.

s. 12. Destroying sea, river and canal banks, &c. fel.
Id. s. 12. See *Banks*, p. 17, ante.

SEAMEN.

9 G. 4.
c. 31. Assaulting magistrates, or their commanders and others, endeavouring to save ship-wrecked property, on conv. Tr. for 7 yrs. or Impr. with or without H. L. in the com. g. or h. cor. for such term as the Ct. shall award. 9 Geo. 4. c. 31. s. 24. See *Assault*, p. 13, ante.

Assaulting and striking, or wounding, a magistrate, seamen, &c. and others, endeavouring to save ship-wrecked property, on conv. pun. as above. Id. See *Assault*, p. 13, ante.

s. 30. Leaving seamen abroad, or forcing them ashore, misd. pun. Impr. as the Ct. shall award.
Id. s. 30. See p. 59, ante.

SEARCH WARRANT.

7 & 8 G. 4. If any credible witness shall prove on oath before
c. 29.

SEARCH WARRANT—*continued.*

a J. P. a reasonable cause to suspect any person has *in his possession, or on his premises*, any property whatever, on or with respect to which any such offences (*a*) shall have been comm. the J. P. may grant a warrant to search for such property, (*b*) as in the case of stolen goods. (*c*) 7 & 8 Geo. 4. c. 29. s. 63. See *Stolen Goods*, p. 163, post.

SECURITIES FOR MONEY.

Stealing. See *Larceny*, p. 98, ante.

SEDITIOUS LIBEL.

Persons twice conv. of having published seditious or blasphemous libels, may be banished from his majesty's dominions, and if any person so sentenced, does not depart in 30 days, his majesty may convey him to such place as the

(*a*) That is, offences under (this act) The Larceny Consolidation Act, punishable either upon *indictment* or upon *summary conviction* under that act.

(*b*) If the constable executing a search warrant, give the warrant to the party at his request in order to read it, and he refuses to return it to the constable; it was held in the case of *Rex v. Mitton*, 3 C. & R. p. 31. that the constable had a right to take it from him, and even to coerce his person to obtain possession of it, but no more violence should be used than may be necessary.

(*c*) The constable is not justified in taking away any other goods supposed to be stolen, than those mentioned in the warrant, or likely to be of use in substantiating the charge of stealing the goods that were specified. *Crosier v. Cunday*, 6 B. & C. 232.

- 60 G. 3. SEDITIONOUS LIBEL—*continued*.
c. 8. king in privy counsel may direct. 60 Geo. 3.
c. 8.

SEDUCTION.

- 9 G. 4. Taking an unmarried girl under 16 yrs. of age out
c. 31. of the possession of, and against the will of,
father or mother, or others having the lawful
care or charge of them, misd. pun. Fine or
Impr. or both, (a) as the Ct. shall award.
9 Geo. 4. c. 31. s. 20.

SENTENCE OF DEATH, and Judgment of, in Capital Cases.

- 7 & 8 G. 4. No person conv. of fel. shall suffer D. unless it
c. 28. be for some fel. which was excluded the be-
nefit of clergy before or on the first day of
the present sessions of parliament, (14th Nov.
1816,) or which hath been made punishable
with D. by same statute, passed after that
day. 7 & 8 Geo. 4. c. 28. s. 7.
- 9 G. 4. Every person conv. of murder shall be executed
c. 31. according to law on the day next but one
after that *on which the sentence shall be pass-
ed*, unless the same shall happen on a *Sun-
day*, and in that case on the *Monday* follow-
ing, and the body of every murderer shall,
after execution, either be dissected or hung

(a) The Ct. has no power to order hard labour as part of the sentence for this offence: nor can the Ct. order the expenses of the prosecution to be paid by the county.

SENTENCE, &c.—continued.

in chains, as the Ct. shall order. 9 Geo. 4. 9 G. 4.
c. 31. s. 4. c. 31.

Sentence shall be pronounced immediately after conv. of every murder, unless the Ct. shall see reasonable cause for postponing it, and the sentence shall express not only the usual judgment of D. but also the time appointed for the execution, and that the body of the off. shall be dissected or hung in chains. The Ct. or judge may, after sentence, respite the execution. Id.

Whenever dissection is ordered by such sentence, s. 5.
the body of the murderer if executed in Midd. or London, shall be immediately conveyed by the sheriff to Surgeons' Hall, or other place for dissection; and if executed elsewhere, to be delivered to such surgeon as the Ct. or judge shall direct for the same purpose. Id. s. 5.

Prison regulation with respect to murderers.

Every person conv. of murder shall, after judg- s. 6.
ment, be confined in some safe place within the prison apart from other prisoners, and fed with bread and water only, and with no other liquor, except in receiving the sacrament, sickness or wound, and no person but the gaoler and his servants, the chaplain and surgeon shall have access to the convict, without

SENTENCE, &c.—*continued.*9 G. 4.
c. 31.

leave of the Ct. or judge before whom the convict was tried, or the sheriff or his deputy. Id. s. 6.

The Ct. or judge may respite the execution and relax during the respite all the above restraints. Id.

Judgment of death.

4 G. 4.
c. 48.

In all conv. for fel. (except murder) where the benefit of clergy is excluded, and the Ct. shall be of opinion that under the peculiar circumstances of the case, the off. is a fit subject for the royal mercy, the Ct. may direct the officer of the Ct. to require and ask if the off. hath or knoweth any thing to say why judgment of D. should not be awarded; and in case the off. shall not allege any matter sufficient in law to arrest judgment, the Ct. may abstain from pronouncing judgment of D., and instead thereof to order the same to be entered of record, and the officer shall thereupon enter judgment of D. accordingly in the usual form, as if judgment of D. had been actually pronounced against the off. by the Ct. 4 G. 4. c. 48. s. 1.

s. 2.

The judgment of D. thus recorded has the same effect as if pronounced and the off. reprieved. Id. 2.

s. 2.

This act does not extend to Scotland. Id. 3.

SERVANTS AND CLERKS.

Larceny by. 7 & 8 G. 4. c. 29. s. 46. See p. 7 & 8 G. 4. c. 29. 27, ante.

Embezzlement by. 7 & 8 G. 4. c. 29. s. 47. s. 47.

See p. 27, ante.

The off. may be charged in the ind., and pro- s. 48.
 ceeded against for any number of distinct
 acts of embezzlement, (a) not exceeding
 three, which may have been comm. by him
 against the same master within 6 cal. m.
 from the first to the last charge. 7 & 8 G. 4.
 c. 29. s. 48.

And in every such ind. *except where the off. shall relate to any chattel*, it shall be sufficient to allege the embezzlement *to be 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 off. 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

(a) This enactment prevents the difficulties that have been experienced in the prosecution of the last-mentioned offenders, *servants or clerks*.

SHRUBS, TREES, &c.—*continued.*

7 & 8 G. 4. c. 29. Off. twice conv., offending again, it is fel. pun. the same as in s. 19, above. Id.

If growing in parks, &c. of the value of 1*l.*, fel. pun. as for simple larceny. (a) (p. 96, ante.) 7 & 8 G. 4. c. 29. See *Gardens*, p. 60, ante.

If growing elsewhere and of 5*l.* value, fel. pun. as for simple larceny. (p. 96, ante. Id. See *Gardens*, p. 68, ante.

Summary conviction.

s. 30. If of the value of 1*s.*, growing any where, pun. on conv. before a J. P. for first off., to pay above the value of the articles stolen, or amount of injury done, any sum not ex. 5*l.*; for second off. comm. to the com. g. or h. c. to H. L., not ex. 12 cal. m. If the second conv. is before two Js. P. they may order off., if a male, to be once or twice pub. or priv. W. after the end of four days from conv., and for any other off. after being twice conv., it is fel., and pun. as for simple lar. (a) Id. s. 39. (b) See *Gardens*, p. 69, ante.

(a) That is to say, at the discretion of the Ct. to be transported for 7 years, or imprisonment not exceeding 2 years; and if a male to be once, twice, or thrice publicly or privately whipped, if the Ct. think fit, in addition to such imprisonment.

(b) This sect. is exactly the same as sect. 20. in the Mali-

SIGNALS, SMUGGLING.

Making signals, &c. to smuggling vessels, misd., 6 G. 4.
 and the off. may be arrested by any person, c. 108.
 and conveyed before two Js. P. in order to be
 comm. to the next co. g. until the next Ct. of
 O. T. or Gt. Sess. or G. D., or until de-
 livered by due course of law, pen. on conv.
 100l., or at the discretion of the Ct. comm.
 to the com. g. or H. C. not ex. 1 yr. 6 G. 4.
 c. 108. s. 52.

SIGN MANUAL,

To have the effect of a pardon under the great 7 & 8 G. 4.
 seal, 7 & 8 G. 4. c. 28. s. 13. See *Par-*
don, p. 131, ante.

SIMILITER.

No judgment after verdict on an ind. or inf. for 7 G. 4.
 fel. or misd. shall be stayed or reversed for c. 64.
 want of a *similiter*. 7 G. 4. c. 64. s. 21.

SMUGGLING.

Making fires and other signals to smuggling ves- 6 G. 4.
 sels. 6 G. 4. c. 108. s. 52. See *Signals*, c. 108.
 above.

