

PART IV.

**ACTS INJURIOUS TO THE PUBLIC
GENERALLY.**

CHAPTER XIV.

OFFENCES AGAINST RELIGION.

SECTION 98.

BLASPHEMOUS LIBELS.

Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to imprisonment, who publishes any
10 blasphemous libel. Whether any particular publication is or is not a blasphemous libel shall be a question of fact: Provided that no one (except a clergyman of the Church of England, charged before an ecclesiastical court with an offence against the laws ecclesiastical) shall be liable to any punishment or disability whatever, either at
15 common law or under the provisions of any statute only for expressing in good faith, or attempting to establish by arguments used in good faith, any opinion whatever upon any religious subject.

SECTION 99.

ASSAULTING MINISTERS OF RELIGION.

20 Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to *two years* imprisonment and hard labour,—

(a.) Who by threats or force obstructs or prevents, or endeavours to obstruct or prevent, any clergyman or other minister in or from
25 lawfully celebrating divine service or otherwise officiating in any church, chapel, meeting-house, or other place of divine worship, or in or from the performance of his duty in the lawful burial of the dead in any churchyard or other burial place;

(b.) Or who strikes or offers any violence, or arrests upon or
30 under the pretence of executing any civil process any clergyman or other minister engaged in or to the knowledge of the offender about to engage in any of the rites or duties mentioned in the last clause, or to the knowledge of the offender going to perform the same, or returning from the performance thereof.

A.D. 1878.

SECTION 100.

DISTURBING PUBLIC WORSHIP.

Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to imprisonment, who wilfully and without legal justification or excuse disquiets or disturbs any meeting, assembly, or congregation of persons lawfully assembled for religious worship, or in any way disturbs, molests, or misuses any preacher, teacher, or person lawfully officiating at such meeting, assembly, or congregation, or any person or persons there assembled, or who is guilty of any riotous, violent, or indecent behaviour in any place of public worship, whether during the celebration of public worship or at any other time, or in any churchyard or burial ground. 5

CHAPTER XV.

OFFENCES AGAINST MORALITY.

SECTION 101. 15

SODOMY.

Sodomy is the act of a person who—

- (a.) Carnally knows or permits himself or herself to be carnally known by any living creature other than a human being; or,
- (b.) Being a male, carnally knows any man or any woman against the order of nature; or
- (c.) Permits himself or herself to be so carnally known as aforesaid. 20

Everyone who commits sodomy shall be guilty of an indictable offence, and upon conviction thereof shall be sentenced to penal servitude for life, or for any period not less than *ten years*, and to no other punishment. 25

SECTION 102.

ATTEMPT TO COMMIT SODOMY.

Everyone who attempts to commit sodomy, or touches any person, or consents to be touched by any person, with intent to excite or gratify any unnatural lust in himself or in that other person, shall be guilty of an indictable offence, and shall be liable upon conviction thereof to *ten years* penal servitude. 30

SECTION 103.

PUBLIC INDECENCIES.

Everyone shall be guilty of an indictable offence, and shall upon conviction thereof be liable to be imprisoned with hard labour for
5 *two years*, who does any grossly indecent act in any place to which the public have or are permitted to have access, or which is so situated that what passes there can be seen by any considerable number of persons if they happen to look, or who does any such act
10 in any place intending thereby or so as to insult or offend any person or persons by whom he knows or has reasonable grounds for knowing that such act will or may be observed.

SECTION 104.

OBSCENE PUBLICATIONS.

Everyone shall be guilty of an indictable offence, and shall upon
15 conviction thereof be liable to be imprisoned with hard labour for *two years*, who knowingly and without justification—

(a.) Publicly sells, or exposes for public sale or to public view, any obscene book, print, picture, model, or other object; or

(b.) Publicly exhibits any disgusting object or other indecent
20 exhibition.

A person is justified in publishing or exhibiting such things as are
herein-before referred to if their publication or exhibition is, in the opinion of the jury, for the public good, as being necessary or advantageous to religion or morality, to the administration of justice,
25 the pursuit of science, literature, or art, or other objects of general interest; but the justification ceases if the publication or exhibition is made in such a manner, to such an extent, or under such circumstances as to exceed what the public good, in the opinion of the jury, requires in regard to the particular matter published or exhibited.
30 The motives of the publisher or exhibitor in making any such publication or exhibition are immaterial.

SECTION 105.

DEFILING GIRLS UNDER AGE.

Everyone shall be guilty of an indictable offence, and shall be
35 liable upon conviction thereof to *two years* imprisonment with hard labour, who, by false pretences, or false representations, or other fraudulent means, procures any woman or girl, under the age of *twenty-one years*, to have illicit carnal connexion with any man.

A.D. 1878.

SECTION 106.

CONSPIRACY TO DEFILE.

Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to imprisonment, who conspires with any other person (other than the woman to whom the conspiracy refers) 5 to induce any woman to commit adultery or fornication.

SECTION 107.

PREVENTING THE BURIAL OF DEAD BODIES AND DISINTERRING THEM.

Everyone shall be guilty of an indictable offence, and shall be liable on conviction thereof to imprisonment, who prevents the burial of 10 any dead body, or who, without lawful authority, disinters a dead body; or

who, having the means of doing so without incurring a debt, neglects to perform any legal duty incumbent on him with respect to the burial of any dead body; or 15

who buries or otherwise disposes of any dead body on which to his knowledge an inquest ought to be taken without giving notice to a coroner; or

who, being under a legal duty to do so, fails to give notice to a coroner that a body on which an inquest ought to be held is lying 20 unburied, before such body has putrefied.

CHAPTER XVI.**COMMON NUISANCES.****SECTION 108.**

COMMON NUISANCE DEFINED.

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A common nuisance is an act or a series of acts or an omission to discharge a legal duty—

(a.) Which obstructs or causes inconvenience or damage to any of Her Majesty's subjects in the exercise or enjoyment of any right common to all Her Majesty's subjects, whether such act or omission 30 is or is not convenient to a number of persons larger than the number so obstructed, inconvenienced, or damaged; or

(b.) Which endangers the life, health, property, or comfort of the public, or of any part of it, either by causing actual danger thereto, or by causing a state of things which must produce such actual 35

danger unless some person exercises in reference thereto a degree of care, skill, or prudence, the continual exercise of which in such situations is unusual. A.D. 1878.

It is a common nuisance within the meaning of this definition—

5 Wilfully to expose or cause to be exposed for sale articles of food unfit for consumption ;

Knowingly or negligently to permit servants to mix unwholesome ingredients in articles of food exposed or offered for sale or sold to any considerable number of persons ;

10 To make for the purposes of trade or otherwise loud noises, or offensive and unwholesome smells, in such places and under such circumstances as to annoy any considerable number of persons in the exercise or enjoyment of rights common to all Her Majesty's subjects ;

15 To keep any inn in a disorderly manner, and to suffer it to be resorted to by persons of bad character, or to refuse without reasonable grounds to entertain therein any properly conducted person ready and willing to pay for such entertainment ;

20 To obstruct any highway, by any work or erection thereon or injury thereto, which renders the highway less commodious to the public than it would otherwise be ;

To omit to repair any public highway or any bridge which the person in default is under a legal obligation to repair ;

25 To prevent the public from having access to any part of any highway by an excessive and unreasonable temporary use thereof, or by so dealing with the land in the immediate neighbourhood of the highway as to prevent the public from using and enjoying it securely ;

30 To divert or obstruct the course of any navigable river so as appreciably to diminish its convenience for purposes of navigation, even though the alteration may, upon the whole, be for the convenience of the public ;

35 Provided that the particular instances of common nuisances herein-before mentioned are mentioned by way of example only, and are not intended to restrict the general terms of the definition of a common nuisance herein-before contained, or to limit them to cases resembling any or all of the cases specially mentioned.

40 Every one shall be guilty of an indictable offence and shall be liable upon conviction thereof to imprisonment, who commits any common nuisance other than common nuisances punishable under the provisions of any statute in a summary way.

A.D. 1878.

SECTION 109.**DISORDERLY HOUSES.**

Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to *two years* imprisonment with hard labour, who keeps any disorderly house, that is to say, any common bawdy house, common gaming house, common betting house, or disorderly place of entertainment as herein-after defined. 5

Any person who appears, acts, or behaves as master or mistress, or as the person having the care, government, or management of any disorderly house, shall be deemed to be the keeper thereof, and shall be liable to be prosecuted and punished as such, although, in fact, he is not the real owner or keeper thereof. 10

SECTION 110.**COMMON BAWDY HOUSES.**

A common bawdy house is a house, room, set of rooms, or place of any kind whatever, kept for purposes of prostitution. 15

SECTION 111.**COMMON GAMING HOUSES.**

A common gaming house is a house, room, or place kept or used for playing therein at any game of chance, or any mixed game of chance and skill, in which— 20

- (i.) A bank is kept by one or more of the players, exclusively of the others; or
- (ii.) In which any game is played the chances of which are not alike favourable to all the players, including among the players the banker or other person by whom the game is managed, or against whom the other players stake, play, or bet. 25

SECTION 112.**EVIDENCE THAT A HOUSE IS A COMMON GAMING HOUSE.**

The following circumstances shall be deemed to be sufficient evidence (until the contrary is proved) that a house, room, or place is a common gaming house, and that the persons found therein were unlawfully playing therein; that is to say, 30

- (i.) Where any cards, dice, balls, counters, tables, or other instruments of gaming used in playing any unlawful game are found in any house, room, or place suspected to be used as a common gaming house, and entered under a warrant or order issued 35

under an Act passed in the ninth year of Her Majesty's reign, chapter one hundred and nine, to amend the law concerning games and wagers, or about the person of any of those found therein.

- 5 (ii.) Where any constable or officer authorised as aforesaid to enter any house, room, or place is wilfully prevented from, or obstructed, or delayed in entering the same, or any part thereof, or where any external or internal door or means of access to any such house, room, or place so authorised to be entered is found
10 to be fitted or provided with any bolt, bar, chain, or any means or contrivance for the purpose of delaying, preventing, or obstructing the entry into the house, or any part thereof, of any constable or officer authorised as aforesaid, or for giving alarm in case of such entry; or
- 15 (iii.) If any such house, room, or place is found fitted or provided with any means or contrivance for unlawful gaming, or for concealing, removing, or destroying any instruments of gaming.

SECTION 113.

COMMON BETTING HOUSES.

- 20 A common betting house is a house, office, room, or other place—
- (a.) Kept or used for the purpose of betting between persons resorting thereto and
- The owner, occupier, or keeper thereof; or
- 25 Any person using the same; or
- Any person procured or employed by, or acting for or on behalf of, any such person; or
- Any person having the care or management, or in any manner conducting the business thereof; or
- 30 (b.) Kept or used for the purpose of any money or valuable thing being received by or on behalf of any such person as aforesaid, as or for the consideration
- (i.) For any assurance, undertaking, promise, or agreement, express or implied, to pay or give thereafter any money or valuable
35 thing on any event or contingency of or relating to any horse-race or other race, fight, game, sport, or exercise; or
- (ii.) As or for the consideration for securing the paying or giving by some other person of any money or valuable thing on any such event or contingency.

A.D. 1878.

SECTION 114.

DISORDERLY PLACES OF ENTERTAINMENT.

A disorderly place of entertainment is,—

(a.) A house, room, garden, or other place kept for public dancing, music, or other public entertainment of the like kind in the cities of London and Westminster, or within twenty miles thereof, without a license under the provisions of an Act passed in the 25th year of the reign of His late Majesty King George II., intituled “An Act for the better preventing thefts and robberies, and for regulating places of public entertainment and punishing persons keeping disorderly houses;” provided that this definition shall not extend to the theatres royal in Drury Lane and Covent Garden, or the theatre commonly called the Queen’s Theatre in the Haymarket, nor to such performances and public entertainments as are lawfully carried on under or by virtue of Letters Patent or license from the Crown, or the license of the Lord Chamberlain of His Majesty’s household.

(b.) A house, room, or other place opened or used for public entertainment, or amusement, or for publicly debating on any subject whatsoever on any part of the Lord’s Day, called Sunday—

- i. to which persons are admitted by the payment of money or by tickets sold for money;
- ii. at which persons are supplied with tea, coffee, or any other refreshments of eating and drinking on the Lord’s Day at any greater price than the common and usual prices at which the like refreshments are commonly sold upon other days at such house, room, or place, or at coffee houses or other houses where the same are usually sold.

(c.) Any house, room, or place opened or used for any public entertainment, or amusement, or debate on the Lord’s Day at the expense of any number of subscribers or contributors to the carrying on any such entertainment, or amusement, or debate on the Lord’s Day, and to which persons are admitted by tickets to which the subscribers or contributors are entitled.

