



ANNO VICESIMO SECUNDO ET VICESIMO TERTIO

# VICTORIÆ REGINÆ.

A.D. 1859.

## No. 4.

*An Act for consolidating the Statute Law in force in South Australia, relating to Indictable Offences against Property, by Larceny and other Offences connected therewith.*

[Assented to, 1st September, 1859.]

**W**HEREAS it is expedient to amend and consolidate the Statute Law in force in the Province of South Australia, relating to offences against property, by larceny and other offences connected therewith, punishable upon indictment or information—Be it therefore Enacted by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province in this present Parliament assembled, as follows :

Preamble.

As to simple larceny :

1. Whosoever shall be convicted of simple larceny, or of any felony hereby made punishable like simple larceny, shall (except in the cases hereinafter otherwise provided for) be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labor, and with or without solitary confinement.

Punishment for simple larceny.  
7 & 8 G. 4., c. 29., s. 3, 4.  
12 & 13 Vict., c. 11, s. 1.

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

Indictment for larceny, several counts.  
14 & 15 Vict., c. 100 s. 16.

3. If

Indictment where the taking has been at different times.  
14 and 15 Vict., c. 100, s. 17.

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

Larceny, after two summary convictions.  
12 and 13 Vict., c. 11, s. 3.

4. Whosoever shall commit the offence of simple larceny, or any offence made punishable like simple larceny, after having been twice summarily convicted of any of the offences now punishable upon summary conviction, under the provisions contained in the Act of the Session of the seventh and eighth years of King George the Fourth, chapter twenty-nine, or the Act passed in South Australia in the year one thousand eight hundred and fifty, No. 3 (whether each of the convictions shall have been in respect of an offence of the same description or not, and whether such convictions or either of them shall have been or shall be before or after the passing of this Act), shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for the term of four years, or for any less term, with or without hard labor, and with or without solitary or separate confinement.

7 and 8 G. 4, c. 29.

7 and 8 G. 4, c. 29, ss. 3, 4.

As to larceny of cattle or other animals:

Stealing horses, cows, sheep, &c., or killing them with intent to steal.  
7 and 8 G. 4, c. 29, s. 25.

5. Whosoever shall steal any horse, mare, gelding, colt, or filly, or any bull, cow, ox, heifer, or calf, or any ram, ewe, sheep, or lamb, or shall wilfully kill any of such cattle with intent to steal the carcase or skin or any part of the cattle so killed, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding eight years, with or without hard labor, and with or without solitary confinement.

2 and 3 W. 4, c. 62, s. 1.  
1 Vict., c. 90, ss. 1, 3.  
9 and 10 Vict., c. 24, s. 1.

Hunting, killing, or wounding deer in enclosed lands.  
7 and 8 G. 4, c. 29, s. 26.  
Id. s. 3.  
12 and 13 Vict., c. 11, s. 1.

6. Whosoever shall unlawfully and wilfully snare or carry away, or kill or wound, or attempt to kill or wound, any deer, llama, or alpaca kept or being in any enclosed land wherein deer, llamas, or alpacas shall be usually kept, shall be guilty of felony, and being convicted thereof, shall be imprisoned for any term not exceeding eight years, and with or without solitary confinement.

Taking fish in water adjoining to a dwelling-house.  
7 and 8 G. 4, c. 29, s. 34.

7. Whosoever shall unlawfully and wilfully take or destroy any fish in any water which shall be in any land adjoining or belonging to the dwelling-house of any person being the owner of such water, shall be guilty of a misdemeanor: Provided that nothing

nothing herein contained shall extend to any person angling in the daytime.

8. Whosoever shall steal any oysters, or oyster brood, or oyster spat from any oyster bed named in any such licence as is mentioned in the Act of this Colony, number 15 of the year 1853, intituled "An Act to encourage the formation of beds and to protect the same," or being the property of any other person, and sufficiently marked out or known as such, shall be guilty of larceny, and being convicted thereof, shall be punished accordingly; and whosoever shall unlawfully and wilfully use any dredge, or any net, instrument, or engine whatsoever, within the limits of any such oyster fishery, for the purpose of taking oysters or oyster brood, although none shall be actually taken, or shall with any net, instrument, or engine drag upon the ground or soil of any such oyster bed or fishery, shall be guilty of a misdemeanor, and being convicted thereof, shall be punished by fine or imprisonment, such fine not to exceed Twenty Pounds, and such imprisonment not to exceed three calendar months, and to be with or without hard labor, and with or without solitary confinement; and it shall be sufficient in any indictment to describe either by name or otherwise the bed, laying, or fishery in which any of the said offences shall have been committed, without stating the same to be in any particular township, or other locality: Provided that nothing in this section contained shall prevent any person from catching or fishing for any floating fish within the limits of any oyster fishery with any net, instrument, or engine adapted for taking floating fish only.

Stealing or dredging for oysters in oyster fisheries.  
7 and 8 G. 4, c. 29, ss. 4, 36.

9. Whosoever shall steal any dog, after having been summarily convicted of stealing any dog, either before or after the passing of this Act, shall be guilty of a misdemeanor, and being convicted thereof, shall be punished by fine or imprisonment, or both, as the Court in its discretion shall award, such imprisonment not to exceed eighteen months, and to be with or without hard labor.

Stealing a dog, second offence.  
8 and 9 Vict., c. 47, s. 2.

10. If any dog, or the skin of any dog, shall have been found in the possession or on the premises of any person, by virtue of any search warrant, such person knowing that the dog has been stolen, or that the skin is the skin of a stolen dog, and such person shall have been summarily convicted of such offence, either before or after the passing of this Act, and shall afterwards be guilty of any such offence, he shall be guilty of a misdemeanor.