SODOMY,

With mankind or with *any animal* (a), fel. pun. 9 G. 4.
 D. 9 G. 4. c. 31. s. 15. c. 31.

cious Injuries Act, as to destroying trees, &c. of the value of
 1s. See *Gardens*, p. 68. ante.

(a) The words "*any animal*" are substituted in this act
 for the word "*beast*" in the repealed statute.

SERVANTS AND CLERKS — *continued.*7 & 8 G. 4.
c. 29.

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. *Id.*

Assaulting their masters. See *Assault*, p. 13, ante.

SEWERS,

Property of commissioners of.

How it may be laid in an ind. See *Indictment*, venue, p. 86, ante.

SHEEP.

- s. 25. Stealing sheep, or killing with intent to steal, the carcase or skin, or any part, fel. D. 7 & 8 G. 4. c. 29. s. 25. See *Horses, Cattle*, p. 24, ante.

SHIPS.

- c. 30. s. 9. Destroying. 7 & 8 G. 4. c. 30. s. 9. See *Malicious Injuries*, p. 118, ante.
- s. 10. Damaging. *Id.* s. 10. See *Malicious Injuries*, p. 118, ante.
- s. 11. Acts tending to the loss of. *Id.* s. 11. See *Malicious Injuries*, p. 118, ante.
- c. 29. s. 17. Larceny on board. 7 & 8 G. 4. c. 29. s. 17. See *Larceny*, p. 104, ante.

SHOPS.

- s. 15. Breaking into. 7 & 8 G. 4. c. 29. s. 15. See *Larceny*, p. 103, ante.

SHOOTING, WITH INTENT TO MURDER.

9 G. 4. c. 31. s. 11. See *Injuries to the Per-* 9 G. 4.
son, p. 89, ante. c. 31.

With intent to disable. Id. s. 12. See *Cutting*, s. 17.
 p. 37, ante.

SHRUBS, TREES, &c.

Destroying,

If growing in parks, gardens, &c. to the value s. 19.
 of 1*l.* fel. Tr. for 7 yrs. or Impr. not ex. 2
 yrs.; and if a male, W. in add. to Impr. 7 & 8
 G. 4. c. 30. s. 19. See *Gardens*, p. 68, ante.

If of the value of 5*l.* growing elsewhere (a),
 fel. pun. any of the punishments which the
 Ct. may award, last mentioned. Id. s. 19.
 See *Gardens*, p. 69, ante.

Summary Conviction.

If of the value of 1*s.* wheresoever growing, pun. s. 20.
 on conv. before a J. P. for 1st off., to pay
 above the amount of injury done, such sum
 not ex. 5*l.* as the J. shall order for said off.,
 comm. to the com. g. or h. c. to H. L. not
 ex. 12 cal. m. If the second conv. shall be
 before two Js., they may further order the off.
 if a male, to be once or twice pub. or priv. W.
 after the end of four days from the conv. Id.
 s. 39.

(a) That is to say, not any park, pleasure ground, garden,
 orchard or avenue, or in any ground adjoining or belonging
 to any dwelling house. See s. 19, *Gardens*, p. 68, ante.

STRANGLING.

9 G. 4.
c. 31.

With intent to murder, fel. pun. D. 9 G. 4.
c. 31. s. 11. See *Injuries to the Person*,
p. 89, ante.

SUMMARY CONVICTIONS.

By magistrates.

Assault, common, and injuries to the person,
punishable upon summary conviction.

Mode of proceeding by summons and warrant.

s. 33.

Where any person is charged on the oath of a
credible witness before a J. P. with any
off. (a) the J. may summon the party charged
to appear before any two Js. at the time and
place named in the summons, and if the
party shall not appear, then, (on due proof of
the service of the summons, by delivering
the same to him,) the Js. may either proceed
to hear and determine the case *ex parte*, or
may issue a warrant to apprehend the off.
and bring him before them, or the J. before
whom the charge shall be made, may (if he
thinks fit) issue a warrant in the first in-
stance, without a previous summons. 9 G. 4.
c. 31. s. 33.

(a) That is, any offence under the 9 Geo. 4. c. 31., the
Injuries to the Person Act.

SUMMARY CONVICTION—*continued.*

Prosecutions for any off. punishable on summary conv., must be commenced within three cal. m. after the commission of the off. *Id.* s. 34. 9 G. 4. c. 31.

The form of conv. is given by the stat. *Id.* s. 35. s. 35.

No conv. can be quashed for want of form, or removed by *certiorari* or otherwise, and no warrant of comm. to be void by reason of any defect therein, if it is alleged that the party *has been conv.* and there is a good and valid conv. to sustain the same. *Id.* s. 36. s. 27, 28, 29.

Common assaults. 9 G. 4. c. 31. s. 27, 28, 29.

See *Assault*, p. 11, ante.

In Malicious Injuries.

Assault on seamen to prevent their working. s. 26. 9 Geo. 4. c. 31. s. 26. See *Assault*, p. 14, ante.

To prevent the free passage of grain, goods, &c. pun. *Id.* See *Assault*, p. 15, ante.

The comm. for any offence punishable by summary conv. under 7 & 8 Geo. 4. c. 30. must be commenced within 3 cal. m. after the offence comm. and the evidence of the party aggrieved shall be admitted in proof of the offence; also the evidence of any inhabitant of the co. &c. in which the off. shall have been comm. 7 & 8 Geo. 4. c. 30. s. 20. 7 & 8 G. 4. c. 30.

SUMMARY CONVICTION—*continued.*Mode of Proceeding. *See Malicious Injuries.*7 & 8 G. 4.
c. 30.

Where any person charged on the oath of a credible witness, before any J. P. with any off. punishable by summary conv. under 7 & 8 Geo. 4. c. 30. the J. may summon the party charged, to appear before him, and if he shall not appear, then (on proof of the service of the summons, by delivering the same personally to him, or by leaving it at his usual place of abode,) the Justice may either proceed to hear and determine *ex parte*, (a) or issue a warrant to apprehend (b) and bring the party, before him or some other J. P.; or the J. may, if he thinks fit, without any previous summons (unless where otherwise specially directed,) issue such warrant, (c) and J. before whom

(a) If the party appears, though the service has been irregular, the irregularity is cured by appearance, and the J. may proceed.

(b) The power to issue a warrant, depends on the regularity of the service of the summons; if the party has been summoned, and does not appear, the J. should examine the person who served the summons upon oath, of the due service of it, and make a record of the evidence, as it should be set out in the conviction.

(c) Where the offence is fel. the J. has the power to issue a warrant to apprehend the party charged, but in case of misd. the usual course is to issue a summons, unless a power to apprehend is specially given to the J. by stat. The power of issuing a warrant in the first instance, should be exercised with discretion, and it should only be resorted to in flagrant

SUMMARY CONVICTION—*continued.*

the party charged shall appear or be brought, shall proceed to hear and determine the case. 7 & 8 G. 4. c. 30.

7 & 8 Geo. 4. c. 30. s. 30.

Application of penalties, &c. with regard to the appropriation of all forfeitures and pen. upon summary conv. under both these stats.

Every sum of money which shall be forfeited for s. 32.

the amount of any injury done, such amount to be assessed in each case by the convicting J. and shall be paid to the party aggrieved, if known, except where the party shall be examined in proof of the offence, and in that case, or where the party aggrieved is unknown, the same shall be applied in the same manner as a pen.; and every sum imposed as a pen., whether in add. to such amount or otherwise, *shall be paid to the overseers of the poor*, or other officer (as the J. shall direct, of the parish or place, &c. where the off. was comm. to be by him paid over to the use of the general co. rate. Id. s. 32.

Where there are several offs. in the same off.

Where several persons join in the commission of the same offence, and upon conv. each shall be adjudged to forfeit a sum equivalent to the amount of the injury done, then in such case

cases, or where the offender is likely to abscond, and it must be on oath of a credible witness.

SUMMARY CONVICTION—*continued.*

7 & 8 G. 4.
c. 30.

no further sum shall be paid to the party aggrieved than that which shall be forfeited by one of the offs. only, and the corresponding sum forfeited by the other offs. shall be applied in the same manner as any pen. imposed by a J. P. as before directed. (a) Id. s. 32.

Persons convicted not paying forfeitures and penalties.

s. 33.

In every case of such summary conv. where the sum forfeited for the injury done, or which shall be imposed as a pen. by the J. shall not be paid either immediately after conv. or or within such time as the J. shall appoint, the convicting J. shall (unless where otherwise specially directed,) com. the offr. to the com. g. or h. c. to be Impr. only, or Impr. with H. L. at his disc. not ex. 2 cal. m. where the amount of the sum forfeited or pen. imposed, or of both, (as it may be,) together with costs, shall not ex. 5*l.* and for any term not ex. 4 cal. m., where the amount with costs shall not ex. 10*l.*, and for any term not ex. 6 cal. m., in every other case; the comm. to be determinable in each of the said cases

(a) That is, to the overseer of the poor of the parish, to be by him paid over to the use of the county rate.

SUMMARY CONVICTION—*continued.*

upon payment of the amount and costs. 7 & 8 G. 4.
Id. s. 33. c. 39.

When the justice may, on summary conviction,
discharge the party accused.

Where a person is summarily conv. before a J. P. s. 34.

of any offence against this act, and it shall be a first conv. the J. if he thinks fit, may discharge the off. from his conv. upon his making satisfaction to the party aggrieved, for damages and costs, or either, to be ascertained by the J. Id. s. 34.