PART V.

**OFFENCES AGAINST THE PERSON, THE CON-
JUGAL AND PARENTAL RIGHTS, AND THE
REPUTATION OF INDIVIDUALS.**

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CHAPTER XVII.

**OF MATTER OF JUSTIFICATION AND EXCUSE FOR THE
INFLICTION OF DEATH AND BODILY HARM.**

SECTION 115.

EXCEPTIONS TO DEFINITIONS OF OFFENCES.

- 10 Every definition herein-after contained of any offence against the life or body of any person is subject to the provisions contained in this and in the following chapter.

SECTION 116.

EXECUTION OF LAWFUL SENTENCES.

- 15 No act is an offence which is done in the execution, in the manner prescribed by law by a person who is obliged, or who is duly authorised, to execute it, of a lawful sentence duly passed by a competent court.

- 20 A court which but for some formal defect in its authority or in its proceedings, or but for a mistake made in good faith as to a matter of fact, would have had jurisdiction to pass a sentence, is a competent court within the meaning of this section; but a court which has by law no jurisdiction at all over the case in which sentence is passed is not such a court, and a mistaken belief on the part
25 of the judge, or of the officer who executes the sentence, that it is such a court neither justifies nor excuses his act.

SECTION 117.

KEEPING THE PEACE.

- 30 No one, whether he is a justice of the peace, a peace officer, or a private person, and if a private person, whether he is, and acts as a soldier under military discipline or not, is guilty of an offence by reason of his inflicting death or bodily harm on any person in order to keep the peace, or suppress a riot, or disperse an unlawful assembly, provided that he uses no greater violence and inflicts no

A.D. 1878. greater injury on any person than he in good faith and on reasonable grounds believed at the time when he inflicted it to be necessary for that purpose.

The fact that any such person acted in obedience to the orders of any magistrate or military officer is not in itself a justification of his act, but is relevant to the question whether he did in good faith and on reasonable grounds believe as aforesaid.

SECTION 118.

PREVENTION OF THE COMMISSION OF CRIMES AND ARREST OF CRIMINALS.

The intentional infliction of death or bodily harm is not an offence when it is done by any person

in order to prevent the commission of treason, murder, house-breaking, rape, robbery, arson, piracy, or any other offence attempted to be committed by actual force, and for which the offender might be sentenced to penal servitude on the first conviction,

or, in order lawfully to arrest any person who has committed any offence for which the offender might be sentenced on a first conviction to penal servitude, or in order to retake or keep in lawful custody any such person having escaped, or attempting to escape, from such custody,

or, when it is done by a constable, or other officer of justice, in order to execute a warrant of arrest for any offence, which cannot otherwise be executed.

SECTION 119.

SELF DEFENCE.

The intentional infliction of death or bodily harm is not an offence when it is inflicted by way of self defence against unlawful violence.

SECTION 120.

PROVISO ON FOREGOING SECTIONS.

The intentional infliction of death or bodily harm is not justified in any of the cases specified in the two sections last preceding, unless the person by whom such death or bodily harm was inflicted used every reasonable means in his power to avoid the necessity for inflicting it at all, and to inflict as little harm as was consistent with attaining his object.

No person shall be deemed to have inflicted in self defence any injury inflicted by him on any such person in a fight from which he might, under all the circumstances of the case, have reasonably been expected to withdraw himself before such injury was inflicted; pro-

vided that every person shall be entitled to defend himself, his family, his house, and his property against any unprovoked attack, without being required to withdraw himself in order to avoid any such attack.

A.D. 1878.

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SECTION 121.

LAWFUL FORCE.

It is not an offence to inflict bodily harm by way of lawful correction, or by any other lawful application of force not herein-before mentioned to the person of another; but if the harm inflicted on such an occasion is excessive, the act which inflicts it is unlawful, and, even if there is no excess, it is the duty of every person applying the force to take reasonable precautions against the infliction of other or greater harm than the occasion requires.

SECTION 122.

15

“CONSENT” AND “MAIM” DEFINED.

The word “consent” in sections 123, 124, and 125 means a consent given by a sober and rational person able to form a rational judgment on the matter to which he consents and not procured by force, fraud, or threats of whatever nature.

20

A “maim” is bodily harm, whereby a man is deprived of any member of his body or permanently deprived of the use of it or of any sense or faculty.

SECTION 123.

INJURIES BY CONSENT.

25

The act of inflicting on any person by his own consent bodily injury not amounting to a maim is not an offence, unless it is so inflicted as to amount to a breach of the peace, as in a prize fight or any similar exhibition.

SECTION 124.

30

SURGICAL OPERATIONS.

No one commits an offence by inflicting on another any bodily injury in the nature of a surgical operation performed either by the patient's own consent, or if he is incapable of consenting, then by the consent of any person who has a lawful right to consent thereto, or if no such person's consent can be had, then if it is inflicted in good faith for the benefit of the patient, provided that this section shall be subject to the provisions herein-after contained as to culpable negligence, and to the provisions of Section 159.

A.D. 1878.

SECTION 125.**NO RIGHT TO CONSENT TO DEATH.**

If any person inflicts death upon another person by his consent he commits the same offence as if such consent had not been given.

SECTION 126.

5

ACCIDENT.

It is not an offence to cause death or bodily harm accidentally by an act which is not unlawful.

For the purpose of this section every effect is accidental which is not caused by an act done with the intention of causing it, unless its occurrence as a consequence of the act which does cause it is so probable that a person of ordinary prudence ought, under the circumstances in which the act causing death or bodily harm is done, to take reasonable means to prevent the occurrence of death or bodily harm in consequence thereof, in which case if death or bodily injury occurs by reason of the act done, such death or bodily harm is caused within the meaning of this section by the omission of the precaution which would have prevented its occurrence. 10

For the purpose of this section the expression "unlawful act" includes— 20

- (i.) Acts punishable by law or involving penalties;
- (ii.) Acts constituting actionable wrongs;
- (iii.) Acts injurious to the public as being contrary to public policy or morality.

CHAPTER XVIII.

25

OF CAUSING DEATH BY NEGLIGENCE, AND OF DUTIES TENDING TO THE PRESERVATION OF LIFE.**SECTION 127.****DEATH OR BODILY INJURY CAUSED BY OMISSION TO DISCHARGE A LEGAL DUTY.**

30

Everyone upon whom any duty is imposed by law, or who has by contract or by any wrongful act taken upon himself any duty tending to the preservation of life, and who without lawful excuse neglects to perform that duty, and thereby causes the death of any person, shall be guilty of the same offence as if he had caused that person's death by an act done in the state of mind, as to intent or otherwise, which accompanied the neglect of duty. 35

Provided that no one shall be guilty of an offence only because he causes the death of a person by neglecting to discharge a legal duty, the neglect of which, under all the circumstances of the case, appears to the jury not to have been culpable. A.D. 1878.

5 Provided also, that no one shall be guilty of an offence by reason of the death of any person being caused by the neglect of any servant or agent employed by him to discharge any legal duty which the employer in good faith and on reasonable grounds believed him to be competent to perform, and which he enabled
10 him to perform so far as he was legally bound to do so (except in the case mentioned in the section next following).

No one commits an offence who causes the death of another, even intentionally, by omitting to do anything which it is not his legal duty to do.

15

SECTION 128.**DEATH CAUSED BY NEGLECT TO PROVIDE NECESSARIES.**

When a person dies from want of any necessary of life which any other person is under a legal obligation to provide for him, whether such obligation is imposed by law or undertaken by contract, or in-
20 curred by any wrongful act, the death is not caused by the neglect of the person so bound within the meaning of the last section, unless the person dying is under the control of the negligent person, and is unable from age, health, insanity, or any other cause, to withdraw himself therefrom, or is prevented from so doing by any unlawful
25 means, nor unless he is unable to provide himself with the necessaries for want of which he dies.

If any person whose duty it is to provide for another necessaries of life as aforesaid, delegates the discharge of that duty to any other person, it is the duty of the person delegating his duty, not only to
30 supply the person to whom it is delegated with the means of discharging that duty, but also to use ordinary care to see that it is properly discharged by him.

SECTION 129.**DUTY OF PERSONS DOING ACTS REQUIRING SPECIAL SKILL OR KNOWLEDGE.**

35 It is the legal duty of every person who undertakes (except in case of necessity) to administer surgical or medical treatment, or to do any other lawful act of a dangerous character, and which requires special knowledge, skill, attention, or caution, to employ in doing it a common amount of such knowledge, skill, attention, and caution.

40 It is the legal duty of everyone who does any act which without

A.D. 1878. reasonable precaution is or may be dangerous to human life to employ those precautions in doing it.

What precautions are reasonable in any particular case is a question of fact.

SECTION 130.

5

BODILY INJURIES INFLICTED BY NEGLIGENCE.

The infliction of any bodily injury, other than death, by an omission amounting to culpable negligence to discharge any legal duty is not an offence, except in the cases herein-after expressly provided for.

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CHAPTER XIX.

HOMICIDE.

SECTION 131.

DEFINITION OF HOMICIDE—WHEN A CHILD BECOMES A HUMAN BEING.

Homicide is the killing of a human being by a human being.

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A child becomes a human being within the meaning of this definition when it has completely proceeded in a living state from the body of its mother, whether it has or has not breathed, and whether the navel string has or has not been divided, and the killing of such a child is homicide, whether it is killed by injuries inflicted before, 20
dying, or after birth.

A living child in its mother's womb, or a child in the act of birth, even though such child may have breathed, is not a human being within the meaning of this definition, and the killing of such a child is not homicide.

25

Killing is the act of causing the death of a person at any distance of time by some act or omission but for which the person killed would not have died when he did, and which is immediately connected with his death. Whether the connexion between any act or omission and the death of any person caused thereby is immediate or 30
not is a question of fact; provided that the conduct of one person shall not be deemed to be the cause of the conduct of another only because it supplies a motive for such conduct, unless it amounts to an incitement, as herein-before defined.

This section is subject to the provisions contained in the following 35
section.

SECTION 132.

WHEN AN ACT IS THE REMOTE CAUSE OF DEATH OR ONE OF SEVERAL CAUSES.

A person commits homicide, although his act is not the immediate
5 or not the sole cause of death, in the following cases:

(a.) If he inflicts a bodily injury on another which causes surgical
or medical treatment, which causes death. In this case it is im-
material whether the treatment was proper or mistaken, if it was
employed in good faith, and with common knowledge and skill, but
10 the person inflicting the injury does not cause the death if the treat-
ment which was its immediate cause was not employed in good faith,
or was so employed without common knowledge or skill.

(b.) If he inflicts a bodily injury on another, which would not have
caused death if the injured person had submitted to proper surgical
15 or medical treatment, or had observed proper precautions as to his
mode of living.

(c.) If by actual violence or threats of violence he causes a person
to do some act which causes his own death, such act being a mode of
avoiding such violence or threats, which under the circumstances
20 would appear natural to the person injured, and which is done for
that purpose.

(d.) If by any act he hastens the death of a person suffering under
any disease or injury which apart from such act would have caused
death.

(e.) If his act or omission would not have caused death unless it
25 had been accompanied by the acts or omissions of the person killed
or of other persons.

SECTION 133.

WHEN HOMICIDE IS UNLAWFUL.

30 Homicide is unlawful—

(a.) When death is caused by an act done with the intention to
cause death or bodily harm, or which is commonly known to be likely
to cause death or bodily harm, and when the act accompanied with
such intention or knowledge is neither justified nor excused by law.

35 (b.) When death is caused by an omission amounting to culpable
negligence to discharge a legal duty, whether such omission is or is
not accompanied by an intention to cause death or bodily harm.

(c.) When death is caused accidentally by an unlawful act.

A.D. 1878.

CHAPTER XX.

MURDER, MANSLAUGHTER, ATTEMPTS TO COMMIT
MURDER, CONCEALMENT OF BIRTH.

SECTION 134.

MURDER DEFINED.

5

Murder is unlawful homicide, committed with—

(a.) An intention to cause the death of, or grievous bodily harm to, any person, whether such person is the person actually killed or not; or with

(b.) Knowledge that the act or omission to discharge a legal duty 10
which causes death will probably cause the death of, or grievous
bodily harm to, some person, whether such person is the person
actually killed or not, although such knowledge may be accompanied
by indifference whether death or grievous bodily harm is caused or
not, or by a wish that it may not be caused. 15

This section is subject to the provisions of sections 136 and 137.

SECTION 135.

MANSLAUGHTER DEFINED.

