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No. 2.

1st Session, 5th Parliament, 18 Victoria, 1854.

BILL.

To amend the Criminal Law of this
Province.

Received and read first time, Wednesday, Sept.
13th, 1854.

Second reading, Monday, Sept. 25th, 1854.

HON. J. H. CAMERON.

QUEBEC :

PRINTED BY JOHN LOVELL, MOUNTAIN STREET.

(2.)

1854.]

BILL.

[No. 2.

An Act to amend the Criminal Law of this Province.

WHEREAS offenders frequently escape conviction on their trials by reason of the technical strictness of criminal proceedings in matters not material to the merits of the case, and it is desirable that such technical strictness shall be relaxed, and whereas other beneficial alterations may be made in the Criminal Law;—Be it therefore enacted, &c., as follows:

From and after the passing of this Act, whenever on the trial of any indictment for any felony or misdemeanour there shall appear to be any variance between the statement in such indictment and the evidence offered in proof thereof, in names, dates, places, or other matters or circumstances therein mentioned, not material to the merits of the case, and by the misstatement whereof the person on trial cannot be prejudiced in his defence on such merits, it shall and may be lawful for the Court before which the trial shall be had, to order such indictment to be amended according to the proof, by some officer of the Court or other person, both in that part of the indictment where such variance occurs, and in every other part of the indictment which it may become necessary to amend, on such terms as to postponing the trial to be had before the same or another jury as such Court shall think reasonable; and after any such amendment the trial shall proceed, whenever the same shall be proceeded with, in the same manner in all respects and with the same consequences, both with respect to the liability of witnesses to be indicted for perjury, and otherwise, as if no such variance had occurred, and in case such trial shall be had at Nisi Prius, the order for the amendment shall be endorsed on the indictment and returned therewith, and all other rolls and proceedings connected therewith shall be amended accordingly by the proper officer, and in all other cases the amendment shall be endorsed on or filed with the indictment, and returned among the proper records of the Court. Provided always that when such trial shall be had before a second jury, the Crown and the Defendant shall be respectively entitled to the same challenges as they were respectively entitled to before the first jury were sworn.

Court may order indictment to be amended to meet variances appearing at the trial but immaterial to the merits.

Proceedings after amendment.

Proviso: as to challenges in case of a second Jury.

II. Every verdict and judgment which shall be given after the making of any amendment under the provisions of this Act, shall be of the same force and effect in all respects as if the indictment had originally been in the same form in which it was after such amendment was made.

As to verdict and judgment after amendment.

III. If it shall become necessary at any time for any purpose whatever to draw up a formal record in any case where any amendment shall have been made as aforesaid, such record shall be drawn up in the form in which the indictment was after such amendment was made, without taking any notice of the fact of such amendment having been made.

Formal record after amendment.

IV. In any indictment for murder or manslaughter it shall not be necessary to set forth the manner in which or the means by which the