Having possession of a stolen dog or its skin, second offence.  
8 and 9 Vict., c. 47, s. 3.

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

Receiving money to restore stolen dog.  
8 and 9 Vict., c. 47, s. 6.

As to larceny of valuable securities :

12. Whosoever shall steal any tally, order, or other security whatsoever

Bonds, bills, notes, &c.,  
7 and 8 G. 4, c. 29, s. 5.

whatsoever, entitling or evidencing the title of any person or body corporate to any share or interest in any public stock or fund, whether of the said Province, or of any other part of Her Majesty's dominions, 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 the said Province or of any other part of Her Majesty's dominions, or of any Foreign State, or shall steal any warrant or order for the delivery or transfer of any goods or valuable thing, shall be guilty of felony, of the same nature and in the same degree, and punishable in the same manner as if he had stolen any chattel of like value with the share, interest, or deposit to which the security so stolen may relate, or with the money due on the security so stolen or secured thereby and remaining unsatisfied, or with the value of the goods or other valuable thing mentioned in the warrant or order; and each of the several documents in this section before enumerated shall throughout this Act be deemed for every purpose to be included under and denoted by the words "valuable security."

Deeds, &c., relating  
to real property.  
7 & 8 G. 4, c. 29, ss.  
4, 23.

13. Whosoever shall steal any paper or parchment, written or printed, or partly written and partly printed, being evidence of the title, or of any part of the title to any real estate, shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding four years, such imprisonment to be with or without hard labor, and with or without any fine in addition thereto, and with or without solitary confinement; and in any indictment for such offence, it shall be sufficient to allege the thing stolen to be evidence of the title, or of part of the title, of the person, or of some one of the persons having a present interest, whether legal or equitable, in the real estate to which the same relates, and to mention such real estate, or some part thereof; and it shall not be necessary to allege the thing stolen to be of any value.

Wills or codicils.  
7 & 8 G. 4, c. 29, ss.  
4, 22, 24.

14. Whosoever shall, either during the life of the testator, or after his death, steal, or for any fraudulent purpose destroy or conceal, any will, codicil, or other testamentary instrument, whether the same shall relate to real or personal estate, or to both, shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the Court, to any of the punishments in the last preceding section mentioned; and it shall not, in any indictment for such offence, be necessary to allege that such will, codicil, or other instrument, is the property of any person, or that the same is of any value: Provided that nothing in this or the last preceding section mentioned, nor any proceeding, conviction, or judgment to be had or taken thereupon, shall prevent, lessen, or impeach any remedy at Law or in Equity, which any party aggrieved by any such offence might or would have had if this Act had not been passed; but nevertheless, the conviction of any such offender shall not be received in evidence in any action at Law or suit in Equity against him; and

Other remedies not to  
be affected.  
7 & 8 G. 4, c. 29, s.  
24.

no person shall be liable to be convicted of either of the misdemeanors in this and in the last preceding section mentioned, by any evidence whatever, in respect of any act done by him, if he shall at any time previously to his being indicted for such offence have disclosed such act, on oath, in consequence of any compulsory process of any Court of Law or Equity in any action, suit, or proceeding which shall have been *bonâ fide* instituted by any party aggrieved, or if he shall have disclosed the same in any examination or deposition before any Commissioners of Bankrupt.

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

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

Metal, glass, wood, &c., fixed to houses or land.  
7 & 8 G. 4, c. 29, ss. 4, 44.

16. Whosoever shall steal, or shall cut, break, root up, or otherwise destroy or damage with intent to steal, the whole or any part of any tree, sapling, or shrub, or any underwood, respectively growing in any pleasure ground, garden, orchard, or avenue, or in any ground adjoining or belonging to any dwelling house, shall (in case the value of the article or articles stolen, or the amount of the injury done, shall exceed the sum of Five Shillings), be guilty of felony, and being convicted thereof, shall be liable to be punished as in the case of simple larceny, and whosoever shall steal, or shall cut, break, root up, or otherwise destroy or damage with intent to steal, the whole or any part of any tree, sapling, or shrub, or any underwood, respectively growing elsewhere than in any of the situations in this section before mentioned, shall (in case the value of the article or articles stolen, or the amount of the injury done, shall exceed the sum of One Pound), be guilty of felony, and being convicted thereof, shall be liable to be punished as in the case of simple larceny.

Trees in pleasure grounds, if of the value of Five Shillings, or elsewhere if of the value of One Pound.  
7 & 8 G. 4, c. 29, ss. 4, 38.

17. Whosoever shall steal, or shall cut, break, root up, or otherwise destroy or damage with intent to steal, the whole or any part of any tree, sapling, or shrub, or any underwood, wheresoever the same may be respectively growing, the stealing of such article or articles, or the injury done, being to the amount of a Shilling at the least, after having been twice summarily convicted of any of the offences in this section before mentioned (whether all the said offences be of the same description or not, and whether both or either of such summary convictions shall have taken place before or after the passing of this Act,) shall be guilty of felony, and being convicted thereof

Trees, &c., of the value of One Shilling, third offence.  
7 & 8 G. 4, c. 29, ss. 4, 39.

thereof, shall be liable to be punished as in the case of simple larceny.

Plants, fruits, &c., in gardens, second offence.  
7 & 8 G. 4, c. 29, ss. 4, 42.

18. Whosoever shall steal, or shall destroy or damage with intent to steal, any plant, root, fruit, or vegetable production, growing in any garden, orchard, nursery ground, hothouse, greenhouse, or conservatory, after having been summarily convicted of any of the offences in this section before mentioned (whether such second offence be of the same description as the first or not, and whether such summary conviction shall have taken place before or after the passing of this Act), shall be guilty of felony, and being convicted thereof, shall be liable to be punished as in the case of simple larceny.