Manslaughter is unlawful homicide not amounting to murder.

SECTION 136.

20

EFFECT AND DEFINITION OF PROVOCATION.

Homicide, which would otherwise be murder, is not murder, but manslaughter, if the person who causes death does so in the heat of passion, caused by sudden provocation.

Provocation means any wrongful act or omission of such a nature 25
as to be sufficient to deprive an ordinary person aggrieved thereby
of the power of self-control.

Whether any particular act or omission amounts to provocation shall be a question of fact, provided that no one shall be deemed to give provocation to another only by doing that which he had a legal 30
right to do.

SECTION 137.

WHEN PROVOCATION DOES NOT EXTENUATE HOMICIDE.

Provocation shall not extenuate the guilt of homicide if it is sought or voluntarily provoked by the offender as an excuse for killing or 35
doing bodily harm to any person, nor unless the person provoked is at the time when he does the act actually deprived of the power of self-control by the provocation which he received, and in deciding the question whether this was or was not the case, regard shall be

had to the nature of the act by which the offender causes death, to the time which elapsed between the provocation and the act which caused death, to the offender's conduct during that interval, and to all other circumstances tending to show the state of his mind.

A.D. 1878.

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SECTION 138.

INFANTICIDE.

If a woman causes the death of her child in the act of or immediately after its birth, under such circumstances that she would otherwise be guilty of murder, she shall be deemed to be not guilty of murder, but guilty of manslaughter, if she was at the time when she caused its death deprived by reason of bodily or mental suffering of the power of self-control.

SECTION 139.

SUICIDE.

15 Suicide is the act of a person who kills himself under such circumstances that his act or omission would amount to murder if he caused the death of another person thereby. The word murder in this Act does not include suicide.

SECTION 140.

PUNISHMENT OF MURDER.

20

Every person who commits murder shall be guilty of an indictable offence, and shall upon conviction thereof suffer death.

This section shall extend to acts done in any part of the world by persons owing allegiance to Her Majesty.

25

SECTION 141.

ATTEMPTS TO COMMIT MURDER.

Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to penal servitude for life, who—

- (a.) Attempts to commit murder; or
- 30 (b.) Is an accessory after the fact, to any murder; or
- (c.) Does any act under such circumstances and with such intent or knowledge that if death had been caused thereby the person doing the act would have been guilty of murder.

SECTION 142.

35

THREATS, AND CONSPIRACIES TO MURDER.

Everyone shall be guilty of an indictable offence, and shall upon conviction thereof be liable to ten years penal servitude, who—

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(a.) Unlawfully and without legal justification or excuse sends, delivers, or utters, or directly or indirectly causes to be received, knowing the contents thereof, any document threatening to kill or murder any person; or who

(b.) Conspires or agrees with any other person to murder any 5 person, or to cause or procure the murder of any person, whether he be a subject of Her Majesty or not, and whether he be within Her Majesty's dominions or not; or who

(c.) Incites any person to murder any other person, whether he be a subject of Her Majesty or not, and whether he be within 10 Her Majesty's dominions or not.

SECTION 143.

PUNISHMENT OF MANSLAUGHTER.

Everyone who commits manslaughter shall be guilty of an indictable offence, and shall upon conviction thereof be liable to penal 15 servitude for life.

This section shall extend to acts done in any part of the world by persons owing allegiance to Her Majesty.

Any person owing allegiance to Her Majesty who in any part of the world becomes accessory after the fact to manslaughter shall be 20 liable to be tried and punished therefor in England.

SECTION 144.

AIDING AND ABETTING THE COMMISSION OF SUICIDE.

Everyone who incites any person to commit suicide, or aids or abets any person in the commission of suicide, shall be guilty of 25 an indictable offence, and shall be liable upon conviction thereof to penal servitude for life.

SECTION 145.

ATTEMPTING TO COMMIT SUICIDE.

Everyone who attempts to commit suicide shall be guilty of an 30 indictable offence, and shall be liable upon conviction thereof to imprisonment.

SECTION 146.

CONCEALING THE BIRTH OF CHILDREN.

Everyone shall be guilty of an indictable offence, and shall be 35 liable upon conviction thereof to *two years* imprisonment and hard labour, who, if any woman is delivered of a child, disposes of its dead body in any manner with intent to conceal the fact that its mother was delivered of it.

No foetus shall be deemed to be a child within the meaning of this section which had not when born reached the period at which it might have been born alive. A.D. 1878.

CHAPTER XXI.

5 BODILY INJURIES AND ACTS CAUSING DANGER TO THE PERSON.

SECTION 147.

DEFINITIONS.

10 In this and the following chapter the expression "voluntarily causing" includes both causing with intent to cause and causing by means which are commonly known to be likely to cause the effect referred to.

The expression "dangerous instrument" includes—

- 15 (a.) Any instrument for shooting, stabbing, or cutting;
(b.) Any instrument which used as a means of offence is likely to cause death;
(c.) Fire or any heated substance;
(d.) Poison, any corrosive substance, any explosive substance, anything which it is injurious to the human body to inhale or
20 swallow or receive into the body;
(e.) Any living creature.

SECTION 148.

ATTEMPTS TO STRANGLE IN ORDER TO COMMIT A CRIME.

25 Everyone shall be guilty of an indictable offence and shall upon conviction thereof be liable to penal servitude for life, and according to his age to be flogged or whipped once, twice, or thrice;

Who, with intent to commit or to facilitate the commission by any person of any indictable offence,

- 30 (i.) Attempts by any means whatever to choke, suffocate, or strangle any person; or
(ii.) Attempts to render any person incapable of resistance by means calculated to choke, strangle, or suffocate; or
(iii.) Causes or attempts to cause any person to be affected by chloroform, laudanum, or any other stupifying or overpowering
35 thing.

A.D. 1878.

SECTION 149.

CAUSING GRIEVOUS BODILY HARM.

Everyone shall be guilty of an indictable offence, and shall upon conviction thereof be liable to penal servitude for life, and if a male under 16 to be once whipped, who by any means whatever, or for 5 any purpose whatever, voluntarily causes to any person grievous bodily harm.

SECTION 150.

ATTEMPTING TO CAUSE GRIEVOUS BODILY HARM IN CERTAIN WAYS.

10

Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to penal servitude for life, and if a male under 16 to be once whipped;

(a.) Who for any purpose whatever attempts to cause grievous bodily harm to any person by any dangerous instrument; or 15

(b.) Uses any dangerous instrument in such a manner that if it had caused grievous bodily harm to any person the offender would have committed the offence of voluntarily causing grievous bodily harm to that person.

SECTION 151.

20

RESISTING LAWFUL APPREHENSION.

Everyone shall be guilty of an indictable offence and shall be liable upon conviction thereof to penal servitude for life who resists, or attempts to resist, the lawful apprehension of any person, or to prevent his lawful detainer, either by voluntarily wounding 25 any person or by attempting to do bodily harm to any person by means of any dangerous instrument.

SECTION 152.

ATTEMPTING TO INJURE BY BLOWING UP HOUSES OR SHIPS.

Everyone shall be guilty of an indictable offence, and shall be 30 liable upon conviction thereof to *fourteen years* penal servitude, who attempts to do or does any bodily injury to any person by unlawfully and intentionally placing or throwing any explosive substance in, into, upon, against, near, or under any building, ship, or vessel, whether or not any explosion takes place. 35

SECTION 153.

ATTEMPTS TO ENDANGER RAILWAY PASSENGERS.

Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to penal servitude for life, and if a

male under 16 to be once whipped, who with intent to injure or endanger the safety of any person on any railway,

(a.) Does any act calculated to interfere with or directly or indirectly to cause injury to any carriage, engine, or truck thereon, or

5 (b.) Throws anything at, into, or upon, or causes anything to come into contact with any such thing or person, or

(c.) Deals in any way with any signal or light on or near to the railway.

SECTION 154.

10

PREVENTING ESCAPE FROM WRECK.

Everyone shall be guilty of an indictable offence, and shall upon conviction thereof be liable to penal servitude for life, who unlawfully and intentionally prevents or impedes any person on board of or having quitted any ship or vessel in distress, wrecked, stranded,
15 or cast on shore in his endeavour to save his life, or unlawfully and intentionally prevents or impedes any person in his endeavour to save the life of any person so situated.

SECTION 155.

STRIKING PERSONS PROTECTING WRECK.

20 Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to *seven years* penal servitude, who unlawfully and intentionally strikes or wounds any magistrate, officer, or other person lawfully authorised in or on account of the execution of his duty in or concerning the preservation of any
25 vessel in distress, or of any vessel or goods or effects wrecked, stranded, or cast on shore or lying under water.

SECTION 156.

ADMINISTERING POISON.

(a.) Everyone shall be guilty of an indictable offence, and shall be
30 liable upon conviction thereof to *five years* penal servitude who unlawfully, knowingly, and intentionally administers to or causes to be administered to or taken by any other person any poison or other destructive or noxious thing, although no injury may be inflicted thereby.

35 (b.) If by any such offence the life of any person is endangered, or any grievous bodily harm is inflicted on any person, the offender shall be liable to *ten years* penal servitude.

A.D. 1878.

SECTION 157.

CAUSING ACTUAL BODILY HARM.

Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to *five years* penal servitude, who unlawfully and voluntarily wounds or otherwise causes actual bodily 5 harm to any other person, either by any act or by any intentional omission to discharge any legal duty.

SECTION 158.

SETTING MAN-TRAPS AND SPRING GUNS.

Everyone shall be guilty of an indictable offence, and shall be 10 liable upon conviction thereof to *five years* penal servitude—

(a.) who sets any spring-gun, man-trap, or other engine calculated to destroy human life or inflict grievous bodily harm, with the intent that the same may destroy or inflict grievous bodily harm upon a trespasser or other person coming in contact therewith; or 15

(b.) who, when any of the engines mentioned in subsection (a) has been set by any other person in any place then in or afterwards coming into his possession or occupation, permits it to continue so set with the intent aforesaid.

Provided that this enactment shall not extend to any gin or trap 20 usually set with the intent of destroying vermin, or to any spring-gun, man-trap, or engine, set from sunset to sunrise in a dwelling-house for the protection thereof.

SECTION 159.

MAIMING ONESELF OR ANOTHER BY CONSENT.

25

Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to *two years* imprisonment and hard labour, who, for any purpose injurious to the public, maims himself, or maims any other person by his consent.

SECTION 160.

30

NEGLIGENT ACTS PUNISHABLE WITH TWO YEARS IMPRISONMENT.

Everyone shall be guilty of an indictable offence, and shall upon conviction thereof be liable to *two years* imprisonment with hard labour;

(a.) Who by any unlawful act, or by any omission to discharge 35 any legal duty amounting to culpable negligence does or causes to be done any bodily harm to any person, or endangers the life of any person; or

(b.) Who by any such act or omission as aforesaid endangers the safety of any person conveyed or being upon any railway. A.D. 1878.

Whether any particular omission to discharge a legal duty amounts to culpable negligence shall be a question of fact.

5

CHAPTER XXII.

ASSAULTS AND INTIMIDATION.

SECTION 161.

ASSAULT DEFINED.—PUNISHMENT OF ASSAULTS.

An assault is—

10 (a.) The act of applying unlawfully and voluntarily any the least actual force to the person of another, or to the dress worn by him, directly or indirectly.

(b.) An attempt unlawfully to apply any the least actual force to the person of another directly or indirectly ;

15 (c.) The act of using a gesture towards another giving him reasonable grounds to believe that the person using that gesture means to apply to his person such actual force as aforesaid ;

(d.) The act of unlawfully and voluntarily depriving another of his liberty,

20 in either case without the consent of the person assaulted, or with such consent if it is obtained by fraud.

Provided that such acts as are reasonably necessary for the common intercourse of life are not assaults if they are done for the purpose of such intercourse only and with no greater force than the occasion

25 requires.

Everyone who commits an assault shall be guilty of an indictable offence, and shall be liable on conviction thereof to *one year's* imprisonment and hard labour or to simple imprisonment.

SECTION 162.

30

PUNISHMENT OF ASSAULTS WITH INTENT TO COMMIT SODOMY.

Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to *ten years* penal servitude, who is guilty of any assault with intent to commit sodomy, or being a male of any indecent assault upon any male person.

[178.]

F

A.D. 1878.

SECTION 163.

ASSAULTS PUNISHABLE WITH TWO YEARS IMPRISONMENT.