What averment shall be

- sufficient for indictment for murder. For manslaughter. death of the deceased was caused, but it shall be sufficient in every indictment for murder to charge that the defendant did feloniously, wilfully and of his malice aforethought, kill and murder the deceased; and in every indictment for manslaughter, to charge that the defendant did feloniously kill and slay the deceased.
- In indictment for stealing, &c., any instrument in writing. V. In any indictment for forging, uttering, stealing, embezzling, destroying or concealing, or for obtaining by false pretences, any instrument, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or fac-simile thereof, or otherwise describing the same or the value thereof. 5 10
- In indictment for engraving, &c., any instrument. VI. In any indictment for engraving or making the whole or any part of any instrument, matter or thing whatsoever, or for using or having the unlawful possession of any plate or other material upon which the whole or any part of any instrument, matter or thing whatsoever shall have been engraved or made, or for having the unlawful possession of any paper upon which the whole or any part of any instrument, matter or thing whatsoever shall have been made or printed, it shall be sufficient to describe such instrument, matter or thing by any name or designation by which the same may be usually known, without setting out any copy or fac-simile of the whole or any part of such instrument, matter, or thing. 15 20
- Other averments as to instruments. VII. In all other cases, whenever it shall be necessary to make any averment in any indictment as to any instrument, whether the same consists wholly or in part of writing, print or figures, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or fac-simile of the whole or any part thereof. 25
- In indictment for offences committed with intent to defraud. VIII. It shall be sufficient in any indictment for forging, uttering, disposing of, or putting off any instrument whatever, or for obtaining any property by false pretences, to allege the defendant did the act with intent to defraud, without alleging the intent of the defendant to be to defraud any particular person; and on the trial of any of the offences mentioned in this section, it shall not be necessary to prove an intent on the part of the defendant to defraud any particular person, but it shall be sufficient to prove that the defendant did the act charged with intent to defraud. 30 35
- Proof in such cases.
- Punishment for obtaining property on any false pretence with intent to defraud. IX. If any person shall obtain any property by any false pretence whatever, with intent to defraud, such offender, upon conviction thereof, shall be liable to be imprisoned for any period, not exceeding two years, with or without hard labor. 40
- What averment of false pretences shall be sufficient. X. It shall be sufficient in any indictment for obtaining, or attempting to obtain, any property by false pretences, with intent to defraud, to state that such property was obtained by the defendant by false pretences, with intent to defraud, without any further or more particular statement of such false pretences. 45
- Persons indicted for committing a felony, &c., may XI. If on the trial of any person charged with any felony or misdemeanour, it shall appear to the Jury upon the evidence that the defendant did not complete the offence charged, but that he was

guilty only of an attempt to commit the same, such person shall not by reason thereof be entitled to be acquitted, but the Jury shall be at liberty to return as their verdict that the defendant is not guilty of the felony or misdemeanour charged, but is guilty of an attempt to commit the same, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for attempting to commit the particular felony or misdemeanour charged in the indictment, and no person shall hereafter be prosecuted for any attempt to commit any felony or misdemeanour who has been previously tried for committing the same offence.

be found guilty of an attempt to commit it.

XII. If upon the trial of any person for larceny, it shall appear that the property taken shall have been obtained by such person by fraud, under circumstances which do not amount to such taking as constitutes larceny, such person shall not by reason thereof be entitled to be acquitted, but the Jury shall be at liberty to return as their verdict that such person is not guilty of larceny, but is guilty of obtaining such property under false pretences, if the evidence prove such to be the case, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for obtaining property under false pretences, and no person so tried for larceny as aforesaid shall be liable to be afterwards prosecuted for obtaining property under false pretences upon the same facts.

Persons indicted for larceny may be found guilty of obtaining under false pretences.

XIII. If upon the trial of any person for any misdemeanour it shall appear that the facts given in evidence amount in law to a felony, such person shall not by reason thereof be entitled to be acquitted of such misdemeanour, and no person tried for such misdemeanour shall be liable afterwards to be prosecuted for felony on the same facts, unless the Court before which such trial may be had shall think fit in its discretion, to discharge the Jury from giving any verdict upon such trial, and to direct such person to be indicted for felony, in which case such person may be dealt with in all respects, as if he had not been put upon his trial for such misdemeanour.

Provision where the indictment is for misdemeanour and the evidence proves a felony.

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

Where the indictment is for embezzlement, and the evidence proves a felony or vice versa.

Where persons indicted for receiving jointly are proved to have received separately.

XV. If upon the trial of two or more persons for jointly receiving any property, it shall be proved that one or more of such persons separately received any part of such property, it shall be lawful for the Jury to convict upon such indictment such of the said persons as shall be proved to have received any part of such property. 5

Any number of accessories may be tried, although indictment does not include principal felon

XVI. Any number of accessories to every felony or receivers at different times of stolen property the subject of such felony, may be charged with the substantive felonies in the same indictment, notwithstanding the principal felon shall not be included in the same indictment, or shall not be in custody or amenable to Justice. 10

Where indictment for larceny is for one taking and several takings appear.