As to larceny from mines :

Ore of metal, coal, &c.,  
7 & 8 G. 4, c. 29, ss. 4, 37.

19. Whosoever shall steal, or sever with intent to steal, the ore of any metal, or any lapis calaminaris, manganese or mundick, or any wad, black cawke, or black lead, or any coal or cannel coal, from any mine, bed, or vein thereof respectively, shall be guilty of felony, and being convicted thereof shall be liable to be punished as in the case of simple larceny.

As to larceny from the person, and offences of that description :

Robbery or stealing from the person.  
1 Vict., c. 87, ss. 5, 10.

20. Whosoever shall rob any person, or shall steal any chattel, money, or valuable security from the person of another, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding eight years, with or without hard labor, and with or without solitary confinement.

On trial for robbery, jury may convict of an assault with intent to rob.  
14 and 15 Vict., c. 100, s. 11.  
Assault with intent

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

Assault with intent to rob.  
1 Vict., c. 87, ss. 6, 20.

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

23. Whosoever

23. Whosoever shall, being armed with any offensive weapon or instrument, rob, or assault with intent to rob, any person, or shall, together with one or more other person or persons, rob, or assault with intent to rob, any person, or shall rob any person, and at the time of, or immediately before, or immediately after such robbery, shall beat, strike, or use any other personal violence to any person, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for life, or for any less term, with or without hard labor, and with or without solitary or separate confinement.

Robbery or assault by a person armed, or by two or more, or robbery and striking. 1 Vict., c. 87, ss. 3, 10.

24. Whosoever shall rob any person, and at the time of or immediately before, or immediately after such robbery, shall stab, cut, or wound any person, shall be guilty of felony, and being convicted thereof, shall suffer death as a felon.

Robbery and cutting or wounding. 1 Vict. c. 87, s. 2.

25. Whosoever shall knowingly send or deliver any letter or writing demanding of any person with menaces, and without any reasonable or probable cause, any chattel, money, or valuable security, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for life, or for any less term, with or without hard labor, and with or without solitary confinement.

Letter demanding money, &c., with menaces. 7 & 8 G. 4, c. 29, ss. 4, 8.

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

Demanding money, &c., with menaces, or by force, with intent to steal. 1 Vict., c. 87, s. 6.

27. Whosoever shall knowingly send or deliver or utter to any other person any letter in writing, accusing or threatening to accuse either the person to whom such letter or writing shall be sent or delivered, or any other person, of any crime punishable by law with death, or imprisonment with hard labor for a longer period than two years, or of any assault with intent to commit any rape, or of any attempt or endeavor to commit any rape, or of any infamous crime as hereinafter defined, with a view or intent to extort or gain by means of such letter or writing any property, chattel, money, valuable security, or other valuable thing from any person whatever; or any letter or writing threatening to kill or murder any person, or to burn or destroy any house, barn, or other building, or any rick or stack of grain, hay, or straw, or other agricultural produce, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for life, or for any less term, with or without hard labor, and with or without solitary or separate confinement; and for defining what shall be an infamous crime within the meaning of this Act—Be it Enacted, That the abominable crime of buggery, committed either with mankind or with beast,

Letter threatening to accuse of crime, or to kill or burn, &c., with intent to extort. 10 & 11 Vict., c. 66, s. 1. 7 & 8 G. 4, c. 29, ss. 8, 9.

Infamous crime defined.

and

and every assault with intent to commit the said abominable crime, and every attempt or endeavor to commit the said abominable crime, and every solicitation, persuasion, promise, or threat offered or made to any person whereby to move or induce such person to commit or permit the said abominable crime, shall be deemed to be an infamous crime within the meaning of this Act.

Accusing, or threaten-  
to accuse, with intent  
to extort.  
10 & 11 Vict., c. 66,  
s. 2.  
7 & 8 G. 4, c. 29, s. 8.

28. Whosoever shall accuse or threaten to accuse either the person to whom such accusation or threat shall be made, or any other person, of any of the crimes in the last preceding section specified, with the view or intent, in any of the cases last aforesaid, to extort or gain from such person so accused or threatened to be accused, or from any other person whatever, any property, chattel, money, valuable security, or other valuable thing, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to any one of the punishments in the last preceding section mentioned.

Threatening to pub-  
lish a libel with  
intent to extort.  
6 & 7 Vict., c. 96, s. 3.

29. Whosoever shall publish or threaten to publish any libel upon any other person, or shall directly or indirectly threaten to print or publish, or shall directly or indirectly propose to abstain from printing or publishing, or shall directly or indirectly offer to prevent the printing or publishing of any matter or thing touching any other person, with intent to extort any money or security for money, or any valuable thing from such or any other person, or with intent to induce any person to confer or procure for any person any appointment, or office of profit or trust, shall, being convicted thereof, be liable, at the discretion of the Court, to be imprisoned for any term not exceeding three years, with or without hard labor.

As to sacrilege, burglary, and housebreaking :

Burglary.  
1 Vict., c. 86, ss. 3, 4,  
7.

30. Whosoever shall be convicted of the crime of burglary shall be liable, at the discretion of the Court, to be imprisoned for life, or for any less term, with or without hard labor and solitary or separate confinement; and so far as the same is essential to the offence of burglary, the night shall be deemed to commence at nine of the clock in the evening of each day, and to conclude at six of the clock in the morning of the next succeeding day.

Burglary by breaking  
out.  
7 & 8 G. 4, c. 29, s. 11.