Every person shall be guilty of an indictable offence, and shall be liable upon conviction thereof to *two years* imprisonment and hard labour,—

- (a.) Who indecently assaults any female, or
- (b.) Who assaults any person with intent to commit an indictable offence or to resist or prevent the lawful apprehension or detainer of himself or of any other person for any offence, or to rescue any person from lawful custody.
- (c.) Or who assaults, resists, or wilfully obstructs any peace officer in the due execution of his duty, or any person acting in aid of such officer.

SECTION 164.

INTIMIDATION.

Everyone shall be guilty of an indictable offence, and shall upon conviction thereof be liable to be fined *twenty pounds*, or to be imprisoned with hard labour for *three months*, who does or conspires with any other person to do any of the following things; (that is to say,)—

- Who with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing wrongfully and without legal authority,
 - (i.) Uses violence to or intimidates such other person or his wife or children, or injures his property; or,
 - (ii.) Persistently follows such other person about from place to place; or,
 - (iii.) Hides any tools, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the use thereof; or,
 - (iv.) Watches or besets the house or other place where such other person resides, or works, or carries on business, or happens to be, or the approach to such house or place; or,
 - (v.) Follows such other person with two or more other persons in a disorderly manner in or through any street or road.

Attending at or near the house or place where a person resides or works, or carries on business, or happens to be, or the approach to such house or place, in order merely to obtain or communicate information, shall not be deemed a watching or besetting within the meaning of this section.

No one shall be proceeded against under this section unless he has been proceeded against as for a summary offence under the Conspiracy and Protection of Property Act, 1875, and has declared that he objects to being tried for such offence by a court of summary
5 jurisdiction.

CHAPTER XXIII.

RAPE, KNOWING CHILDREN, AND PROCURING
ABORTION.

SECTION 165.

10

DEFINITION OF RAPE.

Rape is the act of having carnal knowledge of a woman without her conscious permission, or with her conscious permission if such permission is either extorted by force or fear of bodily harm, or obtained by personating her husband or by falsely pretending that
15 the act is necessary or will be advantageous to her for any medical or surgical purpose.

Provided that a woman shall not be deemed to have consented to any violence preceding or following the act of carnal knowledge only because she consented to such carnal knowledge.

20 Provided that a husband cannot commit rape upon his wife by carnally knowing her himself, though he may do so by compelling her to be so known by any other person.

Provided also, that there shall henceforth be no presumption of law as to the age at which a boy becomes capable of committing
25 rape.

The expression "carnal knowledge" wherever it is used in this Act means the penetration of the organ known to any the least degree by the male organ of generation.

SECTION 166.

30 PUNISHMENT OF RAPE AND CARNAL KNOWLEDGE OF GIRLS UNDER TWELVE.

Everyone shall be guilty of an indictable offence and shall be liable upon conviction thereof to penal servitude for life, who—

(a.) Commits rape; or

[178.]

A.D. 1878. (b.) Carnally knows any girl under the age of *twelve*, even if she consents, whether he knows her age or believes her upon good grounds to be above that age or not.

SECTION 167.

CARNALLY KNOWING CHILDREN BETWEEN TWELVE AND THIRTEEN.

5

Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to *two years* imprisonment and hard labour, who carnally knows, or attempts carnally to know, any girl above the age of *twelve* and under the age of *thirteen years*, even if she consents, and whether he knows her age or believes her upon good grounds to be above that age or not.

SECTION 168.

PROCURING ABORTION.

Everyone shall be guilty of an indictable offence, and shall be liable to the punishments herein-after mentioned, who does any of the following things :—

- (a.) Everyone shall be liable to penal servitude for life—
- (i.) Who being a woman with child unlawfully administers to herself any poison or other noxious thing, or unlawfully uses any instrument or other means whatsoever, with intent to procure her own miscarriage; or
 - (ii.) Who with intent to procure the miscarriage of any woman, whether she be or be not with child unlawfully administers to or causes to be taken by her any poison or other noxious thing, or unlawfully uses any instrument or other means whatsoever with the like intent; or
 - (iii.) Who causes the death of any living child which has not proceeded in a living state from the body of its mother by any act or omission which would have amounted to murder if such child had been fully born.

30

Provided that no one shall be guilty of any offence who, by means employed in good faith for the preservation of the life of the mother of the child and reasonably necessary for that purpose, causes the death of any such child, or causes any child to die after it is fully born by any such thing done before or during its birth.

35

(b.) Everyone shall be liable to penal servitude for *five years*— A.D. 1878.

Who unlawfully supplies or procures any poison or other noxious thing, or any instrument or thing whatsoever knowing that the same is intended to be unlawfully used or employed with intent
 5 to procure the miscarriage of any woman, whether she be or be not with child, and whether she is or is not aware of such intention.

CHAPTER XXIV.

CRIMES AFFECTING CONJUGAL AND PARENTAL RIGHTS
 --BIGAMY--ABDUCTION.

10

SECTION 169.

BIGAMY.

Bigamy is—

(a.) The act of any person who, whilst any valid marriage subsists between himself and another person, goes through a form of marriage
 15 with any other person in any part of the world, which form is recognised as valid by the law of the place where it is used, whether or not the parties to such form, would, at the time when it is used, be by that law competent to contract marriage, if each of them were then unmarried, and although by the fraud of either of them
 20 the form employed would have been insufficient by that law to constitute a valid marriage if they had been competent to marry each other.

(b.) The act of any person who, being unmarried, knowingly takes part in any such form of marriage as is herein-before mentioned.

25 Provided that no one shall be deemed to commit bigamy by going through such a form of marriage as aforesaid if at the time when he does so he believes in good faith and upon reasonable grounds that the person to whom he is then legally married is dead, or if he has been continually absent from such person for seven years then last
 30 passed, and is not proved to have known that that person was alive at any time during those seven years.

Provided also that when it has been proved that a marriage has been had between any person accused of bigamy and any other person shown to have been alive when the alleged offender went through a
 35 form of marriage with another person, the burden of proving that the first marriage had been dissolved or annulled before the form of marriage was gone through shall be on the defendant.

A.D. 1878.

SECTION 170.

PUNISHMENT OF BIGAMY.

Everyone who commits bigamy shall be guilty of an indictable offence, and shall be liable upon conviction thereof to *seven years* penal servitude. 5

This section shall extend—

- (i.) To acts done by any natural born or naturalised subject of Her Majesty in whatever part of the world either the valid marriage or the form of marriage was performed, and in the case of naturalised subjects of Her Majesty whether both or either took 10 place before or after the alleged offender was naturalised.
- (ii.) To forms of marriage celebrated in any part of Her Majesty's dominions by married aliens owing Her Majesty local allegiance at the time when such form of marriage is celebrated.

But this Act shall not extend to forms of marriage celebrated 15 between an alien and another person out of Her Majesty's dominions, although such alien may have owed local allegiance to Her Majesty both before and after such form of marriage, and may have contracted a valid marriage whilst he owed such allegiance to Her Majesty. 20

SECTION 171.

ABDUCTION WITH INTENT TO MARRY.

Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to *fourteen years* penal servitude, who, with intent to marry or carnally know any woman, or with intent to 25 cause any woman to be married or carnally known by any other person—

(a.) Takes away or detains any woman of any age against her own will; or

(b.) Takes away or detains any woman, being under the age of 30 *twenty-one years*, and having any such interest in property as is herein-after mentioned, out of the possession and against the will of her father or mother, or of any other person having the lawful care or charge of her.

If any woman against whom any such offence is committed has 35 any interest legal or equitable, present or future, absolute, conditional, or contingent in any real or personal estate, or is a presumptive heiress or co-heiress, or presumptive next of kin, or one of the presumptive next of kin to anyone having such interest, any person convicted of any such offence against her shall be incapable 40 of taking any estate or interest, legal or equitable, in any real or personal property of such woman, or in which she has any interest,

or which comes to her as such heiress, co-heiress, or next of kin, and if any such marriage takes place, such property shall, upon such conviction, be settled in such manner as the High Court may upon any information at the instance of the Attorney-General appoint. If
 5 such property is situated in any other part of Her Majesty's dominions, such settlement shall be made under the direction of such court, and upon the information of such officer as correspond to the High Court and the Attorney-General.

When any person is prosecuted for any offence against this section,
 10 a woman who having been taken away is married to the offender, shall notwithstanding that marriage be competent to be a witness against him.

SECTION 172.

ABDUCTION OF GIRL UNDER SIXTEEN.

15 Everyone shall be guilty of an indictable offence, and shall upon conviction thereof be liable to be imprisoned and kept to hard labour for *two years*, who takes or causes to be taken an unmarried girl under the age of *sixteen years* from any person who has the lawful care or charge of her to any place where that person cannot
 20 exercise control over her, in order that she may there be under the power, charge, or protection of the offender, either permanently or for a time, for some purpose inconsistent with the control which would have been exercised by the person in charge of her if he had not been deprived of it, such taking or causing to be taken being
 25 without the consent of the person from whom the girl is taken or with his consent obtained by fraud.

It is immaterial whether the girl is taken with her own consent or at her own suggestion or against her will.

It is immaterial whether or not the offender knows the age of
 30 the girl, and whether or not he supposes in good faith and on reasonable grounds that she is over sixteen years of age, and whether or not he knows that she is under the lawful care or charge of any person, and whether or not he supposes in good faith and on reasonable grounds that she is not under such care.

35

SECTION 173.

STEALING CHILDREN UNDER FOURTEEN.

Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to *seven years* penal servitude, who—
 with intent to deprive any parent or guardian, or other person
 40 having the lawful care or charge of any child under the age of

A.D. 1878. *fourteen years*, of the possession of such child, or with intent to steal any article about or upon the person of any such child,

(a.) unlawfully leads, or takes away, or decoys or entices away, or detains any such child; or

(b.) receives or harbours any such child, knowing it to have been so dealt with.

Provided that nothing in this section shall extend to any person who gets possession of any child, or takes any child out of the possession of any one who has lawful charge of it, if such person either in good faith claims a right to the possession of the child, or (if it is an illegitimate child) is its mother, or claims to be its father.

CHAPTER XXV.

OFFENCES AGAINST CHILDREN BY PARENTS AND OTHERS.

SECTION 174.

15

NEGLECTING SERVANTS AND APPRENTICES.

Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to *five years* penal servitude, who, being under a legal duty of whatever nature or origin to provide for any person under his charge unable to withdraw himself therefrom, and unable to provide for himself necessary food, clothing, lodging, warmth, or medical aid, intentionally and without lawful excuse omits to provide the same, so that the life of such person is endangered, or his health is or is likely to be permanently injured.

SECTION 175.

25

ABANDONING CHILDREN UNDER TWO.

Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to *five years* penal servitude—

Who unlawfully abandons or exposes any child, being under the age of two years, whereby the life of such child is endangered, or its health has been or is likely to be permanently injured.

The words "abandon" and "expose" include a wilful omission to take charge of the child on the part of a person legally bound to do so, and any mode of dealing with it calculated to leave it exposed to risk without protection.

35

CHAPTER XXVI.

DEFAMATORY LIBELS.

SECTION 176.

DEFAMATORY LIBEL DEFINED.

5 A defamatory libel is matter tending, either directly or by insinuation or irony, to expose any person individually or as a member of a body so small that the matter published of it would naturally be applied to its individual members, to hatred, contempt, or ridicule, such matter being expressed in words legibly marked upon
10 any substance whatever, or expressed by any object signifying such matter otherwise than by words.

SECTION 177.

PUBLICATION DEFINED.

To publish a libel is to deliver it with a view to its being
15 ultimately read, to read it, or to communicate its purport in any other manner, or to exhibit it, to any person other than the person libelled, provided that the person making the publication knows, or has an opportunity of knowing, the contents of the libel if it is expressed in words, or its meaning if it is expressed otherwise.

20 A libel published in the ordinary course of the business of any person whose trade it is to deal in articles of the kind to which the libel belongs shall be deemed to be published, not only by the person who actually sells or exhibits it, but also by his employer, if his employer has given the actual publisher general authority to sell or exhibit for the employer's profit articles of that kind.

Provided that whenever, upon the trial of any person for the publication of a libel, evidence has been given which raises against the defendant a presumption that the libel was published by the act of any other person by his authority, the defendant may prove that
30 such publication was made without his authority, consent, or knowledge, and that the publication did not arise from want of due care or caution on his part, and upon such proof being given the defendant shall not be responsible for any publication to which it relates.

This section shall apply to seditious, blasphemous, and obscene
35 libels, and to libels on foreign powers, as well as to defamatory libels.

A.D. 1878.

SECTION 178.

PUNISHMENT OF DEFAMATORY LIBEL.

Everyone who publishes a defamatory libel (except in the cases provided for in sections 179 to 185, both inclusive) shall be guilty of an indictable offence, and shall upon conviction thereof be liable to *two years* imprisonment and hard labour, or to simple imprisonment.