Respecting pardon.

The king may pardon any person Impr. under this act, although he shall be Impr. for non-payment of money to a party other than the crown. Id. s. 35.

Summary conviction a bar to further proceedings.

In case any person conv. of an off. under this act, pun. upon summary conv. shall have paid the sum adjudged to be paid with costs under such conv. or shall have received a remission thereof from the crown, or shall have suffered the Impr. awarded for non-payment or the Impr. adjudged in the first instance, or shall have been discharged from his conv. as above, (s. 35.) in every such case he shall be released from all further proceedings for the same cause. Id. s. 36.

SUMMARY CONVICTION—*continued.*

7 & 8 G. 4. The form of conv. is given by the stat. Id.
c. 30. s. 37.

Appeal against summary conviction.

s. 38. In all cases where the sum adjudged shall ex.
5*l.* or the Impr. shall ex. one cal. m. or the
conv. takes place before one J. P. only, the
party aggrieved may appeal to the next Ct.
of general or quarter sessions, holden not less
than 12 days after the day of conv. for the
co. &c. where the cause of complaint shall
arise. Id. s. 38.

The party aggrieved must give to the complain-
ant a notice in writing of the appeal, and of the
cause and matter thereof, in the *three* days
after conv. and *seven* clear days before the
sessions, and shall also either remain in cus-
tody until the sessions, or enter into a re-
cognizance with two sureties conditionally to
appear at the sessions, try the appeal, and
abide the judgment of the Ct. and pay costs
awarded. Id.

Upon notice being given and recognizance so
entered into, the J. may liberate the party
out of custody. Id.

The Ct. shall hear and determine the appeal,
and make such order, with or without costs,
as the Ct. shall think fit; and in case of dis-
missal of the appeal, or affirmance of the

SUMMARY CONVICTION—*continued.*

conv., the Ct. may order and adjudge the off. to be pun. according to the conv. and pay costs awarded, and if necessary issue process to enforce the judgment. *Id.* 7 & 8 G. 4. c. 30. s. 38.

Conviction not to be quashed for want of form.

No conv. or adjudication on appeal shall be quashed for want of form, or removed by certiorari, and no warrant of comm. shall be void by reason of any defect, if it be there alleged that the party has been conv. and there is a good and valid conv. *Id.* s. 39.

Justices to return Convictions.

Justices of the peace are to transmit conv. to the next Ct. of G. or Q. Sess. for the co. &c. *Id.* s. 40.

What is proof of a conv. for a subsequent off.

Upon indict. or infor. for a subsequent off. a copy of such conv. certified by the officer of the Ct. or proved to be a true copy, is sufficient evidence to prove a conv. for the former off., and the conv. shall be presumed to have been unappealed against until the contrary is shewn. *Id.*

Limitation of actions, &c.

All actions and prosecutions brought against any person for any thing done in pursuance of this act are to be laid and tried in the co. where the fact was comm. and commenced within 6 cal.

SUMMARY CONVICTION—*continued.*

7 & 8 G. 4.
c. 30. s. 40.

m.; notice of such action and the cause thereof to be given to the defendant 1 cal. m. before the commencement; the defendant may plead the general issue, and give the special matter in evidence at the trial. The plaintiff not to recover if sufficient amends shall be made before action brought, or sufficient money paid into Ct. after action brought. If a verdict for the defendant, or the plaintiff is nonsuited, or discontinue after issue joined, or if on demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover full costs as between attorney and client, and though a verdict shall be given for the plaintiff, he shall not have costs against the defendant, unless the judge shall certify his approbation of the action and of the verdict. *Id.*

The subjects of summary conviction relating to injuries to the person, are as follow;

9 G. 4.
c. 31.

Common assaults, 9 Geo. 4. c. 31. s. 26, ante.

Assaults on seamen to prevent their working.

Id. p. 14, ante.

Assaults to prevent the free passage, buying and selling corn, &c. *Id.* p. 15, ante.

For the mode of proceeding before justices, the Malicious Injuries Act, see p. 166. ante.

SUMMARY CONVICTION—*continued.*

Every pen. and for. to be imposed for maliciously 7 & 8 G. 4.
 comm. an off. under this act, whether punish- c. 30.
 able upon indict. or summary proceeding shall
 equally apply to be enforced, whether the off.
 is comm. from malice against the owner of
 property, in respect of property of which it
 shall be comm. or otherwise. 7 & 8 Geo. 4.
 c. 30. s. 25.

Where an off. is punishable on summary conv. s. 31.
 either for every time of its commission, or for
 the 1st and 2nd time only, or for the 1st time
 only, any person aiding or abetting, &c. shall
 on conv. before a J. P. be liable for any 1st,
 2nd or subsequent off. of aiding, &c. to the
 the same, forf. and pun. to which a person
 guilty of a 1st, 2nd, or subsequent as a prin.
 off. Id. s. 31.

Of apprehending offenders under the Malicious
 Injuries Act. 7 & 8 Geo. 4. c. 30.

Any person found comm. an off. against this s. 23.
 act, whether punishable by indict. or on sum-
 mary conv., may be apprehended without a
 warrant by any peace officer, or the owner of
 the property injured, or his servant, or any
 person authorized by him, (a) and taken be-

(a) The offender must be found in the actual commission of the offence to justify the apprehension under this clause, and he must be taken directly to the nearest magistrate,

SUMMARY CONVICTION—*continued.*

7 & 8 G. 4. fore some near J. P. to be dealt with accord-
c. 30. ing to law. Id. s. 28.

c. 29. Of apprehending offenders under the *Larceny*
act, 7 & 8 Geo. 4. c. 29.

Persons found committing an offence under this act, punishable either by ind. or summary conv. (except only for angling in the day-time) may be immediately apprehended in manner above mentioned, and taken before some near magistrate, to be dealt with as above. 7 & 8 G. 4. c. 29. s. 63.

7 G. 4. Of apprehending offenders under the Metro-
c. cxlii. politan Road Act, 7 Geo. 4. c. cxlii.

Watchmen and supervisors of the watch, when on duty on the roads, and coming to and going off duty, are to assist all persons passing along the roads or on the footpaths adjoining, who shall be assaulted, attacked or ill treated, and prevent mischiefs by fire, murders, burglaries or robberies, and all outrages, disorders and misd. as well on the roads and foot-paths, as in houses, buildings or grounds by the sides thereof, or near thereto, and for that purpose they may apprehend and secure all night walkers, malefactors,

or the person apprehending him will not be protected by the act. *Rez v. Curian*, 2 C. & P.

SUMMARY CONVICTION—*continued.*

rogues, vagabonds and other disorderly persons found loitering, wandering, misbehaving, or committing any disorder or offence on such roads, or refusing to give a good account of themselves, or whom they shall have goods reason to suspect of any evil intentions or designs, and search any such person, or the loading of any horse, ass, mule, cart or other carriage which they suspect to have any stolen goods thereon or therein, and confine and secure every such person, and such horse, &c. until he can be conveniently taken before a J. P., and all persons are required by this act to aid and assist such watchmen, &c. in securing offenders. 7 G. 4. c. cxlii. s. 73.

All such watchmen and supervisors of the watch have the same powers as constables. s. 74.
Id. s. 74.

Any person may apprehend offenders against this act, (the *Metropolitan Act*) and take them to a constable or peace officer. Id. s. 155.
s. 155.

Every person acting under this act is entitled to 30 days' notice of action, to plead the general issue and tender amends, and all actions must be commenced within 3 m. Id. s. 180, 181. s. 180, 181.

SUMMARY CONVICTION—*continued.*

- 7 & 8 G. 4. Destroying trees of the value of 1s. 7 & 8 G. 4.
c. 30. s. 20. See p. 69, ante.
- s. 11. Vegetables, &c. in gardens. Id. s. 21. See
p. 70, ante.
- s. 22. The like not in gardens, the same pun. as s. 43,
7 & 8 G. 4. c. 29. p. 185. post. Id. s. 22.
Petty trespasses. See p. 181, post.
Fences. Id. s. 23, p. 54, ante.
- c. 29. Larcenies—the subject of summary conviction.
7 & 8 Geo. 4. c. 29.
Offences relating to wrecked goods. Id.
- s. 19. Goods, merchandizes, or goods of any kind
belonging to a ship or vessel in distress,
wrecked, stranded or cast on shore, found in
the possession of any person under a search
warrant, or on his premises with his know-
ledge, and such person being taken before a
J. P. shall not satisfy the J. that he came
lawfully by the same, then the goods, &c. shall
be forthwith by order of the J. delivered to
the owner, and the off. on conv. of such of-
fence, shall forfeit and pay over and above
the value thereof such sum, not ex. 20*l.*, as
the J. shall order. Id. s. 19.
- s. 20. Seizing wrecked goods exposed to sale.
Goods, merchandize or other articles what-
ever, which have been unlawfully taken, or
even suspected to have been stolen, from any

SUMMARY CONVICTION—*continued.*

ship or vessel in distress, wrecked, &c. offered or exposed for sale, any person to whom they shall be offered for sale, or any officer of customs or excise, or peace officer, may seize the same, and with all convenient speed carry the same, or give notice of the seizure, to some J. P., and if the person who offered or exposed the same for sale, or being duly summoned by the J. shall not appear and satisfy the J. that he came lawfully by the goods, &c. then the same shall by order of the J. be delivered to the owner upon payment of a reasonable reward, (to be ascertained by the J.) to the person seizing them, and the off. on conv. shall forfeit and pay over and above the value of the goods, &c. not ex. 20*l.* as the J. shall order. s. 20. 7 & 8 G. 4. c. 30.