31. Whosoever shall enter the dwelling-house of another with intent to commit felony, or being in such dwelling-house shall commit any felony, and shall in either case break out of the said dwelling-house in the night time, shall be deemed guilty of burglary.

Burglary and attempt  
to murder, &c.  
1 Vict., c. 86, s. 2.

32. Whosoever shall burglariously break and enter into any dwelling-house, and shall assault, with intent to murder any person being therein, or shall stab, cut, wound, beat or strike any such person, shall be guilty of felony, and being convicted thereof, shall suffer death as a felon.



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

What building within the curtilage shall be deemed part of the dwelling house.  
7 & 8 Geo. 4, c. 29, s. 13.

34. Whosoever shall break and enter any building, and steal therein any chattel, money, or valuable security, such building being within the curtilage of a dwelling-house and occupied therewith, but not being part thereof according to the provision in the last preceding section mentioned, shall be guilty of felony, and being convicted thereof, either upon an indictment for the same offence, or upon an indictment for burglary, housebreaking, or stealing to the value of Five Pounds in a dwelling-house, containing a separate count for such offence, shall be liable, at the discretion of the Court, to be imprisoned for a term not exceeding eight years, with or without hard labor, and with or without solitary or separate confinement.

Breaking and entering building within the curtilage which is not part of the dwelling house.  
7 & 8 G. 4, c. 29, s. 14.  
1 Vict., c. 90, ss. 2, 3.

35. Whosoever shall break and enter any church or chapel, and steal therein any chattel, or having stolen any chattel in any church or chapel, shall break out of the same, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for life, or for any less term, and with or without hard labor and solitary or separate confinement.

Breaking and entering a church or chapel.  
7 & 8 G. 4, c. 29, s. 10.  
5 & 6 W. 4, c. 81.  
6 & 7 W. 4, c. 4.

36. Whosoever shall break and enter any dwelling-house, and shall steal therein any chattel, money, or valuable security to any value whatever, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for a term not exceeding eight years, with or without hard labor, and with or without solitary or separate confinement.

Housebreaking and stealing.  
7 & 8 G. 4, c. 29, ss. 12, 13.  
1 Vict., c. 90, s. 1.  
3 & 4 W. 4, c. 44, ss. 1, 2.

37. Whosoever shall break and enter any shop, warehouse, or counting-house, and steal therein any chattel, money, or valuable security, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for a term not exceeding eight years, with or without hard labor, and with or without solitary or separate confinement.

Breaking and entering shop, warehouse, &c., and stealing.  
7 & 8 G. 4, c. 29, s. 15.  
1 Vict., c. 90, ss. 2, 3.

38. Whosoever shall be found by night armed with any dangerous or offensive weapon or instrument whatsoever, with intent to break or enter into any dwelling-house or other building whatsoever, and to commit any felony therein, or shall be found by night having in his possession without lawful excuse (the proof of which excuse shall lie on such person) any picklock key, crow, jack, bit, or other implement of housebreaking, or shall be found by night having his face blackened or otherwise disguised, with intent to commit any felony, or shall be found by night in any dwelling-house or other building whatsoever with intent to commit any felony therein, shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the

Being armed with intent to break and enter.  
14 & 15 Vict., c. 19, ss. 1, 13.

discretion

discretion of the Court, to be imprisoned for any term not exceeding three years, with or without hard labor; and the time at which the night shall commence and conclude in any offence against the provisions of this section shall be the same as in cases of burglary.

The like after a previous conviction for felony, &c.  
14 & 15 Vict., c. 19,  
s. 2.

39. Whosoever shall be convicted of any such misdemeanor as in the last preceding section mentioned, committed after a previous conviction, either for felony or such misdemeanor, shall on such subsequent conviction, be liable, at the discretion of the Court, to be imprisoned for any term not exceeding six years, with or without hard labor; and in any indictment for such misdemeanor, committed after a previous conviction as aforesaid, it shall be sufficient to state that the offender was at a certain time and place convicted of felony or misdemeanor against this Act, without otherwise describing the previous felony or misdemeanor; and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for the previous felony or misdemeanor, purporting to be signed by the Clerk of the Court or other officer having the custody of the records of the Court where the offender was first convicted, or by the deputy of such clerk or officer, shall, upon proof of the identity of the person of the offender, be sufficient evidence of the first conviction, without proof of the signature or official character of the person appearing to have signed the same.

As to larceny from the house:

Stealing in a dwelling-house to the value of Five Pounds.  
7 & 8 G. 4, c. 29, ss. 12, 13.  
1 Vict. c. 90, ss. 1, 3.  
2 & 3 W. 4, c. 62, s. 1.

40. Whosoever shall steal in any dwelling-house any chattel, money, or valuable security, to the value in the whole of Five Pounds or more, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for a term not exceeding eight years, with or without hard labor, and with or without solitary or separate confinement.

Stealing in a dwelling-house, any person therein being put in fear.  
1 Vict., c. 86, ss. 5, 7.

41. Whosoever shall steal any chattel, money, or valuable security to any value whatever, in any dwelling-house, and shall by any menace or threat put any one being therein in bodily fear, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for a term not exceeding eight years, with or without hard labor, and without solitary or separate confinement.

As to larceny from manufactories:

Stealing goods in process of manufacture.  
7 and 8 G. 4, c. 29, s. 16.  
1 Vict., c. 90, ss. 2, 3.

42. Whosoever shall steal to the value of Ten Shillings, any goods or article of silk, woollen, linen, or cotton, or of any one or more of those materials mixed with each other, or mixed with any other material, whilst laid, placed, or exposed, during any stage, process, or progress of manufacture, in any building, field, or other place, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for a term not exceeding eight years, with or without hard labor, and with or without solitary or separate confinement.