SECTION 179.

PUBLICATION OF THE TRUTH NOT CRIMINAL IN CERTAIN CASES.

No one commits an indictable offence by publishing defamatory matter which is true if he can prove that the publication thereof in the manner in which it was published was for the public benefit at the time of the publication; provided that no defendant shall be allowed to so prove any such matter unless he pleads it in the manner herein-after provided for.

SECTION 180.

PUBLICATION OF MATTER HONESTLY BELIEVED TO BE TRUE.

No one commits an indictable offence by the publication of defamatory matter if he honestly and on reasonable grounds believes it to be true, and if the relation between him and the person to whom the publication is made is such that he is under any legal, moral, or social duty to publish that matter, or if he is obliged to publish it by way of self defence against matter published by the person defamed by him, or in order to obtain from the person to whom the publication is made redress for any injury which he has or reasonably believes himself to have sustained, or in order to obtain any other object of a similar kind, provided in every such case that the publication does not exceed either in extent or in manner what is reasonably sufficient for the occasion.

When the existence of the relation or facts establishing the duty or right to publish as aforesaid has been proved, the burden of proving that the statement was not honestly believed to be true shall be upon the prosecutor.

Whether such a duty or right as is herein-before referred to exists in any particular case shall be a question of law.

SECTION 181.

FAIR DISCUSSION OF MATTERS OF PUBLIC INTEREST.

No one commits an indictable offence by the publication of defamatory matter which he honestly and on reasonable grounds believes

to be true, if the publication thereof is reasonably necessary to the discussion of a subject of public interest, and if such publication is made in good faith in the course and for the purposes of such discussion. A.D. 1878.

- 5 Whether any particular subject is of public interest, and whether the publication of any matter is reasonably necessary for the discussion of it, shall be questions of fact.

SECTION 182.

FAIR COMMENT.

- 10 No one commits an indictable offence by the publication of defamatory matter consisting of comments upon persons who submit themselves; or upon things submitted by their authors or owners, to public criticism, provided that such comments are fair.

The expression a "fair comment" means a comment which is either true, or which, if false, expresses the real opinion of its author (as to the existence of matter of fact or otherwise), such opinion having been formed with reasonable care and on reasonable grounds.

- 20 The following persons, and such other persons as act in what the court regards as a similar manner, submit their conduct to public criticism within the meaning of this section; that is to say:—

(a.) Every person who takes a public part in public affairs submits his conduct therein to public criticism.

25 (b.) Every person who publishes any book or other literary production, or any work of art, or any advertisement of goods, or who makes any communication upon any subject whatever to the public, submits that book, or literary production, or work of art, or advertisement, or communication, and every matter referred to therein, to public criticism.

30 (c.) Every person who takes part in any public dramatic performance or other public entertainment submits himself to public criticism to the extent to which he takes part in it.

SECTION 183.

PARLIAMENTARY PROCEEDINGS, AND FAIR COMMENTS THEREON.

- 35 No one commits an indictable offence by the publication of defamatory matter contained in any paper, vote, or proceeding of either House of Parliament which such House of Parliament may deem fit or necessary to be published; or

Any extract from or abstract of any such report, paper, vote, or

A.D. 1878. proceeding, if being an extract it is correct, and is not so made as to convey a false impression of the contents of the matter from which it is extracted, or if being an abstract it is substantially accurate; or/

A fair report of any debate in either House of Parliament.

SECTION 184.

5

PUBLICATION IN A COURT OF JUSTICE.

The publication of anything whatever in a judicial proceeding before a court of competent jurisdiction is not a defamatory libel.

SECTION 185.

FAIR REPORTS OF PROCEEDINGS OF COURTS.

10

No one commits the offence of publishing a defamatory libel only by publishing defamatory matter forming part of a fair report of the proceedings of a court of justice, or of a fair report of proceedings before magistrates held with open doors with a view to the committal for trial of a suspected person; but nothing herein contained shall prevent the publication of any such report from being a seditious, blasphemous, or obscene libel.

Such a report is fair when it is substantially accurate, and when it is either complete or condensed in such a manner as to give a just impression of what took place, but this section does not extend to comments made by the reporter, or to reports of observations made by persons not entitled to take part in the proceedings.

PART VI.

**OFFENCES AGAINST RIGHTS OF PROPERTY
OR RIGHTS ARISING OUT OF CONTRACTS.** 25**SECTION 186.**

INTERPRETATION OF "PERSON" AND "VALUABLE SECURITY."

The words "person," "owner," and other words or expressions of the same kind shall throughout this part, when they relate to the party against whom any offence may be committed, include all bodies corporate, societies, and companies capable by law of holding property.

The expression "valuable security" means

- (a.) Any document whereby any legal right is or is intended or purports, or is intended to purport, to be created, extended, restricted, transferred, extinguished, or released.
- 5 (b.) Any document which acknowledges the existence of any legal right or liability, or the extinction, transfer, or other modification of any legal right or liability.
- (c.) Any document which contains a contract or an offer, or an acceptance of an offer, to make a contract, or a note or memorandum
10 of the terms of a contract, or a promise legally binding or intended to be legally binding.
- (d.) Any document whether it is a private document or part of the records or rolls of any court or office which is or is intended to be used as evidence of the title of any person
- 15 (i.) To any property whatever, real or personal, moveable or immovable, corporeal or incorporeal;
- (ii.) To the possession or control of any such property.
- (e.) Any copy of any such document so authenticated as to be capable of being used as legal evidence of the matters asserted by it.
- 20 (f.) Any document containing any order, warrant, authority, or request to give any person any kind of property whatever, or the possession or control over any kind of property whatever, or to give him credit.
- The expression "valuable security" includes maps and other documents which form part of or are referred to in any such document
25 as aforesaid.

CHAPTER XXVII.

THEFT AND SIMILAR OFFENCES.

SECTION 187.

30

THINGS CAPABLE OF BEING STOLEN.

Everything whatever which is the property of any person, and which either is or may be made movable, shall henceforth be capable of being stolen as soon as it becomes movable, even if the act by which it is made movable is the act by which the offence of stealing
35 it is committed.

This provision includes everything which is part of or fixed to or growing out of the land (except as herein-after excepted) or

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A.D. 1878. which savours of real property; all records and documents whatever, whether public or private; all animals (except wild animals in the enjoyment of their natural liberty, as to the stealing of which the law shall remain unaffected by this Act), fish in a state of confinement; and oysters and oyster brood in oyster beds, layings, 5 and fisheries sufficiently marked out as the property of any person; but it does not include anything under the value of one shilling which is part of, or fixed to, or growing out of the land, except trees, saplings, shrubs, and underwood cultivated for food for man or beast, or for medicine, or for distilling, or for dyeing, or for 10 or in the course of any manufacture, or growing in any garden, orchard, pleasure ground, or nursery ground, or within the curtilage of any dwelling house.

SECTION 188.

INTENT TO MISAPPROPRIATE.

15

An intent to misappropriate is an intent unlawfully, fraudulently, and without any claim of right, founded either on a mistake of fact or on a mistake of law, to deprive the owner permanently of a thing capable of being stolen, by any of the means stated in the definitions herein-after contained of theft, criminal breach of trust, or 20 obtaining property by a false pretence.

The purpose of the offender as to the way in which the thing appropriated is to be disposed of is immaterial.

An intention that the owner shall under any circumstances whatever be permanently deprived of anything is an intention to mis- 25 appropriate within the meaning of this section, although it may be accompanied by an intention to restore the misappropriated property to the owner.

A person who consigns, deposits, transfers, or delivers anything which does not belong to him to any person other than the owner 30 by way of a pledge, lien, or security for advances made before or at the time when the security is given, or to be made afterwards, intends, within the meaning of this section, to deprive the owner permanently of the thing so dealt with although he may intend to redeem it at the time when he so deals with it; but he does 35 not intend to do so fraudulently or without a claim of right if at the time of giving the security he was a factor or agent for the owner of the goods, and if the amount for which he gave the security did not exceed the amount which was or which he honestly believed to be due to him from his principal together with the amount of any 40 bill of exchange drawn upon him by or on account of the principal.

SECTION 189.

THEFT DEFINED.

Theft is—

The act of taking with intent to misappropriate, and without the
5 consent of the owner, or with his consent in the case herein-after
specified, anything capable of being stolen of which the offender is
not in possession when he takes it, whether any other person is or
is not in possession of it.

The act of taking is complete as soon as the thing taken is either
10 caused to move by the offender or touched with intent to move it
by any part of his body or by any instrument.

Taking with the consent of the owner is a taking within the
meaning of this section, if the owner's consent thereto is obtained
by fraud, and if the owner intended to transfer the possession only
15 of the thing taken.

Every person who is in possession of or who has the custody of
anything is for the purposes of this section the owner of that thing
as against every person who cannot show a better title to the posses-
sion of it.

20 Everyone who destroys, cancels, or obliterates any document for
any fraudulent purpose steals that document.

Everyone who kills any animal or bird with intent to steal the
carcass, skin, plumage, or any part of the animal or bird, steals that
animal or bird.

25

SECTION 190.

CRIMINAL BREACH OF TRUST DEFINED.

Criminal breach of trust is the act of converting to the use of
the offender or any other person with intent to misappropriate,
anything of which at the time of such conversion the offender is
30 in possession, or of which he has the custody on account of another
person, such conversion being made without the consent of that
person, or with his consent obtained by fraud.

SECTION 191.

POSSESSION ON ACCOUNT OF ANOTHER.

35 Everyone is in possession or has the custody of a thing on account
of another person within the meaning of the last section, when he
is the bailee of that thing for that person, or if it is his duty to
keep it for any person, or to give it, or to account for it, or for the

A.D. 1878.

proceeds or any part of the proceeds of it, or to transfer it, or the proceeds or any part of the proceeds of it, to any person, or to dispose of it in any manner whatever for any person or according to any person's directions, or if it is the proceeds or part of the proceeds of anything, or was taken in exchange for or made out of anything with respect to which he was under any such obligation. 5

The word "proceeds" in this section includes coins and all negotiable instruments and valuable securities used as coin received in exchange for other coins, negotiable instruments, and valuable securities, whatever number of such exchanges may have taken place between the receipt of the first-mentioned and the receipt of the last-mentioned coins, negotiable instruments, or valuable securities. 10

A person who by reason of the fact that he has received any coin, negotiable instrument, or valuable security, is under a legal obligation to pay or give either that coin, negotiable instrument, or valuable security, or some other coin, negotiable instrument, or valuable security, either of the same or of a different value, to some other person, and who omits to give to that person both the first and the secondly mentioned coin, negotiable instrument, or valuable security, may commit a criminal breach of trust by such omission, although the first-mentioned coin, negotiable instrument, or valuable security may have been his own property, as against the person to whom he was under the obligation aforesaid. 20

Every person who as a trustee, whether solely or jointly with any other person, is in possession of anything capable of being stolen, is in possession of it within the meaning of the last section on account of the person who then is or afterwards is to be beneficially interested therein, whether such person is in existence or not. 25

Provided that no vendor of anything not paid for in whole or in part, and left in his possession or under his control by the purchaser, shall be deemed to be in possession thereof on account of the purchaser within the meaning of the last section, only because the property therein has passed to the purchaser. 30

Every person who is in possession of any document of title giving him power over any property for any person is in possession of the property over which such document of title gives him such power within the meaning of this section. 35

Every director, member, or public officer of any body corporate or public company who has the possession, custody, or control over any of the property of such body corporate or public company is in possession thereof on account of such body corporate or company within the meaning of this section. 40

SECTION 192.

OBTAINING PROPERTY BY FALSE PRETENCES.

Obtaining property by a false pretence is obtaining, with intent to misappropriate it, anything capable of being stolen from any person
 5 by persuading him to transfer such property as he may have in it to the offender, or to any other person, by a false pretence that some fact exists or existed which does not or did not in truth exist. Provided that it is not an obtaining of property by false pretences to persuade any person to transfer his proprietary rights in such property,
 10 either by a promise not intended to be performed, or by such untrue commendation or depreciation of a thing to be sold as is usual between sellers and buyers.

SECTION 193.

FRAUDULENT MISAPPROPRIATION DEFINED.

15 Every one who commits theft or criminal breach of trust, or who obtains property by any false pretence, is guilty of an indictable offence called fraudulent misappropriation, punishable in the manner herein-after provided for.

SECTION 194.

20 **SAVING AS TO CERTAIN OFFENCES.**

No one who commits any offence herein-after specifically defined shall be deemed to have committed fraudulent misappropriation thereby, although such act may fall within the definition of that offence herein-before contained.