Offences relating to deer.

If any deer, or the head, skin or other part thereof, or any snare or engine for taking deer shall be found (on search warrant) in the possession of any person, or on his premises, *with his knowledge*, and such person being carried before a J. P. shall not satisfy the J. that he came lawfully by such deer, or the head, &c. or that he had lawful occasion for such snare, &c. and did not keep them for

SUMMARY CONVICTION—*continued.*

7 & 8 G. 4.
c. 29.

unlawful purposes, pun. on conv. to forfeit and paynotex. 20l. 7 & 8 Geo. 4. c. 29. s. 27.

If such person shall not be liable to conv. under the provisions of this act, then the J. at his disc. as the evidence given, and the circumstances of the case require, may summon before him any person through whose hands such deer, or the head, &c. shall have passed, and if the person from whom the same shall have first passed, or who shall have had possession thereof, shall not satisfy the J. that he came lawfully by the same, pen. as for deer stealing. *Id.* See *Deer*, p. 40, ante.

s. Destroying rabbits and hares in warrens, breeding grounds, &c. *in the night time, or in the day time.* 7 & 8 Geo. 4. c. 29. s. 30. See p. 109, ante.

c. 30. Stealing dogs, beasts, or birds. *Id.* c. 30. s. 31.
See *Beasts*, p. 19, ante.

c. 29. Stealing or destroying pigeons. *Id.* c. 29. s. 33.
See *Pigeons*, p. 133, ante.

Offences relating to fish. *Id.* s. 34. See *Fish*,
p. 56, ante.

Stealing trees,

s. 39. The 1st and 2d offences are punishable before magistrates. *Id.* s. 39. See p. 68, ante.

Stealing fences.

s. 40. Stealing or cutting, breaking or throwing

SUMMARY CONVICTION—*continued.*

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, pen. for first offence, forfeit and pay above the amount of articles stolen, or the amount of injury done, not less than 5*l.* pen. for every off. comm. after the first off. pun. on conv. as aforesaid, comm. to the co. g. or h. cor. to H. L. not ex. 12 cal. m.; and if the subsequent conv. shall be before 2 Js. P. they may further order the off. if a male, to be once, twice or thrice pub. or priv. W. after the expiration of 4 days from the conv. 7 & 8 G. 4. c. 29. s. 40.

Suspected persons having stolen wood in their possession. Id. s. 41. See *Wood*, p. 188, post. s. 41.

Stealing vegetables in gardens. Id. s. 42. See *Gardens*, p. 67, ante. s. 42.

Stealing vegetables not in gardens. Id. s. 43. See *Vegetables*, p. 185. s. 43.

T.

TENANTS.

Larceny by. Id. s. 45. See p. 111, ante. s. 45.

THREATENING LETTER.

Sending or delivering any letter in writing, with or without a name, or with a fictitious name

THREATENING LETTER—*continued.*

4 G. 4.
c. 54. or signature, threatening to kill or murder, or to burn or destroy any house, outhouse, barn, stacks of corn or grain, hay or straw, or procuring, aiding or abetting therein, or forcibly rescuing any person from the lawful custody of any officer or other person, fel. pun. at the disc. of the Ct. Tr. for life, or 7 yrs. as the Ct. shall adjudge, or Impr. only, or Impr. with H. L. in the co. g. or h. cor. not ex. 7 yrs. 4 Geo. 4. c. 54.

7 & 8 G. 4.
c. 29. The like threatening to accuse a person of any crime, punishable with death, transportation or pillory, &c. (a) 7 & 8 Geo. 4. c. 29. s. 8. See p. 101. ante.

THRESHING MACHINES.

c. 30. Destroying. Id. c. 30. s. 30, 33. See p. 116, ante.

TRAVERSE.

c. 28. When it is not allowed. Id. c. 28. s. 3. See p. 78, ante.

TREASON, Petty.

9 G. 4.
c. 31. Petty treason is abolished, to be treated as murder only, and no greater off. 9 Geo. 4. c. 31. s. 2.

(a) It was determined in the case of *Rex v. Wagstaff*, that dropping a letter in a man's way that he might pick it up, was a *sending* it to him. Russ. & Ry. C. C. R. 398.

TREES.

Destroying. 7 & 8 Geo. 4. c. 30. s. 19, 20. 7 & 8 G. 4. c. 30.

See p. 69, ante.

Stealing. Id. c. 29. s. 38, 39. See p. 68, ante. c. 29.

TRESPASS, Petty.

Where no remedy or punishment is provided for c. 30.
by 7 & 8 Geo. 4. c. 30.

Committing damage, injury or spoil, to or upon s. 24.
any real or personal property whatsoever,
either of a pub. or priv. nature, for which no
remedy is provided by this act, pen. on conv.
before a J. P. forfeit and pay such sum as
shall appear to the J. a reasonable compen-
sation, for damage, injury and spoil comm.
not ex. 5*l.* (a) if priv. property, to be paid to
the party aggrieved, *except where such party
has been examined in proof of the off.* (b)
*and in such case, or in the case of property
of a pub. nature, or wherein any pub. right
is concerned,* the money is to be applied as
every pen. imposed by a J. under this act (c)

(a) This penalty of 5*l.* is not to be awarded at all events; the amount of damage must be ascertained in each case, and then a reasonable compensation awarded to the party injured, according to the amount of the injury proved; the magistrate is not to go beyond 5*l.* and he is not to award 5*l.* unless the damage done is proved to amount to that sum.

(b) If the party is examined as a witness to prove the charge, he loses all claim to any part of the penalty.

(c) That is, to be paid to one of the overseers of the place, to be by him paid over to the general co. rate.

TRESPASS— *continued.*7 & 8 G. 4.
c. 30.

(s. 33. p. 167, ante.) is to be applied. 7 & 8 Geo. 4. c. 30. s. 24. (a)

If the money with costs (if ordered) is not immediately paid after conv. or within such time as the J. shall direct, pen. comm. to the co. g. or h. cor. to be Impr. only, or Impr. with H. L. not ex. 2 cal. m. unless the money and costs be sooner paid. Id.

But not to extend to any case where the party trespassing *acted under a fair and reasonable supposition, that he had a right so to do ; nor to any trespass not being wilful and maliciously committed, in hunting, fishing, or in pursuit of game ; every such trespass is punishable in the same manner as before the passing of this act.* (b) Id.

(a) To bring the case within this act, there must be proof of *actual damage* being done ; the mere fact of a person treading down the grass, by his walking in a foot-path is not sufficient. *Butler v. Tinley*, 2 C. & P. 585.

(b) That is, by action of trespass. It is not sufficient to afford the party charged, the benefit of this clause, merely to assert that he claims a title, without showing some goods to support that he has one ; nor will the exemption as to pursuing game extend to protect persons not qualified, or any one trespassing after notice, except in pursuit of noxious animals, and in those cases wilful and excessive trespasses will not be justified.

TURNPIKE TRUST.

Property belonging to.

Upon ind. or inf. (a) for fel. or misd. the property may be laid (b) in the trustees or commissioners of the roads, without naming any of them. 7 Geo. 4. c. 64. s. 17.

Destroying turnpike gates and toll houses, &c. misd. and to be pun. accordingly. 7 & 8 Geo. 4. c. 30. s. 14. See p. 120, ante, and note.

U.

UNDERWOOD.

Destroying underwood to the value of 1*l.* or growing in a park, &c.: fel. pun. Tr. for 7 yrs. or

(a) It is doubtful whether the word *information* in this sect. of the stat. (7 Geo. 4. c. 64.) will extend to information before a J. P. in cases of summary juris. for breaking mile stones, &c. on the 3 Geo. 4. c. 126. s. 119. (the General Turnpike Act.) It was held in *Davies q. t. v. Binst* and others, that under the terms of the act 48 Geo. 3. c. 58. which regarded every person charged with any offence for which he may be prosecuted by ind. or inf. in the Ct. of K. B. not being treason or felony; an inf. by a common informer, for a pen. was not included.

(b) If a person employed by a lessee of turnpike tolls, to collect them, lives in the toll house rent-free, the property in the house, in an ind. for burglary, may be laid in the person so employed by the lessee, he having the exclusive possession, and the toll house not being parcel of any premises occupied by his employer: it was so held in the case of *Rex v. Comfield*, Ry. & M. C. C. R. 42.

UNDERWOOD—*continued.*

- 7 & 8 G. 4. Impr. not ex. 2 yrs., and if a male, to be W.
c. 30. in add. to Impr. 7 & 8 Geo. 4. c. 30. s. 19.
See *Garden*, p. 68, ante.
- Growing elsewhere, of the value of 5*l.* fel. pun.
any of the pun. last mentioned. Id.
- Wheresoever growing, of the value of 1*l.*, pe-
nalty for firstoffence, (*on summary conviction*)
before a J. P., forfeit and pay above the
amount of injury done, not ex. 5*l.*, as the J.
shall think fit; pun. for the second off.,
comm. to the com. g. or h. c. to H. L., not
ex. 12 cal. m., and if the subsequent conv.
shall take place before two J. Ps. they may
further order the off. to be W.
- s. 20. Third off. fel. pun. any of the pun. mentioned
above (s. 19.) Id. s. 20.