XVII. If upon the trial of any indictment for larceny, it shall appear that the property alleged in such indictment to have been stolen at one time was taken at different times; the prosecutor shall not, by reason thereof, be required to elect upon which taking he will proceed, unless it shall appear that there were more than three takings, or that more than the space of six calendar months elapsed between the first and the last of such takings; and in either of such last mentioned cases, the prosecutor shall be required to elect to proceed for such number of takings, not exceeding three, as appear to have taken place within the period of six calendar months from the first to the last of such takings. 15 20

What averments & proof shall be sufficient under indictment referring to money or bank notes.

XVIII. In any indictment in which it shall be necessary to make any averment as to any money or note of any Bank, it shall be sufficient to describe such money or bank note simply as money without allegation, so far as regards the description of the property, specifying any particular coin or bank note, and such averment shall be sustained by proof of any amount of coin or of any bank note, although the particular species of coin of which such amount was composed, or the particular nature of the bank note, shall not be proved, and in case of embezzlement and obtaining money or bank notes under false pretences, by proof that the offender embezzled or obtained any piece of coin, or any bank note, or any portion of the value thereof, although such piece of coin or bank note may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same, or to any other person, and such part shall have been returned accordingly. 25 30

What averments shall be sufficient in indictments for perjury.

XIX. In any indictment for perjury, or for unlawfully, illegally, falsely, fraudulently, deceitfully, maliciously or corruptly, taking, making, signing or subscribing any oath, affirmation, declaration affidavit, deposition, bill, answer, notice, certificate, or other writing, it shall be sufficient to set forth the substance of the offence charged upon the defendant, and by what Court or before whom the oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing, was taken, made, signed or subscribed, without setting forth the bill, answer, information, indictment, declaration, or any part of any proceeding either in law or equity, and without setting forth the commission or authority of the Court or person before whom such offence was committed. 35 40 45

What averments shall be sufficient in indictments for subornation of perjury.

XX. In every indictment for subornation of perjury, or for corrupt bargaining or contracting with any person to commit wilful and corrupt perjury, or for inciting, causing, or procuring any person unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously, or corruptly to take, make, sign or subscribe any oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing, it shall be 50

sufficient, wherever such perjury or other offence aforesaid shall have been actually committed, to allege the offence of the person who actually committed such perjury or other offence, in the manner hereinbefore mentioned, and then to allege that the Defendant unlawfully, wilfully, and corruptly, did cause and procure the said person the said offence, in manner and form aforesaid to do and commit; and whenever such perjury or other offence aforesaid shall not actually have been committed, it shall be sufficient to set forth the substance of the offence charged upon the Defendant, without setting forth or averring any of the matters or things hereinbefore rendered unnecessary to be set forth or averred, in the case of wilful and corrupt perjury.

XXI. A certificate containing the substance and effect only (omitting the formal part) of the indictment and trial for any felony or misdemeanour, purporting to be signed by the Clerk of the Court or other officer having the custody of the records of the Court whereat any indictment was tried or among which such indictment is filed, or by the deputy of such clerk or other officer, shall upon trial of any indictment for perjury or subornation of perjury, be sufficient evidence of the trial of such indictment for felony or misdemeanour, without proof of the signature or official character of the person appearing to have signed the same.

What shall be sufficient evidence of the trial at which the perjury is alleged to have been committed.

XXII. It shall not be necessary to state any venue in the body of any indictment, but the County, City, or other jurisdiction named in the margin thereof, shall be taken to be the venue for all the facts stated in the body of the indictment; provided that in cases where local description is now, or hereafter shall be required, such local description shall be given in the body of the indictment.

Venue how to be stated in indictments.

XXIII. No indictment for any offence shall be held insufficient for want of the averment of any formal matter or matter unnecessary to be proved.

As to matters unnecessary to be proved.