25 **SECTION 195.**

**FRAUDULENT MISAPPROPRIATION BY GENERAL OWNERS, CORPORATORS,
 CO-OWNERS, OR TRUSTEES.**

The general owner of a thing in which another person has a special property, a person having a special property in a thing of which
 30 another is the general owner, any one of several joint owners or co-partowners of a thing, and a person having the legal estate in anything in which another person is beneficially interested may commit the offence of fraudulent misappropriation in respect of that thing and as against the special owner, the general owner, the other joint-
 35 owners or co-partowners, or the person beneficially interested respectively, by dealing with it in such a way and with such an intent as would amount to that offence if the offender had no interest in the thing.

AD. 1878.

SECTION 196.

HUSBAND AND WIFE.

No act done by a husband or wife with reference to the property of his wife or her husband shall be fraudulent misappropriation, but every person shall be deemed to commit fraudulent misappropriation 5 who knowingly assists any wife or husband in dealing with any property of her husband or his wife in a manner which would amount to that offence if the parties were not married, or who knowingly receives from either any property so dealt with.

SECTION 197.

10

FINDING.

A person who finds and misappropriates lost property does not misappropriate it fraudulently if at the time of such misappropriation he believes in good faith and on reasonable grounds, either that the owner of the property cannot be found without an amount of trouble 15 or expense out of proportion to the value of the property, or that the owner intended to abandon his proprietary rights therein.

SECTION 198.

RULE OF EVIDENCE.

When a person is charged with criminal breach of trust in respect 20 of property for which he was bound from time to time to account to the owner, and when it is proved that he has accounted for a smaller quantity of property than he was accountable for, he may, if he fails to account for the missing property, be convicted if it is proved that he must have fraudulently misappropriated some property, although 25 there is no evidence of his having fraudulently misappropriated any particular thing.

SECTION 199.

PUNISHMENT OF FRAUDULENT MISAPPROPRIATION.

Everyone who commits fraudulent misappropriation shall be guilty 30 of an indictable offence, and shall upon conviction thereof be liable to the following punishments; that is to say,

(a.) Every such offender shall be liable to penal servitude for life if the thing misappropriated is alone or together with other things misappropriated at the same time worth £500 or upwards, 35

Or if it is the will, codicil, or other testamentary instrument relating to any kind of property whatever, of any person, either living or dead.

(b.) Every such offender shall be liable to penal servitude for *fourteen years*—

If the thing misappropriated is alone or together with other things 40 misappropriated at the same time worth £100 or upwards, but not worth £500, or

If the thing misappropriated is at the time of the misappropriation the property of the Postmaster General, or of any body of persons exercising his office under authority from Her Majesty, or any person under his or their authority, or is in the possession of any such
 5 person, in the discharge or for the purpose of discharging any of the duties of his office, or is for the purposes of the post office in any post office or place used for the purposes of a post office, or

If the offender was at the time of his offence an officer, clerk, or servant, public or private, or in the capacity of an officer, clerk;
 10 or servant, public or private, of or to the owner of the misappropriated property, and had possession or custody of the misappropriated property as such, or if the thing was stolen, and if at the time of the theft the thing stolen was upon the person of any person, or if it was in a dwelling-house, and the offender put any person therein
 15 in fear by any threat or other means.

(c.) Every such offender shall be liable to penal servitude for *seven years* in all other cases, unless the property misappropriated has a definite money value less than five pounds, in which case the offender shall be liable to be imprisoned with hard labour for two
 20 years.

The value of any document showing the title of any person to any property real or personal, or the right of any person to recover any property real or personal from any person, or to enforce any claim or demand upon any person, is for the purposes of this section equal to
 25 the value of the property or right which it represents, or of the damages which if the claim or demand were not satisfied might be recovered by the person entitled thereto.

When the thing fraudulently misappropriated is a tree, sapling, shrub, live or dead fence, or vegetable production, the punishment
 30 to which the offender is liable shall be determined by the amount of the injury done or by the value of the thing misappropriated, whichever of the two may be the greater.

Every offender against the provisions of this section being a male under *sixteen years* of age shall be liable to be once whipped.

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SECTION 200.

CONCEALING CERTAIN DOCUMENTS.

Everyone shall be guilty of an indictable offence who for any fraudulent purpose,

40 Conceals any will, codicil, or other testamentary instrument, or any document being or containing evidence of the title or any part of the title of any person to any real estate or to any interest in or out of any real estate,

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Or unlawfully takes from its place of deposit for the time being, or from any person having the lawful custody of it, or injures the whole or any part of any original document whatever belonging to any court of justice whatever, or any Government or public office whatever.

5

(a.) Every such offender shall be liable upon conviction to penal servitude for life if the thing upon which the offence is committed is a will, codicil, or other testamentary instrument.

(b.) Every other such offender shall be liable to penal servitude for *five years*.

10

SECTION 201.

FRAUDULENTLY CONCEALING ORE.

Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to *two years* imprisonment and hard labour,

15

Who, being employed in or about any mine, takes, removes, or conceals any ore of any metal, or other mineral found or being in such mine, with intent to defraud any proprietor of, or any adventurer in, any such mine, or any workman or miner employed therein.

SECTION 202.

20

CONCEALING TREASURE TROVE.

Everyone shall be guilty of an indictable offence, and shall upon conviction thereof be liable to imprisonment, who conceals from the knowledge of our Lady the Queen the finding of any gold or silver in coin, plate, or bullion hidden in ancient times, and in which no person can show any property, whether the offender found such treasure himself or received it from a person who found it, but was ignorant of its nature.

25

SECTION 203.

DEER STEALING.

30

Everyone shall be guilty of an indictable offence, and shall upon conviction thereof be liable to *two years* imprisonment and hard labour, who unlawfully and wilfully courses, hunts, snares, or carries away, kills, wounds, or attempts to kill or wound, any deer kept or being in an inclosed part of any forest, chase, or purlieu, or in any inclosed land where deer are usually kept.

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SECTION 204.

KILLING HARES IN A WARREN.

Everyone shall be guilty of an indictable offence, and shall on conviction thereof be liable to imprisonment, who, between the

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expiration of the first hour after sunset and the beginning of the last hour before sunrise, takes or kills any hare or rabbit in any warren or ground lawfully used for breeding or keeping hares or rabbits, whether inclosed or not. A.D. 1878.

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CHAPTER XXVIII.

FRAUD.

SECTION 205.

FRAUDULENT FALSE ACCOUNTING AND FALSE STATEMENTS.

Everyone shall be guilty of an indictable offence, and shall be
10 liable upon conviction thereof to *seven years* penal servitude,

(a.) Who, being a director, manager, public officer, or member
of any body corporate or public company, or being a clerk, officer,
or servant, or employed or acting in the capacity of a clerk,
officer, or servant, to any company or body corporate person or
15 persons whatever, or being the partner of any person, wilfully
and with intent to defraud,

(i.) Destroys, alters, mutilates, or falsifies any book, paper,
writing, valuable security, or account which belongs to or is
20 in the possession of his employer, or partner, or has been
received by him for or on behalf of his employer or partner; or

(ii.) Makes or concurs in making any false entry in, or omits or
alters, or concurs in omitting or altering, any material particular
from or in any such book, or any document or account; or,

(b.) Who, being a director, public officer, manager, or member
25 of any body corporate or public company;

(i.) As such receives or possesses himself of any of the property of
such body corporate or public company, otherwise than in
payment of a just debt and demand, and with intent to defraud,
omits to make or to cause and direct to be made, a full and
30 true entry thereof in the books and accounts of such body
corporate or public company; or

(ii.) Makes, circulates, or publishes, or concurs in making, circula-
ting, or publishing, any written statement or account which
he knows to be false in any material particular, with intent to
35 deceive or defraud any member, shareholder, or creditor of
such body corporate or public company; or with intent to
induce any person to become a shareholder or partner therein, or
to intrust or advance any property to such body corporate
or public company, or to enter into any security for the benefit
40 thereof.

SECTION 206.

DEFINITION OF CHEATING.

Cheating is the act of defrauding any person by any deceitful practice calculated to defraud not only some particular person or body of persons, but any considerable number of persons or bodies of persons separately.

SECTION 207.

PUNISHMENT OF CHEATING.

Everyone who cheats any person shall be guilty of an indictable offence, and shall upon conviction thereof be liable to *five years* penal servitude.

SECTION 208.

CONSPIRACY TO EXTORT OR DEFRAUD.

Everyone shall be guilty of an indictable offence, and shall upon conviction thereof be liable to *five years* penal servitude, who conspires with any other person to extort any valuable thing from any person or to defraud any person of any valuable thing.

SECTION 209.

CHEATING AT PLAY.

Everyone shall be guilty of cheating, and shall be liable to be punished accordingly, who wins or endeavours to win from any other person, to himself or any other or others, any sum of money or valuable thing by any fraud in playing at or betting upon any game of chance or skill or of mixed chance and skill.

The offence herein-before defined is complete as soon as the thing won would according to the intention of the parties have become due or payable if there had been no fraud, and whether any such money or valuable thing is actually paid or delivered or not.

SECTION 210.

OBTAINING THE EXECUTION OF VALUABLE SECURITIES BY FALSE PRETENCES.

Everyone shall be guilty of an indictable offence who, with intent to defraud or injure any person, fraudulently causes or induces any person to execute or destroy any valuable security, or causes any one to deal either by alteration or otherwise with any valuable security in such a way as to alter its effect, provided that nothing which under the provisions herein-after contained amounts to forgery shall be an offence under this section.

Everyone who commits the offence herein-before defined shall be liable to the same punishment as if he had fraudulently misappropriated property worth as much as the valuable security so fraudulently dealt with as aforesaid purported to be worth after it was so executed or altered, or before it was so destroyed as aforesaid.

SECTION 211.

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OBTAINING CREDIT, ETC., BY FALSE PRETENCES.

Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to *two years* imprisonment and hard labour, who—

(a.) In incurring any debt or liability, obtains credit under false pretences, or by means of any other fraud; or

(b.) With intent to defraud his creditors, or any of them, makes or causes to be made any gift, delivery, or transfer of or any charge on his property; or

(c.) With intent to defraud his creditors, conceals or removes any part of his property since or within two months before the date of any unsatisfied judgment or order for payment of money obtained against him.

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SECTION 212.

CONCEALING DEEDS AND INCUMBRANCES.

Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to a maximum punishment of *two years* imprisonment and hard labour, who, being a seller or mortgagor of land, of any chattels, real or personal, or choses in action conveyed or assigned to a purchaser, or mortgagee, or, being the solicitor or agent of any such seller or mortgagor, conceals from the purchaser or mortgagee any instrument material to the title, or any incumbrance; or falsifies any pedigree on which the title does or may depend, in order to induce him to accept the title offered or produced to him, and with intent to defraud.

No prosecution for any offence against this section shall be commenced without the sanction of Her Majesty's Attorney-General, or if his office is vacant of the Solicitor-General. Such previous notice as the Attorney or Solicitor-General directs of the application for leave to prosecute must be given to the person intended to be prosecuted.

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SECTION 213.

PROTECTION TO OFFENDERS IN CERTAIN CASES.

No one shall be entitled to refuse to answer any claim in the nature of a bill of discovery, or to refuse to answer any question or interrogatory in any civil proceeding in any court, or upon the hearing of any matter in bankruptcy, upon the ground that his doing so might tend to show that he had committed any crime or offence punishable under any provision of this or the next preceding chapter, but no one shall be liable to be convicted of any such crime or

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A.D. 1878. offence by any evidence if he has at any time previous to his being charged with such offence first disclosed such act on oath, or on any declaration equivalent to an oath, in consequence of any compulsory process of any court in any action, suit, or proceeding instituted in good faith by any party aggrieved, or if he has first disclosed the same in any compulsory examination or deposition before any court upon the hearing of any matter in bankruptcy. 5

Nothing contained in this or the next preceding chapter shall affect or prejudice any agreement entered into or security given by any trustee having for its object the restoration or repayment of any trust property misappropriated. 10

CHAPTER XXIX.

ROBBERY AND EXTORTION.

SECTION 214.

DEFINITION OF ROBBERY.

15

Robbery is theft of property on the person or in the immediate presence of the owner, in which the taking is effected by actual violence intentionally used to prevent or overcome the owner's resistance, or by threats of injury to his person, property, or reputation. 20

SECTION 215.

PUNISHMENT OF ROBBERY.