UTENSILS FIXED TO BUILDINGS.

- c. 29. Stealing. 7 & 8 Geo. 4. c. 29. s. 44. See
p. 58, ante.

UTTERING COIN.

- Pun. for uttering. See *Counterfeit Coin*, p. 34,
ante.

V.

VALUE.

- Where the value is essential, and in the ind. it is
ascribed to many articles collectively, the off.

VALUE—*continued.*

must be made out as to any one of the articles. *Rex v. Forsyth*, Russ. & Ry. C. C. R. 274.

VAGRANT ACT.

See *Appendix*.

VALUABLE SECURITY.

What is valuable security by 7 & 8 Geo. 4. c. 29. s. 5. See p. 96, ante.

VEGETABLES.

Destroying in gardens. 7 & 8 Geo. 4. c. 30. s. 19. See p. 70, ante.

Not in gardens. *Id.* s. 20. See p. 69, ante.

Stealing in gardens. 7 & 8 Geo. 4. c. 29. s. 42. See p. 68, ante.

Not in gardens, (*summary conviction*) stealing 7 & 8 G. 4. c. 29. or destroying with intent to steal, any cultivated root or plant used for the food of man

or beast, or for medicine, distilling or dyeing, or for or in the course of manufacture, and growing in any land, open or enclosed, not being a garden, orchard, or nursery ground, pun. on conv. before a J. P. either comm. to the com. g. or h. c., to be Impr. only, or Impr. with H. L., not ex. 1 cal. m., or else forfeit and pay above the value of the articles stolen (a) or amount of injury done, not ex.

(a) This appears to be the only instance to be found in the

VEGETABLES—*continued.*7 & 8 G. 4.
c. 29.

20s.; in default of payment, with costs (if ordered) comm. as aforesaid, not ex. one cal. m. unless payment sooner made; and if any person so conv. shall afterwards be guilty of any of the said off. (a) com. to the com. g. or h. c. to H. L., not ex. 6 cal. m., if such subsequent conv. is before 2 Js. P., they may further order the off., if a male, to be once or twice pub. or priv. W. after the expiration of four days from the day of conv. s. 43.

VENUE. See p. 80, ante.

VENISON.

7 & 8 Geo. 4. c. 29. s. 26, 27, 28 & 29.

See p. 177, ante.

VESSELS.

Destroying, damaging, &c. See p. 118, ante.

W.

WALL.

Breaking down or destroying, penalty by fine.

7 & 8 Geo. 4. c. 30. s. 23. See *Fence*, p. 54, ante.

statute book, in which a person guilty of larceny, is allowed to compound for it in money.

(b) The punishment for the second offence being so much severer than for a first offence; no second conv. should be made until the production of the record from the proper officer, as directed by 7 & 8 Geo. 4. c. 29. s. 74. and Id. c. 30. s. 40. to ascertain that his offence is the same, and a verbal communication of the prisoner's conviction, should not be admitted by the justice.

WAREHOUSE.

Breaking and entering, and stealing therein, pun. 7 & 8 G. 4.
 Tr. and W. 7 & 8 Geo. 4. c. 29. s. 15. See c. 29.
Shop, p. 103, ante.

WHARF, DOCK, OR QUAY.

Stealing goods from, adjacent to any navigable
 river or canal, pun. Tr. 7 & 8 Geo. 4. c. 29.
 s. 17. See p. 104, ante.

WHIPPING.

Judgment or sentence shall in no case be given, 1 G. 4.
 that a female conv. of any off. shall be W. c. 57.
 either pub. or priv.; but in cases where W.
 of female off. has formed either part or the
 whole of the sentence, the Ct. or J. P. may
 pass sentence of confinement to H. L. in the
 com. g. or h. c., not ex. 6 nor less than 1 m.,
 or solitary confinement, not ex. 7 days, in
 lieu of W. 1 Geo. 4. c. 57.

WILLS.

Stealing wills, &c. destroying or concealing wills 7 & 8 G. 4.
 or other testamentary instrument, misd. pun. c. 29.
 Tr. for 7 yrs. or fine and Impr. 7 & 8 Geo. 4.
 c. 29. s. 22. See p. 106, ante.

WITNESS, Competency of.

See *Evidence*, p. 46, ante.

WOMEN.

The W. of women is abolished, and Impr. to be 1 G. 4.
 awarded in lieu thereof. 1 Geo. 4. c. 57. c. 57.
 See above.

WOOD.

- 7 & 8 G. 4. c. 30. Setting fire to any stack of corn, &c. or wood (*a*), fel. pun. as for setting fire to woods, coppices, &c. hereinafter mentioned. 7 & 8 Geo. 4. c. 30. s. 17.

Setting fire to any wood, coppice or plantation of trees, fel. penalty at the discretion of the Ct. Tr. not ex. 7 yrs., or Impr. not ex. 2 yrs., and if a male, to be once, twice or thrice pub. or priv. W. in add. to the Impr. 7 & 8 Geo. 4. c. 30. s. 17.

Summary Conviction.

- c. 29. Persons having stolen wood in their possession. If the whole or any part of any tree, sapling or shrub, or any underwood, or any part of a live or dead fence, or any post, pale, rail, stile or gate, or any part thereof, being of the value of 2*s.* at the least (*b*), shall be found, under a search warrant, in the possession of any person or on his premises, (s. 63. p. 152, ante,) and such person being carried before a J. P., shall not satisfy the J. that he came lawfully possessed thereof, penalty on conv. forfeit and pay above the value of the wood so found, not ex. 2*l.* 7 & 8 Geo. 4. c. 29. s. 41.

WOOLLEN GOODS.

Damaging or destroying woollen goods, whether

(*a*) This means dry wood stacked for burning, or other domestic uses.

WOOLLEN GOODS—*continued.*

alone or mixed with other materials, any
 frame-work knitting, machine rack, or ten-
 ter, loom, or goods in progress of manufac-
 ture, fel. 7 & 8 Geo. 4. c. 30. s. 3. See
Manufacture, p. 123, ante.

WOUNDING,

With intent to murder, fel. pun. D. 7 Geo. 4. c. 31.
 s. 11. See p. 37, ante.

With intent to disable or do some grievous bodily
 harm, fel. pun. D. Id. s. 12.

WRECKS.

Robbing, &c. See *Ship*, p. 105, ante.

WRITINGS.

Stealing or destroying writings of real estate, misd.
 pun. Tr. for 7 yrs. or fine, and Impr. or both.
 7 & 8 Geo. 4. c. 29. s. 23. See p. 107,
 ante.

(a) A search warrant ought not to be granted, unless the
 wood lost or stolen is sworn to be of the value of 2s. at the
 least.



APPENDIX.

THE VAGRANT ACT,

5 Geo. 4. c. 83.

By this act, all provisions heretofore made relative to idle and disorderly persons, rogues, and vagabonds, incorrigible rogues, or other vagrants, in England, are repealed, except only as to any offence committed before the passing of this act. § 1.

Power of Justices, &c: to pass Convicts on their Discharge from Prison to their Place of Settlement.

By the 32 Geo. 3. c. 45. intituled "An Act to explain and amend the 17 Geo. 2. intituled 'An Act to amend and make more effectual the laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction,'" his majesty's judges of assize, and the justices at the general or quarter sessions, or any justice of the peace, are empowered to order any convict upon his discharge from prison to be conveyed by pass in manner therein di-

5 G. 4.
c. 83.

rected; and are also empowered to convey by pass any person who shall be acquitted at the assizes or or general or quarter sessions, or discharged by proclamation or otherwise, who shall apply to be conveyed as aforesaid; and whereas doubts have arisen whether such parts of such act as give such power were by the provisions of the act of 3 Geo. 4. repealed; and whereas it is expedient to remove such doubts; it is enacted, That all the provisions of the said recited act of the 32 Geo. 3. as give such power shall be and are hereby repealed. § 2.

Idle and disorderly Persons.

Every person being able wholly or in part to maintain himself or herself, or family, by work or other means, and wilfully refusing or neglecting so to do, by which he or she, or any of his or her family, shall have become chargeable to any parish, township, or place;

Every person returning to and becoming chargeable in any parish, township or place from whence he or she shall have been legally removed, unless he or she shall produce a certificate of the churchwardens and overseers of the poor of some other parish, township, or place, thereby acknowledging him or her to be settled there;

Every petty chapman or pedlar wandering abroad and trading, without being duly licensed, or otherwise authorized by law;

Every common prostitute wandering in the public streets or public highways, or in any place of public resort, and behaving in a riotous and indecent manner;

And every person wandering abroad, or placing himself or herself in any public place, street, highway, court, or passage, *to beg or gather alms*, or causing or procuring or encouraging any child or children so to do, shall be deemed *an idle and disorderly person* within the true intent and meaning of this act; and it shall be lawful for any justice of the peace to commit such offender (being thereof convicted before him by his own view, or by the confession of such offender, or by the evidence of one or more credible witness) to the house of correction, there to be kept to hard labour for any time *not exceeding one calendar month*. § 3.

5 G. 4.
c. 83.
Idle and
disorderly
persons.

Rogues and Vagabonds.