As

As to larceny from ships, wharfs, &c.:

43. Whosoever shall steal any goods or merchandize in, or any of the gear, fittings, or other articles belonging to any vessel, barge, or boat of any description whatsoever, in any port of entry or discharge, or upon any navigable river or canal, or in any creek belonging to or communicating with any such port, river, or canal, or shall steal any goods or merchandize from any dock, wharf, or quay adjacent to any such port, river, canal, or creek, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding eight years, with or without hard labor, and with or without solitary confinement.

Stealing from ships,  
docks, wharfs, &c.  
7 & 8 G. 4, c. 29, s.  
17.  
1 Vict., c. 90, ss. 2, 3.

44. Whosoever shall plunder or steal any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize, or articles of any kind belonging to such ship or vessel, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding eight years, with or without hard labor, and with or without solitary confinement: Provided, that when articles of small value shall be stranded or cast on shore, and shall be stolen, without circumstances of cruelty, outrage, or violence, it shall be lawful to prosecute and punish the offender as for simple larceny.

Stealing from a ship  
in distress or wrecked.  
1 Vict., c. 87, ss. 8, 10.

7 & 8 G. 4, c. 29, s.  
18.

As to larceny or embezzlement by clerks or servants:

45. Whosoever being a clerk or servant shall steal any chattel, money, or valuable security belonging to or in the possession or power of his master, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding eight years, with or without hard labor, and with or without solitary confinement.

Larceny by clerks or  
servants.  
7 & 8 G. 4, c. 29, ss.  
4, 46.

46. Whosoever being a clerk or servant, or being employed for the purpose or in the capacity of a clerk or servant, shall, by virtue of such employment, receive or take into his possession any chattel, money, or valuable security, for or in the name or on the account of his master, and shall fraudulently embezzle the same or any part thereof, shall be deemed to have feloniously stolen the same from his master, although such chattel, money, or security was not received into the possession of such master otherwise than by the actual possession of his clerk, servant, or other person so employed, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding eight years, with or without hard labor, and with or without solitary confinement, and for preventing difficulties in the prosecution of the last-mentioned offenders, it shall be lawful to charge in the indictment and proceed against the offender for any number of distinct acts of embezzlement, not exceeding three, which may have been committed by him against the same master, within the space of six months from the first to the

Embezzlement by  
clerks or servants.  
7 & 8 G. 4, c. 29, ss.  
4, 47, 48.

Distinct Acts of em-  
bezzlement may be  
charged in the same  
indictment.  
7 & 8 G. 4, c. 29, s.  
48.

last

last of such acts; and in every such indictment, except where the offence shall relate to any chattel, it shall be sufficient to allege the embezzlement to be of money, without specifying any particular coin or valuable security; and such allegation, so far as regards the description of the property, shall be sustained if the offender shall be proved to have embezzled any amount, although the particular species of coin or valuable security of which such amount was composed shall not be proved; or if he shall be proved to have embezzled any piece of coin or any valuable security, or any portion of the value thereof, although such piece of coin or valuable security may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same, or to some other person, and such part shall have been returned accordingly.

14 & 15 Vict., c. 100,  
s. 18.

Person indicted for  
embezzlement as a  
clerk, &c., not to be  
acquitted if the offence  
turn out to be larceny;  
and *vice versa*.  
14 & 15 Vict., c. 100,  
s. 13.

47. If upon the trial of any person indicted for embezzlement as a clerk, servant, or person employed for the purpose or in the capacity of a clerk or servant, it shall be proved that he took the property in question in any such manner as to amount in law to larceny, he shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that such person is not guilty of embezzlement, but is guilty of simple larceny, or of larceny as a clerk, servant, or person employed for the purpose or in the capacity of a clerk or servant, as the case may be; and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such larceny; and if upon the trial of any person indicted for larceny it shall be proved that he took the property in question in any such manner as to amount in law to embezzlement, he shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that such person is not guilty of larceny, but is guilty of embezzlement; and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such embezzlement; and no person so tried for embezzlement or larceny as aforesaid shall be liable to be afterwards prosecuted for larceny or embezzlement upon the same facts.

As to larceny by tenants or lodgers:

Tenant or lodger steal-  
ing chattel or fixture  
let to hire with house  
or lodgings.  
7 & 8 G. 4, c. 29, ss.  
4, 45.  
12 & 13 Vict., c. 11, s.  
2.

48. Whosoever shall steal any chattel, or fixture let to be used by him or her in or with any house or lodging, whether the contract shall have been entered into by him or her or by her husband or by any person on behalf of him or her or her husband, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned, for any term not exceeding two years, with or without hard labor, and with or without solitary confinement; and in case the value of such chattel or fixture shall exceed the sum of Five Pounds, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding four years, with or without hard labor, and with or without solitary or separate confinement; and in every case of stealing any chattel in this section mentioned it shall be lawful to prefer an indictment in the  
common

common form as for larceny, and in every case of stealing any fixture in this section mentioned to prefer an indictment in the same form as if the offender were not a tenant or lodger, and in either case to lay the property in the owner or person letting to hire.