(a.) Everyone who commits robbery shall be guilty of an indictable offence, and shall be liable upon conviction thereof to penal servitude for life. 25

(b.) Every such offender may, in addition to the punishment aforesaid, be flogged or whipped, according to his age, once, twice, or thrice, if at the time of committing the offence he is armed with any offensive weapon or instrument, or is together with any other person or persons, or if at the time of or immediately before or immediately after such robbery he uses any personal violence to any person. 30

SECTION 216.

STOPPING OF MAIL.

Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to *fourteen years* penal servitude, who, with intent to rob or search the same, stops any conveyance by which post letters are carried, either by land or on the water, either by 35

the orders of the Postmaster General or of any persons lawfully exercising his office, or by virtue of any contract with any such person. A.D. 1878.

SECTION 217.

5 PUNISHMENT OF ASSAULTS WITH INTENT TO ROB.

(a.) Everyone who assaults any person with intent to rob him shall be guilty of an indictable offence, and shall be liable upon conviction thereof to penal servitude for *five years*.

10 (b.) Every such offender shall be liable to penal servitude for life, and to be flogged or whipped according to his age, once, twice, or thrice if at the time of committing the offence he is armed with any offensive weapon or instrument, or is together with any other person or persons, or if at the time of or immediately before or immediately after committing the offence he uses any personal violence
15 to any person.

SECTION 218.

EXTORTION BY THREATS OF ACCUSATION OR THREATENING LETTERS.

Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to penal servitude for life, and if a
20 male *under sixteen years* of age be once whipped, who—

(a.) With intent to extort or gain anything from any person, accuses or threatens to accuse any person whatever of any offence whatever, or threatens that any person shall be so accused by any other person, whether the person accused or threatened with accu-
25 sation is guilty or not of that offence;

(b.) Sends, delivers, utters, or directly or indirectly causes to be received by any person any document containing any such accusation or threat as last aforesaid, or demanding any such thing or requiring any such conduct from any person with menaces and without any
30 reasonable and probable cause, knowing in either case the contents of such document.

SECTION 219.

THREATENING TO PUBLISH A LIBEL.

Everyone shall be guilty of an indictable offence, and shall upon
35 conviction thereof be liable to *five years* penal servitude, who publishes or threatens to publish any libel, or directly or indirectly proposes to abstain from or offers to prevent the printing or publishing of any matter or thing touching any other person, with intent to extort anything from any person, or to compel any person to confer
40 or procure for any person any appointment or office of profit or trust.

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A.D. 1878.

SECTION 220.

COMPELLING EXECUTION OF DOCUMENTS BY FORCE.

Everyone shall be guilty of an indictable offence, and shall upon conviction thereof be liable to penal servitude for life, who, by unlawful violence to or restraint of the person of another, or by the threat that either the offender or any other person will employ such violence or restraint, or by accusing or threatening to accuse any person of any crime, unlawfully compels any person to execute or destroy or cancel any valuable security or deal with any valuable security by alteration or otherwise so as to alter its effect. 10

SECTION 221.

DEMANDING WITH INTENT TO STEAL.

Everyone shall be guilty of an indictable offence and shall be liable upon conviction thereof to penal servitude for *five years*, who with menaces or force demands, either for himself or for any other person, anything capable of being stolen from any person with intent to steal it. 15

CHAPTER XXX.

HOUSEBREAKING.

SECTION 222. 20

DEFINITIONS.

In this chapter the following words are used in the following senses :

“ Night ” means the interval between *nine of the clock at night and six of the clock in the morning.* 25

“ Dwelling-house ” means a permanent building in which the owner or occupier, or any person by their authority, habitually sleeps at night, although at certain intervals it may be unoccupied.

A building occupied with and within the same curtilage with any dwelling-house shall be deemed to be part of the said dwelling-house if there is between such building and dwelling-house a communication, either immediate or by means of a covered and enclosed passage, leading from the one to the other, but not otherwise. 30

The word “ break ” means—

The breaking of any part, internal or external, of the building itself, or the opening by any means whatever (including lifting, in the case of things kept in their places by their own weight) of any door, window, shutter, cellar flap, or other thing intended to cover 35

openings to the house, or to give passage from one part of it to another. A.D. 1878.

An entrance into a house is complete as soon as any part of the body of the person making the entrance or any part of any instrument under his control is within the house.

Every person who obtains entrance into any house or other building by any threat or artifice used for that purpose, or by collusion with any person in the house, or by any chimney or other entrance left open permanently for any necessary purpose, shall be liable to the same consequences as if he had broken and entered that house or building at the same time, under the same circumstances, and with the same intent.

SECTION 223.

PLACES OF WORSHIP.

(a.) Everyone shall be guilty of an indictable offence, and shall upon conviction thereof be liable to penal servitude for *seven years*, who breaks and enters any place of public worship with intent to commit any indictable offence therein.

(b.) Every such offender shall be liable to penal servitude for life if he commits any indictable offence in any such place.

SECTION 224.

BREAKING DWELLING-HOUSES.

(a.) Everyone shall be guilty of an indictable offence, and shall upon conviction thereof be liable to *seven years* penal servitude, who either by day or by night, enters any dwelling-house with intent to commit an indictable offence therein.

(b.) Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to *fourteen years* penal servitude, who by day breaks and enters any dwelling-house with intent to commit an indictable offence therein.

(c.) Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to penal servitude for life, who by night breaks and enters any dwelling-house with intent to commit an indictable offence therein.

After this Act comes into force no person shall be prosecuted for burglary.

SECTION 225.

BREAKING SHOPS, ETC.

(a.) Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to *seven years* penal servitude, who

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A.D. 1878. either by day or by night breaks and enters with intent to commit an indictable offence therein any school house, shop, warehouse, counting-house, or building within the curtilage of a dwelling-house, but not so connected therewith as to form part of it under the provisions herein-before contained. 5

(b.) If any such offender commits an indictable offence in any such place as aforesaid, he shall be liable to *fourteen years* penal servitude.

SECTION 226.

BEING FOUND IN POSSESSION OF HOUSEBREAKING INSTRUMENTS.

Everyone shall be guilty of an indictable offence, and shall upon conviction thereof be liable to *five years* penal servitude, 10

Who is by night armed with any dangerous or offensive weapon or instrument whatever, with intent to break or enter into any dwelling-house or other building whatsoever, and to commit any indictable offence therein; 15

Or by night has in his possession, without lawful excuse (the proof of which excuse shall lie upon him), any key, picklock, crow, jack, bit, or other instrument of housebreaking;

Or by night has his face blackened or otherwise disguised with intent to commit any indictable offence; 20

Or is by night in any dwelling-house or other building whatsoever, with intent to commit any indictable offence therein.

CHAPTER XXXI.

RECEIVING, &c.

SECTION 227.

25

RECEIVING PROPERTY UNLAWFULLY OBTAINED—RULE OF EVIDENCE.

Everyone who receives anything obtained by any offence punishable under any of the provisions of chapters 27, 28, 29, 30, or 32, knowing that thing to have been so obtained, shall be guilty of an indictable offence, and shall be liable to the same punishment as if he had committed the offence by which it was obtained. 30

Whenever any person is being proceeded against for an offence under this section, the following matters may be proved as being relevant to the question whether the defendant knew that the property in respect of which he is being proceeded against was obtained by any such offence as aforesaid; that is to say, 35

(a.) The fact that other property was found in the defendant's possession, which property had been obtained by some such offence

as aforesaid, or by any other offence of the same nature against the law in force at the time, within twelve months of the time when the offence was committed by which the property was obtained for receiving which the defendant is being tried. This fact may be
5 proved at any stage of the proceedings at which evidence may be given for the prosecution.

(b.) The fact that within five years of the time when the property in respect of which he is being proceeded against was found in the defendant's possession he was convicted of any offence
10 involving fraud or dishonesty. Such evidence may not be given unless—

- (i.) Seven days notice in writing has been given to the defendant that proof of such previous conviction is intended to be given; nor unless—
15 (ii.) Evidence has previously been given that the property in respect of which the defendant is being proceeded against was found in his possession.

SECTION 228.

RECEIVING WHEN COMPLETE.

20 The act of receiving referred to in the last section is complete as soon as the offender obtains from the person from whom he receives it control over the thing received.

Things obtained as aforesaid cease to be so obtained as soon as they come into the possession of any person lawfully entitled to be
25 in possession of them.

SECTION 229.

CORRUPTLY TAKING REWARD FOR RESTITUTION OF GOODS.

Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to *seven years* penal servitude,

30 Who corruptly takes any money or reward, directly or indirectly, under pretence or upon account of helping any person to anything whatsoever unlawfully obtained as aforesaid, unless he uses all due diligence to cause the offender to be brought to trial for the same.

Provided that no person shall be liable to any greater punishment
35 for this offence than he would have been liable to if he had committed the offence by which the thing was obtained.

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CHAPTER XXXII.

FORGERY.

SECTION 230.

A FALSE DOCUMENT DEFINED.

A false document is a document which, taken as a whole, purports to be what it is not, or to have an operation which it has not, or which is so framed that any person intended to act upon it would reasonably believe it to be what it is not, or to have an operation that it has not.

SECTION 231.

10'

MAKING A FALSE DOCUMENT.

The expression "making a false document" means—

(a.) The act of making the whole or any false part of any document, the whole or any part of which is false within the meaning of the provisions herein-before contained:

15

(b.) The act of altering a genuine document in any material particular by any means whatever. Every genuine document so altered is a false document within the meaning of this section.

(c.) The act of making material additions or omissions in the preparation of a genuine document, so as to procure the execution of a document materially different from that which was intended to be executed. Every document so prepared is a false document, within the meaning of this section.

20

SECTION 232.

DEFINITION OF FORGERY.

25

Forgery is the act of making a false document with an intent to defraud or injure the public or any person, or to pervert the course of justice, or to defeat or evade the provisions of any law.

This expression means an intent, either absolute or conditional, that the false document should be used in such a way as unlawfully to cause one of the consequences aforesaid or a risk of its occurrence,—

30

whether any such consequence was or was not possible in fact; and whether or not the offender when he made the false document thought of the probability that any such consequence or a risk of its occurrence would be caused by the use to be made of the false document;

35

and whether or not the offender knew or had the means of knowing the particular manner in which, or the particular person with respect to whom, such consequence or the risk of its occurrence would or might be caused;

5 and although he may have hoped that such consequence would not follow and may have prevented or endeavoured to prevent it from following.

Every false document made with any such intent as aforesaid is herein-after designated a forged document.

10

SECTION 233.

PUNISHMENT OF FORGERY.

Every person who commits forgery shall be guilty of an indictable offence,

- (a.) Every such offender shall be liable to penal servitude for life :
- 15 (i.) If the false document is or purports to be sealed with the Great Seal of the United Kingdom, Her Majesty's Privy Seal, any Privy Signet of Her Majesty, Her Majesty's Royal Sign Manual, any of Her Majesty's Seals appointed to be kept and continued in Scotland by the twenty-fourth Article of the Union between England and Scotland, the Great Seal of Ireland or the Privy Seal of Ireland, or any Public Seal of any Dominion, Possession, or Colony of Her Majesty, or of any foreign Prince or State; or
- 20 (ii.) If the false document is or purports to be a will, codicil, or testamentary instrument; or
- 25 (iii.) If the false document is, or purports to be a valuable security; or
- (iv.) If the false document is an entry relating to any birth, baptism, marriage, death, or burial in any register of births, baptisms, marriages, deaths, or burials authorised or required to be kept by the law in force for the time being, or in any copy of any such register required by law to be transmitted to any registrar or other officer; or
- 30 (v.) If the false document is a stamp required by law to be impressed upon or applied to any document;
- 35 (b.) Every such offender shall be liable to penal servitude for *fourteen years* :
- (i.) If the false document is or purports to be made under any Act in force for the time being relating to the registry of deeds; or,
- 40 (ii.) If the false document is or purports to be made by any officer of any court of justice in England or Ireland, or by any

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cashier or other officer or clerk of the Governor or Company of the Bank of England or Ireland;

(c.) Every such offender shall be liable to penal servitude for *seven years* in all other cases for which no specific punishment is provided by any Act of Parliament in force for the time being. 5

SECTION 234.

DRAWING BILLS, &c. WITHOUT AUTHORITY.

Everyone shall be guilty of an indictable offence, and shall upon conviction thereof be liable to *fourteen years* penal servitude, who, without lawful authority or excuse, makes or executes, draws, signs, 10 accepts, or endorses in the name or on the account of another person by procuration or otherwise any document for forging which the offender would be liable to penal servitude for life, or makes use of or alters any such document, knowing it to be so made, executed, signed, accepted, or endorsed. 15

SECTION 235.