Every person committing any of the offences hereinbefore mentioned, after having been convicted as an idle and disorderly person ;

Every person pretending or professing to tell fortunes, or using any subtle craft, means, or device, by palmistry or otherwise, to deceive and impose on any of his majesty's subjects ;

Every person wandering abroad and lodging in any barn or outhouse, or in any deserted or unoccupied building, or in the open air, or under a tent, or in any cart or waggon, *not having any visible means of subsistence*, and *not giving a good account of himself or herself* ;

Every person wilfully exposing to view, in any street, road, highway, or public place, any obscene print, picture, or other indecent exhibition ;

5 G. 4.
c. 83.
Rogues
and vaga-
bonds.

Every person wilfully, openly, lewdly, and obscenely exposing his person in any street, road, or public highway, or in the view thereof, or in any place of public resort, with intent to insult any female ;

Every person wandering abroad and endeavouring by the exposure of wounds or deformities to obtain or gather alms ;

Every person going about as a *gatherer or collector of alms*, or endeavouring to procure charitable contributions of any nature or kind, under any false or fraudulent pretence ;

Every person *running away, and leaving his wife and children chargeable to any parish, township, or place ;*

Every person playing or betting in any street, road, highway, or other open and public place, at or with any table or instrument of gaming, at any game or pretended game of chance ;

Every person having in his or her custody or possession any picklock key, crow, jack, bit, or other implement, with intent feloniously to break into any dwelling-house, warehouse, coach-house, stable, or outbuilding, or being armed with any gun, pistol, hanger, cutlass, bludgeon, or other offensive weapon, or having upon him or her any instrument, with intent to commit any felonious act ;

Every person being found in or upon any dwelling-house, warehouse, coach-house, stable, or outhouse, or in any inclosed yard, garden or area. for any unlawful purpose ;

Every suspected person or reputed thief, frequenting any river, canal, or navigable stream, dock or basin, or any quay, wharf, or warehouse near or adjoining there-

to, or any street, highway, or avenue leading thereto, or any place of public resort, or any avenue leading thereto, or any street, highway, or *place adjacent*, with intent to commit felony ;

5 G. 4.
c. 83.
Rogues
and vaga-
bonds.

And every person apprehended as an idle and disorderly person, and violently resisting any constable or other peace officer so apprehending, and being subsequently convicted of the offence for which he or she shall have been so apprehended, shall be deemed a *rogue and vagabond* within the true intent and meaning of this act ; and it shall be lawful for any justice of the peace to commit such offender (being thereof convicted before him *by the confession of such offender, or by the evidence of one or more credible witness*) to the house of correction, there to be kept to hard labour for *any time not exceeding three calendar months* ; and every such picklock key, crow, jack, bit, and other implement, and every such gun, pistol, hanger, cutlass, bludgeon, or other offensive weapon, and every such instrument as aforesaid, shall, by the conviction of the offender, become forfeited. § 4.

Incorrigible Rogues.

Every person breaking or escaping out of any place of legal confinement before the expiration of the term for which he or she shall have been committed by virtue of this act ;

Every person committing any offence against this act which shall subject him or her to be dealt with as a *rogue and vagabond*, such person having been at some former time adjudged so to be and duly convicted thereof ;

5 G. 4.
c. 83.
Incorrigible
rogues.

And every person apprehended as a rogue and vagabond, and violently resisting any constable or other peace officer so apprehending him or her, and being subsequently convicted of the offence for which he or she shall have been so apprehended, shall be deemed *an incorrigible rogue*; and it shall be lawful for any justice of the peace to commit such offender (being thereof convicted before him by the confession of such offender, or by the evidence on oath of one or more credible witness) to the house of correction, there to remain until the next general or quarter sessions of the peace; and every such offender shall be there kept to hard labour during the period of his or her imprisonment.

§ 5.

Apprehending Offenders. Constables neglecting Duty in that respect.

Officers
not doing
their duty.

And it shall be lawful for any person whatsoever to apprehend any person who shall be found offending against this act, and forthwith to take and convey him or her before some justice of the peace, or to deliver him or her to any constable or other peace officer; and in case any constable or other peace officer shall refuse, or wilfully neglect to take such offender into custody, and to take and convey him or her before some justice of the peace, or shall not use his best endeavours to apprehend and to convey before some justice of the peace any person that he shall find offending against this act, it shall be deemed a neglect of duty in such officer, and he shall, on conviction, be punished in such manner as is hereinafter directed. § 6.

And it shall be lawful for any justice of the peace, upon oath being made before him, that any person hath

committed or is suspected to have committed any offence against this act, to issue his warrant to apprehend and bring before him or some other justice of the peace the person so charged, to be dealt with as is directed by this act. § 7. 5 Geo. 4.
c. 83.

Constables and other Persons may apprehend Offenders.

And it shall be lawful for any constable, peace officer, or other person apprehending any person charged with being an idle and disorderly person, or a rogue and vagabond, or an incorrigible rogue, to take any horse, mule, ass, cart, car, caravan, or other vehicle, or goods in the possession or use of such person, and to take and convey the same as well as such person before some justice of the peace, and for every justice of the peace to order that such offender shall be searched, and that his or her trunks, boxes, bundles, parcels, or packages shall be inspected in the presence of the said justice, and of him or her, and also that any cart, car, caravan, or other vehicle which may have been found in his or her possession or use, shall be searched in his or her presence; and to order that *any money which may be then found upon such offender* shall be paid and applied towards the expence of apprehending, conveying to the house of correction, and maintaining such offender during the time for which he or she shall have been committed; and if, upon such search, money sufficient for the purposes aforesaid be not found, it shall be lawful to order that a part, or if necessary, the whole, of such other effects then found, shall be sold, and the produce shall be paid and applied as aforesaid, and that

5 G. 4.
c. 83.

the overplus, after deducting the charges of such sale, shall be returned to the said offender. § 8.

Appeal.

And when any justice shall commit any such incorrigible rogue to the house of correction, there to remain till the next general or quarter sessions, or when any such idle and disorderly person, rogue, and vagabond, or incorrigible rogue, shall give notice of his or her intention to *appeal* against the conviction, and shall enter

Recogni-
zance.

into recognizance to prosecute such appeal, such justice shall require the person by whom such offender shall be apprehended, and the person or persons whose evidence shall appear to him to be material to prove the offence, to become bound in recognizance to appear at the said general or quarter sessions; and the justices of the peace are hereby authorized, at the request of any person who shall have become bound in any such recognizance, to order the treasurer of the county, riding, division, or place in which the offence shall have been committed, to pay such sum or sums of money as to the court shall seem reasonable and sufficient to reimburse for the expences he, she, or they shall have been severally put to, and for their trouble and loss of time; and in case any such person or persons as aforesaid shall refuse to enter into such recognizance, it shall be lawful for such justice to commit them to the common gaol, there to remain until they shall enter into such recognizance, or shall be otherwise discharged by due course of law. § 9.

And when any incorrigible rogue shall have been committed to the house of correction, there to remain until the next general or quarter sessions, it shall be lawful for the justices of the peace there assembled to

examine into the circumstances of the case, and to order, if they think fit, that such offender be further imprisoned and kept to hard labour, for any time not exceeding one year from the time of making such order, and to order further, if they think fit, that such offender (not being a female) be punished by whipping. § 10. Whipping.

5 G. 4.
c. 83.

Constable neglecting Duty.

And in case any constable or other peace officer shall neglect his duty in any thing required of him by this act, or in case any person shall disturb or hinder any constable or other peace officer in the execution of this act, or shall be aiding, abetting, or assisting therein, every such offender shall forfeit any sum not exceeding 5*l.*; and in case such offender shall not forthwith pay such sum, the same shall be levied by distress and sale; and if sufficient distress cannot be found, one or more such justice or justices may commit the person to the house of correction for any time not exceeding three calendar months, or until such fine be paid; and the said justice or justices shall cause the said fine, when paid, to be forthwith delivered to the treasurer of the county, riding, division, or place where such offence shall have been committed, to be by him added to and used as part of the stock of the said county, riding, division or place. § 11.

And in case any constable or other peace officer shall be convicted before any justice of the peace, for any neglect of duty required of him by this act; or of any disobedience of any lawful warrant or order issued under the provisions of this act, and in case any two or

5 G. 4.
c. 83.

more justices of the peace shall impose any fine, or direct any penalty to be paid by such officer under and by virtue of the 33 Geo. 3. c. 55. intituled "An Act to authorize Justices of the Peace to impose Fines upon Constables, Overseers, and other Peace or Parish Officers, for neglect of Duty, and on Masters of Apprentices for ill-usage of such their Apprentices, and also to make Provision for the Execution of Warrants of Distress granted by Magistrates," or under any other powers enabling such justices in that behalf, it shall be lawful for such justices, upon conviction of any such offender, to reimburse and allow to the person on whose complaint or information such offender shall have been convicted, all necessary costs and expences he may have thereby incurred, or by any appeal made in consequence thereof, by making an order under his or their hands and seals upon the treasurer of the county, riding, division, or place, to pay to such person the amount of such costs and expences. § 12.

Lodging Houses.

And it shall be lawful for any justice of the peace, upon information on oath before him made, that any person hereinbefore described to be an idle and disorderly person, or a rogue and vagabond, or an incorrigible rogue, is or is reasonably suspected to be harboured or concealed in any house kept or purporting to be kept for the reception, lodging, or entertainment of travellers, to authorize any constable or other person to enter at any time into such house, and to apprehend, and bring before him or any other justice of the peace

every such idle and disorderly person, rogue and vagabond, and incorrigible rogue, as shall be found therein. 5 G. 4. c. 83.
§ 13.

