

night, without breaking, and though no person be therein. 3. Larcenies, of *forty shillings*, from a dwelling-house or its out-houses, without breaking, and though no person be therein.

(6.) Larceny from the *person* is, 1. By *privately stealing*, from the person of another, above the value of twelve pence. 2. By *robbery*; or the felonious and forcible taking from the person of another, in or near the highway, goods or money of any value, by putting him in fear. These are both felonies without clergy. An attempt to rob is also felony.

(7.) Malicious *mischief*, by destroying dikes, goods, cattle, ships, garments, fish-ponds, trees, woods, churches, chapels, meeting-houses, out-houses, corn, hay, straw, sea or river-banks, hop-binds, coal-mines, (or engines thereunto belonging), or any fences for inclosures by act of parliament, is felony; and, in most cases, without benefit of clergy.

(8.) *Forgery* is the fraudulent making or alteration of a writing, in prejudice of another's right. Penalties: fine; imprisonment; pillory; loss of nose and ears; forfeiture; judgment of felony, without clergy.

SECT. XVIII. *Of the means of preventing offences.*

(1.) CRIMES and misdemeanors may be *prevented*, by compelling suspected persons to give *security*; which is effected by binding them in a conditional recognizance to the king, taken in court, or by a magistrate.

(2.) These recognizances may be conditioned, 1. To keep the *peace*. 2. To be of *good behaviour*.

(3.) They may be taken by any justice or conservator of the peace, at his own discretion; or, at the re-

quest of such as are intitled to demand the same.

(4.) All persons, who have given sufficient cause to apprehend an intended breach of the peace, may be bound over to keep the *peace*; and all those that be not of good fame, may be bound to the *good behaviour*; and may, upon refusal in either case, be committed to gaol.

SECT. XIX. *Of courts of criminal jurisdiction.*

(1.) IN the method of *punishment* may be considered, 1. The several *courts* of criminal jurisdiction. 2. The several proceedings therein.

(2.) The criminal *courts* are, 1. Those of a *public* and general jurisdiction throughout the realm. 2. Those of a *private* and special jurisdiction.

(3.) *Public* criminal courts are, 1. The high court of parliament; which proceeds by impeachment. 2. The court of the lord high steward; and the court of the king in full parliament: for the trial of capitally indicted peers. 3. The court of king's bench. 4. The court of chivalry. 5. The court of admiralty, under the king's commission. 6. The courts of oyer and terminer, and general gaol-delivery. 7. The court of quarter-sessions of the peace. 8. The sheriff's tourn. 9. The court leet. 10. The court of the coroner. 11. The court of the clerk of the market.

(4.) *Private* criminal courts are, 1. The court of the lord steward, &c. by statute of Henry VII. 2. The court of the lord steward, &c. by statute of Henry VIII. 3. The university courts.

SECT. XX. *Of summary convictions.*

(1.) PROCEEDINGS in criminal courts are, 1. *Summary*. 2. *Regular*.