USING FORGED DOCUMENTS.

Everyone shall be guilty of an indictable offence who, with intent to defraud, injure, or pervert the course of justice, uses, attempts to use, utters, sells, or exposes to sale, or acts, or causes or attempts 20 to cause any person to act, under, upon, or by virtue or on the faith of any forged document, knowing it to be forged. Every such offender shall be liable upon conviction to the same punishment as if he had forged that document with the intent with which he used or attempted to use it, or otherwise acted with respect to it. 25

SECTION 236.

USING PROBATE, &c. OBTAINED BY FORGERY OR FALSE OATHS.

Everyone shall be guilty of an indictable offence, and shall upon conviction thereof be liable to *fourteen years* penal servitude, who—

(a.) Demands, receives, obtains, or causes or procures to be deli- 30 vered or paid to any person any thing whatever, under, upon, or by virtue of any probate or letters of administration, knowing that the will, codicil, or testamentary writing on which such probate or letters of administration were obtained to be forged, or knowing the probate or letters of administration to have been obtained by any 35 false oath, affirmation, or affidavit; or

(b.) Endeavours to do any such thing.

CHAPTER XXXIII.

PREPARATIONS FOR FORGERY AND OFFENCES
RESEMBLING FORGERY.

SECTION 237.

5 BANK NOTE, BANK NOTE PAPER, EXCHEQUER BILL PAPER.

In this chapter the following words are used in the following senses:

The word "bank note" includes all valuable securities or negotiable instruments issued by any person or persons, body corporate, or
10 company carrying on the business of banking in any part of the world, or issued by the authority of any foreign prince or state or government, or any governor or other authority lawfully authorised thereto in any of Her Majesty's dominions beyond the seas, and intended to be used as equivalent to or as a substitute for money
15 either immediately upon their issue or at some time subsequent thereto.

The expression "Exchequer bill" includes Exchequer bonds and debentures.

The expression "bank note paper" means any paper made for the
20 purpose of being made into bank notes, and fitted for that purpose either by water marks, laying wire lines, bar lines, threads, colours, or other distinguishing marks in the structure of the paper itself, or by words, numbers, devices, characters, ornaments, colours, or other distinguishing marks impressed upon the paper.

25 The expression "Exchequer bill paper" means any paper provided by or under the directions of the Commissioners of Inland Revenue or of the Treasury for the purpose of being used as Exchequer bills before such paper is duly stamped, signed, and issued for public use.

SECTION 238.

30 UNAUTHORISED DEALING WITH BANK NOTE PAPER AND FORGED BANK NOTES.

Everyone shall be guilty of an indictable offence, and shall upon conviction thereof be liable to penal servitude for *fourteen years*, who without lawful authority or excuse (the proof whereof shall lie upon him)—

35 (a.) Makes, uses, sells, exposes to sale, or knowingly has in his custody or possession,—

(i.) Any bank note paper or Exchequer bill paper;

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(ii.) Any paper in the structure of which or on which are any of the distinguishing marks of bank note paper or Exchequer bill paper or any words resembling or apparently intended to resemble all or any of the words or any signature appearing on any bank note or Exchequer bill; 5

(iii.) Any frame, mould, instrument, machinery, plate, or device, of whatever nature or material, for making bank note paper or Exchequer bill paper, or for making in or upon any paper any of the distinguishing marks of bank note paper or Exchequer bill paper. 10

(b.) Who engraves or makes in any manner upon any plate or other thing, of whatever nature or material, any of the distinguishing marks of bank note paper or Exchequer bill paper, or any words resembling or apparently intended to resemble all or any of the words or any signature appearing on any bank note or Exchequer bill; or, 15

(c.) Who uses any such plate or other thing as last aforesaid for making or printing any such mark, word, or signature as last aforesaid on any paper.

SECTION 239.

20

DEALING IN FORGED BANK NOTES.

Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to *fourteen years* penal servitude, who purchases or receives from any person, or has in his custody or possession, any forged bank note or forged blank bank note, knowing it to be forged, and without lawful authority or excuse, the proof whereof shall lie upon him. 25

SECTION 240.

OFFENCES RELATING TO STAMPS.

Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to penal servitude for life, who 30

(a.) Fraudulently cuts, tears, or in any way removes from any material any stamp, with intent that any use should be made of such stamp or of any part thereof;

(b.) Fraudulently mutilates any stamp with intent that any use should be made of any part of such stamp; 35

(c.) Fraudulently fixes or places upon any material or upon any stamp, any stamp or part of a stamp, which whether fraudulently or not has been cut, torn, or in any way removed from any other material or out of or from any other stamp; 40

(d.) Fraudulently erases or otherwise, either really or apparently, removes from any stamped material any name, sum, date, or other matter or thing whatsoever thereon written, with the intent that any use should be made of the stamp upon such material; A.D. 1878.

5 (e.) Knowingly and without lawful excuse (to be proved by him) has in his possession any stamp or part of a stamp which has been fraudulently cut, torn, or otherwise removed from any material, or any stamp which has been fraudulently mutilated, or any stamped
10 thing has been fraudulently erased or otherwise, either really or apparently, removed.

SECTION 241.

FORGING SEALS AND OTHER INSTRUMENTS.

Everyone shall be guilty of an indictable offence, who, with
15 intent to defraud or to enable any other person to defraud, makes, uses, sells, or exposes to sale, or who knowingly, and without lawful excuse to be proved by him, has in his custody or possession any counterfeit seal, stamp, die, or other counterfeit instrument fitted to make any seal, stamp, or impression used for authenticating or executing any document or any signature used for authenticating or executing any document which may lawfully be made
20 by a stamp or instrument, or for making any stamp required by law to be impressed upon or applied to any document. Every such offender shall be liable upon conviction to the same punishment as
25 if he had forged the document, signature, or stamp, which such seal, stamp, or instrument would, if genuine, have been fitted to authenticate or make.

SECTION 242.

DEFACING REGISTERS.

80 Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to penal servitude for life, who does any of the following things to any register of births, baptisms, marriages, deaths or burials authorised or required by law to be kept, or to any copy of any register required by law to be trans-
35 mitted to any registrar or other officer; (that is to say,)

(a.) Knowingly and unlawfully destroys, defaces, or injures the whole or any part of any such register or copy, or permits any such register or copy to be so dealt with.

(b.) Unlawfully and for any fraudulent purpose takes any such
40 register or copy from its place of deposit or conceals it.

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(c.) Knowingly and unlawfully inserts or causes or permits to be inserted in any such register or copy, or in any certified copy of either, any false entry of any matter relating to any birth, baptism, marriage, death, or burial, or gives any false certificate relating thereto. 5

(d.) Certifies any writing to be a copy or extract from any such register, knowing such register or the part of the register or copy of a register of which it is a copy to be false in any material particular.

(e.) Makes use in any way whatever of any false entry, copy, or writing herein-before mentioned knowing it to be false. 10

SECTION 243.

MAKING FALSE ENTRIES IN BOOKS RELATING TO PUBLIC FUNDS.

Everyone shall be guilty of an indictable offence, and shall upon conviction thereof be liable to penal servitude for life, who, with intent to defraud, 15

(a.) Makes any false entry or alteration in any book of account kept by the Governor and Company of the Banks of England and Ireland respectively, in which books are kept the accounts of the owners of any stock, annuity, or other public fund transferable for the time being at either of the said banks, or who in any manner wilfully falsifies any of the accounts of any such owners in any of the said books, or 20

(b.) Makes any transfer of any share or interest of or in any stock, annuity, or other public fund transferable for the time being at either of the said banks, in the name of any person other than the owner of such share or interest. 25

SECTION 244.

OFFICERS UTTERING FALSE CERTIFICATES.

Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to *seven years* penal servitude,— 30

(a.) Who, being the clerk of any court or other officer, or deputy of the officer, having custody of the records of any court, knowingly and wilfully utters a false copy of certificate of any record, or 35

(b.) Who, not being such officer or deputy, knowingly and wilfully registers or certifies any copy of any record or any copy of any certificate as such officer or deputy; or

(c.) Who, being in the employment of the Governor and Company of the Bank of England or of the Bank of Ireland, knowingly 40

and with intent to defraud, makes out or delivers any dividend warrant or any warrant for the payment of any annuity, interest or money payable at either of the said banks for an amount greater or less than that to which the person on whose account such 5 warrant is made out is entitled. A.D. 1878.

SECTION 245.

TRADE MARKS DEFINED.

A trade mark is—

(a.) Any word or mark of any kind whatever lawfully used by 10 any person to denote anything to be of the manufacture, production, workmanship, or merchandise of that person, or to be a thing of any particular description sold by that person; or

(b.) Any word, mark, or sign which, in pursuance of any statute in force for the time being relating to registered designs, is to be 15 put or placed upon or attached to anything during the existence of any copyright or other sole right acquired under the provisions of any such statute.

SECTION 246.

FORGING TRADE MARKS.

20 Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to *two years* imprisonment and hard labour, who, with intent to defraud or to enable another to defraud,—

(a.) Counterfeits any trade mark; or

25 (b.) Makes use of any trade mark or counterfeited trade mark in a manner intended or calculated to deceive any person thereby.

Every person who commits any such offence shall in addition to the punishment herein-before mentioned, forfeit to Her Majesty everything in his possession or power to which any such trade mark 30 or counterfeit trade mark is applied, and everything as to which any person is intended to be deceived by the use made of any trade mark or counterfeit trade mark, and every instrument in his possession or power for applying any such trade mark or counterfeit trade mark.

35

SECTION 247.

LEGAL EFFECT OF INSTRUMENTS, AND NOT THEIR DESIGNATION, TO BE CONSIDERED.

Where by this or any other Act of Parliament in force or to be in force, any person is made liable to punishment for any offence

A.D. 1878. committed with reference to any document designated in that Act by any particular name or description, such name or description shall be taken to refer to the legal effect of such document, and not to the name or description by which it may be usually known.

SECTION 248.

5

APPLICATION OF THE PRECEDING CHAPTERS—POSSESSION.

Every provision of this and of the last preceding chapter shall apply to acts done in England to or with reference to forged or false documents, or other things herein-before referred to made out of England, and to the forging or making in England of documents or other things herein-before referred to, intended to be paid or used or otherwise dealt with in any manner forbidden by this Act out of England. 10

Being in possession of anything is an act within the meaning of this section. 15

Every provision of this and the last preceding chapter which makes the possession of anything an offence, extends to cases in which the thing possessed is in the custody of another person on account of the offender to the offender's knowledge, and to cases in which the thing possessed is kept by the offender in any place out of his own presence, whether such place is or is not occupied by him, and does or does not belong to him, and to cases in which the offender possesses the thing for the benefit of some other person. 20

CHAPTER XXXIV.

25

PERSONATION.

SECTION 249.

PERSONATION.

Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to penal servitude for life: 30

(a.) Who, except in the cases herein-after or by any other statute specially provided for, falsely and deceitfully personates any person, or the heir, executor, or administrator, wife, widow, next of kin, or relation of any person, with intent fraudulently to obtain any land, estate, chattel, money, valuable security, or property; or, 35

(b.) Who falsely and deceitfully personates:

- (i.) Any owner of any share or interest of or in any stock, annuity, or other public fund transferable at the Bank of England or the Bank of Ireland ;
- 5 (ii.) Any owner of any share or interest of or in the capital stock of any body corporate, company, or society established by charter or by virtue of an Act of Parliament ;
- (iii.) Any owner of any dividend or money payable in respect of any such share or interest as aforesaid ;
- 10 And who thereby transfers or endeavours to transfer any share or interest belonging to such owner, or thereby receives or endeavours to receive any money due to any such owner as if such offender were the true and lawful owner.

SECTION 250.

PERSONATION OF SEAMEN.

- 15 Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to *seven years* penal servitude.
- Who falsely and deceitfully personates any person entitled or supposed to be entitled to receive any pay, wages, allotment, prize money, bounty money, grant or other allowance in the nature
- 20 thereof, half pay, pension, or allowance from the compassionate fund of the navy payable or supposed to be payable by the Lord High Admiral, or the commissioners for executing his office, or any other money so payable or supposed to be payable, or any effects
- 25 or money in charge or supposed to be in charge of him or them, in order to receive any such thing.

SECTION 251.

ACKNOWLEDGING RECOGNIZANCE, ETC. IN FALSE NAME.

- 30 Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to *seven years* penal servitude, who without lawful authority or excuse (the proof of which shall lie on the party accused) acknowledges any recognizance or bail, or any *cognovit actionem*, or judgment, or any deed or other instrument before any court, judge, or other person lawfully authorised in that behalf.