Appeal to the Quarter Sessions.

Person aggrieved by any act or determination of any justice of the peace out of sessions, may appeal to the next general or quarter sessions, giving to the justice *notice in writing of such appeal*, and of the ground thereof, *within seven days* after such act or determination, and before the next general or quarter sessions, and entering within such seven days into a recognizance, with sufficient surety, personally to appear and prosecute such appeal; and upon such notice being given, and such recognizance entered into, such justice is empowered to discharge such person out of custody. § 14.

Nothing herein contained shall extend or be construed to extend so as to restrain, hinder, or prevent any visiting justice of any prison from granting a certificate or other instrument for enabling any person discharged from such prison to have or receive alms or relief in or upon his or her route to his or her place of settlement; provided that such certificate be made and drawn up in compliance with the directions and provisions of any act or acts of parliament for the better regulation and management of gaols, houses of correction, or prisons: and if any person to whom any such certificate or instrument shall be delivered, shall act in any manner contrary to the directions or provisions thereof, or shall loiter upon his or her route, or shall deviate therefrom,

5 G. 4.
c. 83.

every such person shall be deemed to be a rogue and vagabond, and shall be punished accordingly. § 15.

After the passing of this act, no justice of peace, mayor, or other magistrate, shall grant to any person other than a person entitled thereto under the 43 Geo. 3. intituled "An Act for the Relief of Soldiers, Sailors, and Marines, and of the Wives of Soldiers in the Cases therein mentioned, so far as relates to England," any certificate or other instrument enabling such person to ask alms or relief in their route to any place, or for any other purpose whatever; and every person asking alms or relief under and by virtue of any certificate or other instrument hereby prohibited, is liable to be declared to be an idle and disorderly person, in like manner as if he or she had possessed no such certificate or other instrument as aforesaid. § 16.

And no proceeding before any justice of the peace, under the provisions of this act, shall be quashed for want of form; and every conviction of any offender as an idle and disorderly person, or as a rogue and vagabond, or as an incorrigible rogue, under this act, shall be in the form or to the effect following; (that is to say)—

FORM OF CONVICTION.

Conviction.

BE it remembered, That on the day
' to wit. } of in the year of our Lord at
' in the county of A B is convicted before
' me C D, one of his majesty's justices of the peace
' in and for the said county, of being an idle and dis-
' orderly person [*or a rogue and vagabond, or an in-*

‘ corrigible rogue] within the intent and meaning of the 5 G. 4.
 ‘ statute made in the fifth year of the reign of his ma- c. 83.
 ‘ jesty King George the Fourth, intituled, [*here insert*
 ‘ *the title of this act* ;] that is to say, for that the said
 ‘ A B on the day of at in the said
 ‘ county, [*here state the offence proved before the ma-*
 ‘ *gistrate,*] and for which said offence the said A B is
 ‘ ordered to be committed to the house of correction
 ‘ at there to be kept to hard labour for the space
 ‘ of [*or, until the next general or quarter ses-*
 ‘ *sions.*] Given under my hand and seal the day, year,
 ‘ and at the place first abovewritten.’

And the justice or justices of the peace before whom
 any such conviction shall take place, shall transmit the
 said conviction to the next general or quarter sessions
 of the peace, there to be filed and kept on record; and
 a copy of the conviction so filed shall be read as evi-
 dence in any court of record, or before any justice of
 the peace acting under the powers and provisions of
 this act. § 17.

Action against Justices, &c.

And in all cases where an action shall be brought
 against any justice of the peace, constable, or other
 person, on account of any matter or thing done or
 commanded by him in the execution of his duty or
 office under this act, such justice, constable, or other
 person, if he shall have judgment in his favour, shall
 have treble costs, unless the judge shall certify that
 there was a reasonable cause for such action. § 18.

And every such action shall be commenced within

5 G. 4.
c. 83.

three calendar months after the cause of action or complaint shall have arisen; and if any person shall be sued for any matter or thing which he or she shall have done in the execution of this act, he or she may plead the general issue, and give the special matter in evidence. § 19.

Persons convicted to be deemed actually chargeable.

And every person who under the provisions of this act shall have been convicted as an idle and disorderly person, or as a rogue and vagabond, shall be deemed to be actually chargeable to the parish, township, or place in which such person shall reside; and such person shall be liable to be removed to the parish of his or her last legal settlement, by the order of two justices of the peace of the division or place in which such person shall reside. § 20.

Wherever by any act or acts of parliament now in force, it is directed that any person shall be punished as idle and disorderly person, or as a rogue and vagabond, or as an incorrigible rogue, in every such case, whether such person shall or shall not have committed any offence against this act, every such person shall be punished under the provisions, powers, and directions of this act. § 21.

Nothing herein contained shall be construed to extend or apply to Scotland or Ireland; nor to alter any law now in force for the removal of poor persons born in Scotland, Ireland, or the Isles of Man, Jersey, and Guernsey, and becoming chargeable to parishes in England, such persons not having committed acts of vagrancy as hereinbefore described; nor to alter any law now in force relating to lunatic vagrants. § 22.

THE RIOT ACT.

1 Geo. 1. stat. 2. cap. 5.

Twelve persons or more unlawfully assembling, and not dispersing after being commanded by one justice by proclamation.

Whereas of late many rebellious riots and tumults have been in divers parts of this kingdom, to the disturbance of the public peace, and the endangering of his majesty's person and government, and the same are yet continued and fomented by persons disaffected to his majesty, presuming so to do, for that the punishments provided by the laws now in being are not adequate to such heinous offences; and by such rioters his majesty and his administration have been most maliciously and falsely traduced, with an intent to raise divisions, and to alienate the affections of the people from his majesty: Therefore for the preventing and suppressing of such riots and tumults, and for the more speedy and effectual punishing the offenders therein; be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and of the commons, in this present parliament assembled, and by the authority of the same, That if any persons, to the number of twelve (a) or more, being unlawfully, riotously, and tumultuously assembled together, to the disturbance of the public peace, at any time after the last day of July in the year

(a) See note, p. 209.

1 G. 1. of our Lord one thousand seven hundred and fifteen,
st. 2. c. 5. and being required or commanded by any one or more
justice or justices of the peace, or by the sheriff of the
county, or his under sheriff, or by the mayor, bailiff or
bailiffs, or other head officer, or justice of the peace of
any city or town corporate, where such assembly shall
be, by proclamation to be made in the king's name, in
the form hereinafter directed, to disperse themselves,
and peaceably to depart to their habitations, or to their
lawful business, shall, to the number of twelve or more,
(notwithstanding such proclamation made), unlawfully,
riotously, and tumultuously, remain or continue to-
gether, by the space of one hour after such command
or request made by proclamation, that then such con-
tinuing together to the number of twelve or more, after
such command or request made by proclamation, shall
be adjudged felony without benefit of clergy, and the
offenders therein shall be adjudged felons, and shall
suffer death as in case of felony without benefit of
clergy. § 1.

How the proclamation shall be made.

And be it further enacted by the authority aforesaid,
That the order and form of the proclamations that shall
be made by the authority of this act, shall be as here-
after followeth; that is to say, the justice of the peace,
or other person authorised by this act to make the said
proclamation, shall, among the said rioters, or as near
to them as he can safely come, with a loud voice com-
mand, or cause to be commanded, silence to be while
proclamation is making, and after that, shall openly

and with loud voice make, or cause to be made, proclamation in these words, or like in effect. 1 G. 1.
st. 2. c. 5.

The Proclamation.

Our sovereign lord the king chargeth and commandeth all persons, being assembled, immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, upon the pains contained in the act made in the first year of King George, for preventing tumults and riotous assemblies.

God save the King.

And every such justice and justices of the peace, sheriff, under sheriff, mayor, bailiff, and other head officer aforesaid, within the limits of their respective jurisdictions, are hereby authorised, empowered, and required, on notice or knowledge of any such unlawful, riotous, and tumultuous assembly, to resort to the place where such unlawful, riotous, and tumultuous assembly shall be, of persons to the number of twelve or more, and there to make, or cause to be made, proclamation in manner aforesaid. § 2.

Persons assembled and not dispersing within one hour, to be seized.

And be it further enacted by the authority aforesaid, That if such persons so unlawfully, riotously, and tumultuously assembled, or twelve or more of them, after proclamation made in manner aforesaid, shall continue together, and not disperse themselves

1 G. 1.
st. 2. c. 5. within one hour, that then it shall and may be lawful to and for every justice of the peace, sheriff, or under sheriff of the county where such assembly shall be, and also to and for every high or petty constable, and other peace officer within such county, and also to and for every mayor, justice of the peace, sheriff, bailiff, and other head officer, high or petty constable, and other peace officer of any city or town corporate where such assembly shall be, and to and for such other person and persons as shall be commanded to be assisting unto any such justice of the peace, sheriff, or under sheriff, mayor, bailiff, or other head officer aforesaid, (who are hereby authorised and empowered to command all his majesty's subjects of age and ability to be assisting to them therein), to seize and apprehend, and they are hereby required to seize and apprehend, such persons so unlawfully, riotously, and tumultuously continuing together after proclamation made, as aforesaid, and forthwith to carry the persons so apprehended before one or more of his majesty's justices of the peace of the county or place where such persons shall be so apprehended, in order to their being proceeded against for such their offences according to law; and that if the persons so unlawfully, riotously, and tumultuously assembled, or any of them, shall happen to be killed, maimed, or hurt, in the dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them, by reason of their resisting the persons so dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them, that then every such justice of the peace, sheriff, under sheriff, mayor, bailiff, head officer,

high or petty constable, or other peace officer, and all 1 G. 1.
 and singular persons being aiding and assisting to st. 2. c. 5.
 them, or any of them, shall be free, discharged, and
 indemnified, as well against the king's majesty, his
 heirs and successors, as against all and every other per-
 son and persons, of, for, or concerning the killing,
 maiming, or hurting of any such person or persons, so
 unlawfully, riotously, and tumultuously assembled,
 that shall happen to be so killed, maimed, or hurt, as
 aforesaid. § 3.