As to frauds by agents, bankers, or factors:

49. If any money, or security for the payment of money, shall be intrusted to any banker, merchant, broker, attorney, or other agent, with any direction in writing to apply such money or security or any part thereof respectively, or the proceeds or any part of the proceeds of such security, for any purpose specified in such direction, and he shall, in violation of good faith and contrary to the purpose so specified, in anywise convert to his own use or benefit such money, security, or proceeds, or any part thereof respectively, he shall be guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the Court, to be imprisoned for any term not exceeding eight years; or to suffer such other punishment by fine or imprisonment, or by both, the Court shall award, such imprisonment to be with or without hard labor, and with or without solitary confinement; and if any chattel or valuable security, or any power of attorney for the sale or transfer of any share or interest in any public stock or fund, whether of the said Province, or of any other part of Her Majesty's Dominions, or of any foreign state, or in any fund of any body corporate, company, or society, shall be intrusted to any banker, merchant, broker, attorney, or other agent, for safe custody or for any special purpose, without any authority to sell, negotiate, transfer, or pledge, and he shall, in violation of good faith, and contrary to the object or purpose for which such chattel, security, or power of attorney shall have been intrusted to him, sell, negotiate, transfer, pledge, or in any manner convert to his own use or benefit such chattel or security, or the proceeds of the same, or any part thereof, or the share or interest in the stock or fund to which such power of attorney shall relate, or any part thereof, he shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to any of the punishments which the Court may award as hereinbefore last mentioned; but nothing in this section contained relating to agents shall affect any trustee in or under any instrument whatever, or any mortgagee of any property, real or personal, in respect of any act done by such trustee or mortgagee in relation to the property comprised in or affected by any such trust or mortgage; nor shall restrain any banker, merchant, broker, attorney, or other agent from receiving any money which shall be or become actually due and payable upon or by virtue of any valuable security, according to the tenor and effect thereof, in such manner as he might have done if this Act had not been passed; nor from selling, transferring, or otherwise disposing of any securities or effects in his possession, upon which he shall have any lien, claim, or demand entitling him by law, so to do, unless such sale, transfer, or other disposal shall extend to a greater number or part of such securities or effects than shall be requisite for satisfying such lien, claim, or demand.

Agent banker, &c.,  
embezzling money or  
selling securities, &c.,  
intrusted to him.  
7 & 8 G. 4, c. 29, ss.  
4, 49, 50.

Or goods, &c., in-  
trusted to him for safe  
custody.

Not to affect trustees  
or mortgagees.

Nor bankers, &c., re-  
ceiving money due on  
securities;

or disposing of securi-  
ties on which they  
have a lien.

Factors pledging the property of their principals.  
7 & 8 G. 4, c. 29, ss. 4, 51.

Not to extend where the pledge does not exceed the lien.

50. Whosoever being a factor or agent intrusted for the purpose of sale with any goods or merchandize, or intrusted with any bill of lading, warehouse-keeper's or wharfinger's certificate, or warrant or order for delivery of goods or merchandize, shall, for his own benefit, and in violation of good faith, deposit or pledge any such goods or merchandize, or any of the said documents, as a security for any money or negotiable instrument borrowed or received by such factor or agent, at or before the time of making such deposit or pledge, or intended to be thereafter borrowed or received, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to any of the punishments in the last preceding section mentioned; but no such factor or agent shall be liable to any prosecution for depositing or pledging any such goods or merchandize, or any of the said documents, in case the same shall not be made a security for or subject to the payment of any greater sum of money than the amount which at the time of such deposit or pledge was justly due and owing to such factor or agent from his principal, together with the amount of any bill or bills of exchange drawn by or on account of such principal and accepted by such factor or agent.

Factors obtaining advances on the property of their principals.  
5 & 6 Vict., c. 39, s. 6.

51. Whosoever being an agent intrusted with the possession of goods, or of the documents of title to goods, shall, contrary to or without the authority of his principal in that behalf, for his own benefit, and in violation of good faith, make any consignment, deposit, transfer, or delivery of any goods or documents of title so intrusted to him as in this section before mentioned, as and by way of a pledge, lien, or security, or shall, contrary to or without such authority, for his own benefit, and in violation of good faith, accept any advance on the faith of any contract or agreement to consign, deposit, transfer, or deliver any such goods or documents of title, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding eight nor less than four years, or to suffer such other punishment by fine or imprisonment, or both, as the Court shall award, and with or without hard labor, or solitary confinement; and every clerk or other person who shall knowingly and wilfully act and assist in making any such consignment, deposit, transfer, or delivery, or in accepting or procuring such advance as aforesaid, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Court, to any of the same punishments: Provided nevertheless, that no such agent shall be liable to any prosecution for consigning, depositing, transferring, or delivering any such goods or documents of title, in case the same shall not be made a security for or subject to the payment of any greater sum of money than the amount which at the time of such consignment, deposit, transfer, or delivery was justly due and owing to such agent from his principal, together with the amount of any bills of exchange drawn by or on account of such principal, and accepted by such agent.

5 & 6 Vict., c. 39, s. 4.  
Definitions:

52. Any bill of lading, India warrant, dock warrant, warehouse-keeper's

keeper's certificate, warrant, or order for the delivery of goods, or any other document used in the ordinary course of business as proof of the possession or control of goods, or authorizing or purporting to authorize, either by endorsement or by delivery, the possessor of such document to transfer or receive goods thereby represented, shall be deemed and taken to be a document of title within the meaning of the last preceding section; and any agent intrusted with the possession of goods, or of the documents of title to goods, and possessed of any such document of title, whether derived immediately from the owner of such goods, or obtained by reason of such agent's having been intrusted with the possession of the goods, or of any other document of title thereto, shall be deemed and taken to have been intrusted with the possession of the goods represented by such document of title, and all contracts, pledging, or giving a lien upon such document of title as aforesaid shall be deemed and taken to be respectively pledges of and liens upon the goods to which the same relates; and such agent shall be deemed to be possessed of such goods or documents, whether the same shall be in his actual custody, or shall be held by any other person subject to his control, or for him or on his behalf; and where any loan or advance shall be *boná fide* made to any agent intrusted with and in possession of any such goods or documents of title, on the faith of any contract or agreement in writing to consign, deposit, transfer, or deliver such goods or documents of title, and such goods or documents of title shall actually be received by the person making such loan or advance, without notice that such agent was not authorized to make such pledge or security, every such loan or advance shall be deemed and taken to be a loan or advance on the security of such goods or documents of title within the meaning of the last preceding section, though such goods or documents of title shall not actually be received by the person making such loan or advance till the period subsequent thereto; and any contract or agreement, whether made direct with such agent, or with any clerk or other person on his behalf, shall be deemed a contract or agreement with such agent; and any payment made, whether by money or bills of exchange, or other negotiable security, shall be deemed and taken to be an advance within the meaning of the last preceding section; and an agent in possession as aforesaid of such goods or documents shall be taken, for the purposes of the last preceding section, to have been intrusted herewith by the owner thereof, unless the contrary can be shown in evidence.