XXIV. Every objection to any indictment for any formal defect apparent on the face thereof, shall be taken, by demurrer or motion to quash such indictment, before the Jury shall be sworn, and not afterwards; and every court before which any such objection shall be taken for any formal defect, may if it be thought necessary, cause the indictment to be forthwith amended in such particular, by some officer of the Court or other person, and thereupon the trial shall proceed as if no such defect had appeared.

Objections founded, on formal defects when to be taken and how amended.

XXV. In any plea of autrefois convict or of autrefois acquit, it shall be sufficient for any defendant to state that he has been lawfully convicted or acquitted, as the case may be, of the said offence charged in the indictment.

Plea of autrefois acquit &c.

XXVI. And whereas it is expedient to make further provision for the prevention of the offences hereinafter mentioned, be it enacted as follows: If any person shall be found by night armed with any dangerous or offensive weapon or instrument whatsoever, with intent to break or enter into any dwelling house or other building whatsoever, and to commit any felony therein, or if any person shall be found by night, having in his possession without lawful excuse any picklock, key, crow, jack, bit, or other implement of house-breaking, or any match, or other combustible or explosive substance, or if any person shall be found by night, having his face blacke-

Punishment of persons found by night armed, or with instruments for house-breaking, or disguised, in any house.

ned or otherwise disguised, with intent to commit felony, or if any person shall be found by night in any dwelling house or other building whatsoever with intent to commit any felony therein, every such person shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned with or without hard labor for 5 any time not exceeding two years.

Administering chloroform &c. with intent to commit felony; to be felony.

XXVII. If any person shall unlawfully apply or administer, or attempt to apply or administer to any other person, any chloroform, laudanum, or other stupifying or overpowering drug, matter, or thing, with intent thereby to enable such offender or any other person to commit, or 10 with intent to assist such offender or other person in committing any felony, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned in the Provincial Penitentiary, with or without hard labour, for any term not exceeding 15 three years.

Punishment for maliciously wounding.

XXVIII. If any person shall unlawfully and maliciously inflict upon any other person, either with or without any weapon or instrument, any grievous bodily harm, or unlawfully and maliciously cut, stab, or wound any other person, any such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the Court, to 20 be imprisoned, with or without hard labour, for any term not exceeding two years.

Defendant indicted for felony by cutting, stabbing or wounding may be found guilty of cutting &c. tho' the felony be not found.

XXIX. If upon the trial of any indictment for any felony, except murder or manslaughter, where the indictment shall allege that the defendant 25 did cut, stab or wound any person, the jury shall be satisfied that the defendant is guilty of the cutting, stabbing or wounding charged in such indictment, but shall not be satisfied that the defendant is guilty of the felony charged in such indictment, then, and in every such case, the jury may acquit of the felony, and find the defendant guilty of unlawfully cutting, 30 stabbing or wounding, and thereupon such defendant shall be liable to be punished as in the next preceding section is mentioned.

Maliciously doing certain things to cause accidents upon Railways to be felony.

XXX. If any person shall wilfully and maliciously put, place, cast or throw upon or across any railway, any wood, stone or other matter or 35 thing, or shall wilfully and maliciously take up, remove, or displace any rail, sleeper, or other matter or thing belonging to any railway, or shall wilfully and maliciously turn, move, or divert any points or other machinery belonging to any railway, or shall wilfully and maliciously make or shew, hide or 40 remove, or omit to make or shew, any signal or light upon or near any railway, or shall wilfully and maliciously do or cause to be done, or omit or neglect, or cause to be omitted or neglected, any other matter or thing, with intent to obstruct, upset, overthrow, injure, or destroy, any engine, 45 tender, carriage, or truck, using such railway, or to endanger the safety of any person travelling or being upon such railway, any such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned in the Provincial Penitentiary 45 for any term not exceeding three years.

Maliciously throwing &c. any thing against a Railway carriage with intent to injure any one to be felony.

XXXI. If any person shall wilfully and maliciously cast, throw or cause to fall or strike against, into or upon any carriage, engine, tender, 50 or truck used upon any railway, any wood, stone, or other matter or thing, with intent to endanger the safety of any person being in or upon such carriage, engine, tender, or truck, every such offender, being convicted

thereof, shall be guilty of felony, and shall be liable, at the discretion of the Court, to be imprisoned in the Provincial Penitentiary for any term not exceeding three years.