*Pulling down, &c. any Church, &c. Felony without
 Benefit of Clergy.*

And be it further enacted by the authority aforesaid,
 That if any person unlawfully, riotously, and tumultu-
 ously assembled together, to the disturbance of the
 public peace, shall unlawfully, and with force demolish
 or pull down, or begin to demolish and pull down^(a),

(a) It is not necessary that twelve persons should be con-
 cerned in order to constitute this offence, or to entitle the
 party injured to an action against the hundred under sect. 6.
Pritchett v. Waldron, T. R. 14. Where rioters began to
 break the windows of a bakehouse and a dwellinghouse ad-
 joining, and broke the glass of the windows, and also the
 shutters, in order to compel the plaintiff to sell his flour for
 less than the value, the judge told the jury, "that if they
 were satisfied that the mob meant to stop there and proceed
 no further, it might be too much to say, that it was a begin-
 ning to demolish within the statute; but if they thought that
 the mob came with an intention to proceed to other acts of
 demolition, if they could not otherwise effect their purpose, it
 was a beginning to demolish. In the same case it was held
 that breaking open a lock upon such an occasion was not a

1 G. 1. any church or chapel, or any building for religious
 st. 2. c. 5. worship, certified and registered according to the statute made in the first year of the reign of the late King William and Queen Mary, intituled "An Act for exempting their Majesties' Protestant Subjects dissenting from the Church of England, from the Penalties of certain Laws, or any Dwelling-house, Barn, Stable, or other Outhouse; that then every such demolishing or pulling down, or beginning to demolish or pull down, shall be adjudged felony without benefit of Clergy; and the offenders therein (a) shall be adjudged felons, and shall suffer death as in case of felony, without benefit of clergy. § 4.

Opposing the making Proclamation.

Provided always, and be it further enacted by the authority aforesaid, That if any person or persons do, or shall, with force and arms, wilfully and knowingly

beginning to demolish. *Wilmot v. Horton*, Doug. 701. See notes to sect. 6. post. As to the law respecting the several kinds of buildings, see notes to 9 Geo. 1. c. 22. Evan's Collection of Statutes.

(a) Persons present aiding and abetting (who are called principals in the second degree) are within the Statute, and it is not necessary in a special verdict that the terms of *aiding* and *abetting* should be used; but in finding that the prisoner was present and did encourage and abet the others in beginning to demolish, &c., by *shouting* and using expressions to excite the others *so to do*, but that he did not with force begin to demolish or pull down, or do any act with his own hands or person for that purpose otherwise than as aforesaid, was a sufficient finding upon a charge for beginning to demolish. *Rex v. Royce*, 1 Burr. 2073.

oppose, obstruct, or in any manner wilfully and knowingly lett, hinder, or hurt any person or persons that shall begin to proclaim, or go to proclaim according to the proclamation hereby directed to be made, whereby such proclamation shall not be made; that then every such opposing, obstructing, letting, hindering, or hurting such person or persons, so beginning, or going to make such proclamation as aforesaid, shall be adjudged felony without benefit of clergy; and the offenders therein shall be adjudged felons, and shall suffer death as in case of felony, without benefit of clergy; and that also every such person and persons so being unlawfully, riotously, and tumultuously assembled, to the number of twelve, as aforesaid, or more, to whom proclamation should or ought to have been made, if the same had not been hindered, as aforesaid, shall likewise, in case they, or any of them, to the number of twelve, or more, shall continue together, and not disperse themselves within one hour after such lett or hindrance so made, having knowledge of such lett or hindrance so made, shall be adjudged felons, and shall suffer death as in case of felony, without benefit of clergy. § 5.

1 G. 1.
st. 2. c. 5.

How the Damages shall be made good.

And be it further enacted by the authority aforesaid, That if after the said last day of July One thousand seven hundred and fifteen, any such church or chapel, or any such building for religious worship, or any such dwelling-house, barn, stable or other outhouse, shall be demolished or pulled down wholly or in part, by

1 G. 1.
st. 2. c. 6

any persons so unlawfully, riotously, and tumultuously assembled; that then, in case such church, chapel, building for religious worship, dwelling-house, barn, stable or outhouse, shall be out of any city or town, that is either a county of itself, or is not within any hundred, that then the inhabitants of the hundred in which such damage shall be done, shall be liable to yield damages to the person or persons injured and damnified by such demolishing or pulling down wholly, or in part; and such damages shall and may be recovered by action to be brought in any of His Majesty's Courts of Record at Westminster, wherein no essoin, protection or wager of law, or any imparlance, shall be allowed by the person or persons damnified thereby, against any two or more of the inhabitants of such hundred; such action for damages to any church or chapel to be brought in the name of the rector, vicar, or curate of such church or chapel that shall be so damnified, in trust for applying the damages to be recovered in rebuilding or repairing such church or chapel; and that judgement being given for the plaintiff or plaintiffs in such action, the damages so to be recovered shall, at the request of such plaintiff or plaintiffs, his or their executors or administrators, be raised and levied on the inhabitants of such hundred, and paid to such plaintiff or plaintiffs, in such manner and form, and by such ways and means, as are provided by the statute made in the seven-and-twentieth year of the reign of Queen Elizabeth, for reimbursing the person or persons on whom any money recovered against any hundred by any party robbed, shall be levied: and in case any such church, chapel, building for religious

worship, dwelling-house, barn, stable or outhouse, so 1 G. 1.
 damnified, shall be in any city or town that is either a st. 2. c. 5.
 county of itself, or is not within any hundred; that
 then such damages shall and may be recovered by action
 to be brought in manner aforesaid; wherein no
 essoin, protection or wager of law, or any imparlance
 shall be allowed, against two or more inhabitants of
 such city or town; and judgement being given for the
 plaintiff or plaintiffs in such action, the damages so to
 be recovered shall, at the request of such plaintiff or
 plaintiffs, his or their executors or administrators, made
 to the justices of the peace of such city or town, at any
 quarter sessions to be holden for the said city or town,
 be raised and levied on the inhabitants of such city or
 town, and paid to such plaintiff or plaintiffs, in such
 manner and form, and by such ways and means, as are
 provided by the said statute made in the seven-and-
 twentieth year of the reign of Queen Elizabeth, for
 reimbursing the person or persons on whom any mone-
 y recovered against any hundred by any party rob-
 bed, shall be levied. § 6.

This Act to be read at Quarter Sessions.

And be it further enacted by the authority aforesaid,
 That this act shall be openly read at every quarter ses-
 sions, and at every leet or law day. § 7.

Prosecutions to be commenced within Twelve Months.

Provided always, That no person or persons shall be
 prosecuted by virtue of this act, for any offence or of-

1 G. 1. fences committed contrary to the same, unless such
st. 2. c. 5. prosecution be commenced within twelve months after
the offence committed. § 8.

*Sheriffs in Scotland to have the same Power as Justices,
&c. have in England.*

And be it further enacted by the authority aforesaid, That the sheriffs and their deputies, stewarts and their deputies, baillies of regalities and their deputies, magistrates of royal burroughs, and all other inferior judges and magistrates, and also all high or petty constables, or other peace officers of any county, stewartry, city or town, within that part of Great Britain called Scotland, shall have the same powers and authority for putting this present act in execution within Scotland, as the justices of the peace and other magistrates aforesaid respectively have by virtue of this act, within and for the other parts of this kingdom; and that all and every person and persons who shall at any time be convicted of any the offences aforementioned, within that part of Great Britain called Scotland, shall for every such offence incur and suffer the pain of death, and confiscation of moveables; and also that all prosecutions for repairing the damages of any church or chapel, or any building for religious worship, or any dwelling-house, barn, stable or outhouse, which shall be demolished or pulled down in whole or in part, within Scotland, by any persons unlawfully, riotously, or tumultuously assembled, shall and may be recovered by summary action, at the instance of the party aggrieved, his or her heirs or executors, against the county,

stewartry, city, or burrough respectively, where such disorders shall happen, the magistrates being summoned in the ordinary form, and the several counties and stewartries called by edictal citation at the market cross of the head burrough of such county or stewartry respectively, and that in general, without mentioning their names and designations. § 9. 1 G. 1. st. 2. c. 5.

To what Places in Scotland this Act shall extend.

Provided, and it is hereby declared, That this act shall extend to all places for religious worship, in that part of Great Britain called Scotland, which are tolerated by law, and where His Majesty King George, the Prince and Princess of Wales, and their issue, are prayed for in express words. § 10.

THE END.