"Document of title."

"Intrusted."

"Possessed."

"Contract or agreement."

"Advance."

Possession to be evidence of intrusting.

53. Nothing in this Act contained, nor any proceeding, conviction, or judgment to be had or taken thereupon against any banker, merchant, broker, factor, attorney, or other agent as aforesaid, shall prevent, lessen, or impeach any remedy at Law or in Equity which any party aggrieved by any such offence might or would have had if his Act had not been passed; but nevertheless the conviction of any such offender shall not be received in evidence in any action at Law or suit in Equity against him; and no banker, merchant, broker, factor, attorney, or other agent as aforesaid, shall be liable to be convicted

In what cases offender not to be prosecuted. 7 & 8 G. 4, c. 29, s. 5 & 6 Vict., c. 39, s. 6. Proceedings not to lessen remedy by party aggrieved.

When offender not to be prosecuted.

convicted by any evidence whatever as an offender against this Act, in respect of any act done by him, if he shall at any time previously to his being indicted for such offence have disclosed such act, on oath, in consequence of any compulsory process of any Court of Law or Equity in any action, suit, or proceeding which shall have been *bonâ fide* instituted by any party aggrieved, or if he shall have disclosed the same in any examination or deposition before any Commissioner of Insolvency.

As to obtaining money, &c., by false pretences:

False pretences.  
7 & 8 G. 4, c. 29, ss.  
4, 53.

54. Whosoever shall by any false pretence obtain from any other person any chattel, money, or valuable security, with intent to cheat or defraud, shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for the term of four years, or to suffer such other punishment by fine or imprisonment, or by both, as the Court shall award, such imprisonment to be with or without hard labor, and with or without solitary confinement: Provided, that if upon the trial of any person indicted for such misdemeanor it shall be proved that he obtained the property in question in any such manner as to amount in Law to larceny, he shall not by reason thereof be entitled to be acquitted of such misdemeanor; and no such indictment shall be removable by *certiorari*; and no person tried for such misdemeanor shall be liable to be afterwards prosecuted for larceny upon the same facts: Provided also, that it shall be sufficient in any indictment for obtaining, or attempting to obtain, any such property by false pretences, to allege that the party accused did the act with intent to defraud, without alleging an intent to defraud any particular person; and on the trial of any such offence, it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove that the party accused did the act charged with an intent to defraud.

No acquittal because  
the offence amounts  
to larceny:

Form of indictment  
and evidence.  
14 & 15 Vict., c. 100,  
s. 8.

As to piracy:

Piracy.  
28 H. 8, c. 15, ss. 1, 4,  
1 Vict., c. 88, ss. 1, 3,  
5.

55. Whosoever shall commit any robbery in or upon the sea, or in any haven, river, creek, or place where the Admiral has, or pretends to have, jurisdiction, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for life, or for any less term, with or without hard labor, and with or without solitary or separate confinement.

Piracy and attempt to  
murder.  
1 Vict., c. 88, s. 2.

56. Whosoever, with intent to commit, or at the time of, or immediately before, or immediately after, committing the crime of piracy in respect of any ship or vessel, shall assault, with intent to murder, any person being on board of, or belonging to such ship or vessel, or shall stab, cut, or wound any such person, or unlawfully do any act by which the life of such person may be endangered, shall be guilty of felony, and being convicted thereof, shall suffer death as a felon.

Robbery or other act  
of hostility at sea  
under color of a

57. Whosoever, being a natural born subject of Her Majesty or a denizen of the United Kingdom of Great Britain and Ireland, shall commit



commit any piracy or robbery, or any act of hostility against any other of Her Majesty's subjects, upon the sea, or in any haven, river, creek, or place where the Admiral has, or pretends to have, jurisdiction, under color of any Commission from any Foreign Prince or State, or pretence of authority from any person whatsoever, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for life, or for any less term, with or without hard labor, and with or without solitary or separate confinement.

Foreign commission.  
11 & 12 W. 3, c. 7, s. 8.  
18 G. 2, c. 30, s. 1.  
1 Vict., c. 88, ss. 3, 5.

58. Whosoever, being a commander or master of any ship, or a seaman or mariner, shall, in any place where the Admiral has jurisdiction, betray his trust, and turn pirate, enemy, or rebel, and piratically or feloniously run away with, or yield up voluntarily to any pirate, his ship, or any barge, boat, ordnance, ammunition, goods, or merchandize, or shall bring any seducing messages from any pirate, enemy, or rebel, or consult, combine, or confederate with, or attempt or endeavor to corrupt any commander, master, officer, or mariner to yield up or run away with any ship, goods, or merchandizes, or turn pirate, or go over to pirates; and whosoever shall lay violent hands on his commander, whereby to hinder him from fighting in the defence of his ship and goods committed to his trust, or shall confine his master, or make, or endeavor to make, a revolt in the ship, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for life, or for any less term, with or without hard labor, and with or without solitary or separate confinement.