XXXII. If any person shall wilfully and maliciously set fire to any station-house, engine-house, warehouse, or other building belonging or appertaining to any railway, lock, canal, or other navigation, or to any goods or chattels being in any building, the setting fire to which is made felony by this or any other Act of Parliament, every such offender shall be guilty of felony, and shall be liable to be punished as in the next preceding section is mentioned.

Setting fire to stations &c. or goods therein to be felony.

XXXIII. It shall be lawful for any person whatsoever, to apprehend any person who shall be found committing any offence against the provisions of this act, or any indictable offence in the night, and to convey him or deliver him to some constable or other person in order to his being conveyed as soon as conveniently may be before a Justice of the Peace, to be dealt with according to law.

Any person may arrest offenders against this Act in the night.

XXXIV. If any person liable to be apprehended under the provisions of this Act, shall assault or offer any violence to any person by law authorized to apprehend or detain him, or to any person acting in his aid or assistance, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable to be imprisoned with or without hard labor, for any term not exceeding two years.

Punishment of offenders assaulting persons arresting them &c.

XXXV. The time at which the night shall commence and conclude in any offence against the provisions of this Act, shall be the same as in cases of burglary.

Night what shall be deemed.

XXXVI. It shall not be necessary to issue any commission of Assize and *Nisi Prius*, *Oyer and Terminer* and General Gaol Delivery for any County or place in Upper Canada, but the said Courts shall, from time to time, be held at the several times and after the several terms that they are now directed by law to be holden; and the Judges of the several Superior Courts of Common Law in Upper Canada, shall and may preside over the Courts of Assize and *Nisi Prius*, *Oyer and Terminer* and General Gaol Delivery, in the same manner and with the same authorities and powers, without the issuing of any commission or commissions for the holding of the said Courts, as they have been accustomed to do under commission before the passing of this Act.

Commissions of Assize, &c., need not be issued hereafter in U. C. Courts to be held without them.

XXXVII. It shall be the duty of the Officer to whom the issuing of such commissions as aforesaid has heretofore properly belonged, in each and every year, on or before the first day of the several terms next after which the Courts of Assize or any of them are by law directed to be holden, to transmit to the said Superior Courts of Common Law, a list of the names of the several persons who shall be associated with the Judges of the said Courts, as Justices of the said Courts of Assize and *Nisi Prius*, *Oyer and Terminer* and General Gaol Delivery, for the several Counties and places where such Courts of Assize are to be holden, and at the same time to transmit to the Sheriff of each County or union of Counties, a list of the names of such Associate Justices for such County or union of Counties, and such Sheriff shall forthwith notify the said Associate Justices of such their appointment, and such Associate Justices so appointed and nominated, shall have and exercise all the powers and authorities that

Officer whose duty it was to issue such Commissions, to notify to Courts and Sheriffs names of Associate Justices.

are now used and exercised by any Justices associated under any such commissions, as in the next preceding section mentioned and all trials and proceedings had or taken before them, or any of them, shall be as valid and effectual as if such commissions had issued naming such persons as Associate Justices therein.

5

Queen's Coun-
sel associated
Justices of
Courts
Assize, &c.

XXXVIII. And whereas it would greatly conduce to the despatch of business at the Courts of Assize and Nisi Prius, Over Terminer and General Gaol Delivery Sitting in Upper Canada, if Her Majesty's Counsel learned in the law, were associated as Justices in those Courts, Be it enacted, That any person being one of Her Majesty's Counsel learned in the law in this Province, may be an Associate Justice of any such Court for the despatch of civil or criminal business at any County or place, or upon any circuit in Upper Canada, and any such person shall and may be and act as a Judge of such Courts, as fully, to all intents and purposes, as if he were duly commissioned as one of Her Majesty's Judges of the said Superior Courts of Common Law, any law, custom or usage to the contrary notwithstanding.