Piracy by master or seaman of ship.  
11 and 12 W. 3, c. 7, s. 9.  
1 Vict., c. 88, ss. 3, 5.

59. Whosoever belonging to any ship or vessel whatsoever, upon meeting any merchant ship or vessel on the sea, or in any port, haven, or creek whatsoever, shall forcibly board or enter into such ship or vessel, and, although he shall not seize and carry off such ship or vessel, shall throw overboard or destroy any part of the goods or merchandizes belonging to such ship or vessel, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for life, or for any less term, with or without hard labor, and with or without solitary or separate confinement.

Forcibly boarding a ship, and throwing the goods overboard.  
8 G. 1, c. 24, ss. 1, 4.  
1 Vict., c. 88, ss. 3, 5.

60. Whosoever shall anywise trade with any pirate, by truck, barter, exchange, or in any other manner, or shall furnish any pirate, felon, or robber upon the seas with any ammunition, provision, or stores of any kind, or shall fit out any ship or vessel knowingly, and with a design to trade with, or supply, or correspond with any pirate, felon, or robber, upon the seas, or shall anyways consult, combine, confederate, or correspond with any pirate, felon, or robber upon the seas, knowing him to be guilty of any such piracy, felony, or robbery, shall be guilty of felony, and being convicted thereof, be liable, at the discretion of the Court, to be imprisoned for life, or for any less term, with or without hard labor, and with or without solitary or separate confinement.

Trading with pirates.  
8 G. 1 c. 24, s. 1.  
22 & 23 C. 2, c. 11.  
1 Vict., c. 88, ss. 3, 5.

## As to receiving stolen goods:

Receiving where the principal is guilty of felony.  
7 & 8 G. 4, c. 29, ss. 4, 54.

61. Whosoever shall receive any chattel, money, valuable security, or other property whatsoever, the stealing or taking whereof shall amount to a felony, either at Common Law or by virtue of this Act, knowing the same to have been feloniously stolen or taken, shall be guilty of felony, and may be indicted and convicted either as an accessory after the fact, or for a substantive felony, and in the latter case, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to Justice; and every such receiver, howsoever convicted, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding eight years, with or without hard labor, and with or without solitary confinement: Provided that no person, howsoever tried for receiving as aforesaid, shall be liable to be prosecuted a second time for the same offence.

Receiving where the principal has been guilty of a misdemeanor.  
7 & 8 G. 4, c. 29, ss. 4, 55.

62. Whosoever shall receive any chattel, money, valuable security, or other property whatsoever, the stealing, taking, obtaining, or converting whereof is made a misdemeanor by this Act, knowing the same to have been unlawfully stolen, taken, obtained, or converted, shall be guilty of a misdemeanor, and may be indicted and convicted thereof, whether the person guilty of the principal misdemeanor shall or shall not have been previously convicted thereof, or shall or shall not be amenable to Justice; and every such receiver, being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding four years, with or without hard labor, and with or without solitary or separate confinement.

Indictment for stealing and receiving.  
11 & 12 Vict., c. 46 s. 3

63. In every indictment for feloniously stealing property, it shall be lawful to add a count for feloniously receiving the same property, knowing it to have been stolen, and in any indictment for feloniously receiving property knowing it to have been stolen, it shall be lawful to add a count for feloniously stealing the same property; and where any such indictment shall have been preferred and found against any person, the prosecutor shall not be put to his election, but it shall be lawful for the Jury who shall try the same, to find a verdict of guilty, either of stealing the property, or of receiving it knowing it to have been stolen; and if such indictment shall have been preferred and found against two or more persons, it shall be lawful for the Jury who shall try the same to find all or any of the said persons guilty either of stealing the property, or of receiving it knowing it to have been stolen, or to find one or more of the said persons guilty of stealing the property, and the other or others of them guilty of receiving it knowing it to have been stolen.

Receiver where triable.  
7 & 8 G. 4, c. 29, s. 56.

64. Whosoever shall receive any chattel, money, valuable security, or other property whatsoever, knowing the same to have been feloniously or unlawfully stolen, taken, obtained, or converted, may, whether charged as an accessory after the fact to the felony, or with a substantive felony, or with a misdemeanor only, be dealt with, tried, and

and punished in the same place in which the party guilty of the principal felony or misdemeanor may by Law be tried.

As to other matters:

65. In all cases where any person shall be convicted of a misdemeanor under this Act, it shall be lawful for the Court, if it shall think fit, in addition to, or in lieu of any of the punishments by this Act authorized, to fine the offender, and to require him to find sureties for keeping the peace and being of good behaviour, both or either; and in all cases of felonies in this Act mentioned, not punishable with death, it shall be lawful for the Court, if it shall think fit, to require the offender to find sureties for keeping the peace, in addition to any of the punishments by this Act authorized.

Fine and sureties for the peace, in what cases.

66. Where imprisonment with or without hard labor may be awarded for any offence under this Act, the Court may sentence the offender to be imprisoned, or to be imprisoned and kept to hard labor, in any common gaol or labor prison; and where solitary confinement may be awarded for any offence under this Act, the Court may (except where otherwise provided by this Act,) direct the offender to be kept in solitary or separate confinement for any portion or portions of his imprisonment, or of his imprisonment with hard labor, not exceeding one month at any one time, and not exceeding three months in any one year; and where any offender, convicted under any clause of this Act, shall be under the age of fourteen years, the Court may sentence the offender, if a male, but not otherwise, to be once, twice, or thrice publicly or privately whipped.

Hard labor, solitary confinement, and whipping.

67. This Act shall commence and take effect from the passing thereof.

Commencement of Act.