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Interpretation
clause.

XXXIX. In the construction of this Act, the word "indictment" shall be understood to include "information," "inquisition" and "presentment," as well as indictment, and also any plea or other pleading, and any Nisi Prius record; and the terms "finding of the indictment" shall include also "the taking of an inquisition," "the exhibiting an information" and "the making of a presentment;" and the word "property" shall be understood to include goods, chattels, money, valuable securities, and every other matter or thing, whether real or personal, upon or with respect to which any offence may be committed.

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Forms of in-
dictment may
be as in sche-
dule.

XL. Indictments may be in the following forms in charging the offences to which such indictments severally relate; and in offences not enumerated herein, the said forms shall guide as to the manner in which offences shall be charged, so as to avoid surplusage and the averment of matters not required to be proved.

30

Simple Larceny.

County of } The Jurors for our Lady the Queen, upon their oath
to wit: } present, that A. B., on the first day of September, in the
year of our Lord, one thousand eight hundred and fifty-four, at
in the County of , did feloniously steal a gold watch of C. D.

False Pretences.

County of } The Jurors for our Lady the Queen, on their oath
to wit: } present, that A. B., on the first day of September, in the
year of our Lord, one thousand eight hundred and fifty-four, at
in the County of , unlawfully, fraudulently and knowingly, by false
pretences did obtain from one C. D. six yards of muslin, of the goods and
chattels of the said C. D., with intent to defraud.

Embezzlement.

County of } The Jurors for our Lady the Queen, upon their oath
to wit: } present, that A. B., on the day of in
the year of our Lord, one thousand eight hundred and , at
in the County of , being a servant (or clerk) then employed in

that capacity by one C. D., did then and there in virtue thereof, receive a certain sum of money, to wit, to the amount of _____ for and on account of the said C. D., and the said money did feloniously embezzle.

Stealing Money.

County of _____ } The Jurors for our Lady the Queen, upon their oath
to wit: } present, that on the _____ day of _____ in the year
of our Lord, one thousand eight hundred and _____, A. B., at _____,
in the County of _____, did feloniously steal a certain sum of money, to
wit, to the amount of _____ pounds, the property of one C. D.

Murder.

County of _____ } The Jurors for our Lady the Queen, upon their oath
to wit: } present, that A. B., on the _____ day of _____ in the
year of our Lord, one thousand eight hundred and _____, at _____,
in the County of _____, did feloniously, wilfully, and of his malice
aforethought, kill and murder one C. D.

Manslaughter.

County of _____ } Same as last form, omitting "wilfully, and of his
to wit: } malice aforethought," and substituting the word "slay"
for the word "murder."

Perjury.

County of _____ } The Jurors for our Lady the Queen, upon their oath
to wit: } present, that heretofore, to wit, at the Assizes holden for
the County of _____, on the _____ day of _____, in the year of our
Lord, one thousand eight hundred and _____, before _____, one of
the Justices of our Lady the Queen, a certain issue between one E. F. and
one G. H., in a certain action of covenant, was tried, upon which trial A. B.
appeared as a witness for and on behalf of the said E. F., and was then and
there duly sworn before the said _____, and did then and there, upon
his oath aforesaid, falsely, wilfully, and corruptly depose and swear in sub-
stance and to the effect following, that he saw the said G. H. duly execute
the deed on which the said action was brought, which part was material to
the said issue, whereas, in truth, the said A. B. did not see the said G. H.
execute the said deed, and the said deed was not executed by the said
G. H., and the said A. B. did thereby commit wilful and corrupt perjury.

Subornation of Perjury.

County of _____ } Same as last form to the end, and then proceed:—
to wit: } And the Jurors further present, that before the com-
mitting of the said offence by the said A. B., to wit, on the _____ day of _____,
in the year of our Lord one thousand eight hundred and _____
C. D., unlawfully, wilfully and corruptly did cause and procure the said
A. B. to do and commit the said offence in manner and form aforesaid.