

THE
CRIMINAL STATUTES

OF
ENGLAND;

ANALYSED, AND ARRANGED ALPHABETICALLY,

With Notes.

BY JOHN COLLYER, Esq.,

OF LINCOLN'S INN, BARRISTER AT LAW.

"Hoc spectant leges, hoc volunt; incolumem esse civium conjunctionem: quam qui dirimunt, eos morte, exilio, vinculis, damno cœrcent."—CIC.

LONDON:

PRINTED FOR S. SWEET, 3, CHANCERY LANE,

Law Bookseller & Publisher;

AND W. WRIGHTSON, BIRMINGHAM.

—
1832.

THE 1507

CRIMINAL STATUTES

OF

ENGLAND;

ANALYSED, AND ARRANGED ALPHABETICALLY,

With Notes.

BY JOHN COLLYER, ESQ.

OF LINCOLN'S INN, BARRISTER AT LAW.

"Hoc spectant leges, hoc volunt; incolumem esse civium conjunctionem: quam qui dirimunt, eos morte, exilio, vinculis, damno coercent."—CIC.

LONDON:

PRINTED FOR S. SWEET, 3, CHANCERY LANE,

Law Bookseller & Publisher;

AND R. MILLIKEN, GRAFTON STREET, DUBLIN

1828.

specting the principal standing mute, &c. which are not now necessary. (See 7 & 8 Geo. 4, c. 28, ss. 2 & 3.) It may here be remarked, that if an act of Parliament enact an offence to be felony, though it mention nothing of accessories before or after, yet virtually and consequentially they that counsel

or command the offence, are accessories before the fact, and they who knowingly receive the offender are accessories after. 1 H. P. C. 613. Receivers of stolen goods may be tried either as accessories, or for a substantive felony. (See *post*, tit. "Receiving Stolen Goods.")

AFFRAY.

2 Ed. 3, c. 3.

Statute of
Northampton.

Item, it is enacted, that no man, great nor small, of what condition soever he be, except the King's servants, in his presence, and his ministers, in executing of the King's precepts, or of their office, and such as be in their company assisting them, and also upon a cry made for arms to keep the peace, and the same, in such places where such acts happen, be so hardy to come before the King's justices, or other of the King's ministers, doing their office with force and arms, nor bring no force in affray of the peace, nor to go, nor ride armed at night, nor by day, in fairs, markets, nor in the presence of the justices or other ministers, nor in no part elsewhere, upon pain to forfeit their armour to the King, and their bodies to prison, at the king's pleasure. And that the King's justices, in their presence, sheriffs, and other ministers, in their bailiwicks, lords of franchises, and their bailiffs in the same, and mayors, and bailiffs of cities and boroughs, within the same cities and boroughs, and borough-holders, constables, and wardens of the peace within their wards, shall have power to execute this act, And that the justices assigned, at their coming down into the country, shall have power to inquire how such officers and lords have exercised their offices in this case, and to punish them whom they find that have not done that which pertained to their office.

Note.—Anaffray is a public offence, to the terror of the king's subjects: 3 *Inst.* 158. It cometh of the French word *affrayer*, to affright; and therefore may be without word or blow given, and so is the word used in the statute of Northampton: *Cowell*. But it seems that, before that statute, a blow was necessary to constitute an affray. Lord Coke says, "albeit

upon the single combat no death ensue nor blood drawn, yet the very combat for revenge is an affray, and is to be punished by fine and imprisonment," &c. 3 *Inst.* 158, which words would imply, that any thing less than a combat is not an affray for which a man can be indicted at common law.

7 *Ric.* 2, c. 13.

No man shall ride in harness within the realm, nor with launcegayns.

20 Ric. 2, c. 1.

First, whereas, in a statute made the seventh year of the reign of the King that now is, it is ordained and assented, that no man shall ride armed within the realm, against the form of the statute of Northampton thereupon made, nor with launcegays within the same realm; and that the said launcegays shall be utterly put out within the said realm, as a thing prohibited by the King, upon pain of forfeiture of the same launcegays, armours, or any other harness, in the hands and possession of them that bear them from henceforth, within the same realm, against the same statutes and ordinances, without the King's special license. Our Lord the King, considering the great clamour made to him in this present Parliament, because that the said statute is not holden, hath ordained and established in the said Parliament, that the said statutes shall be fully holden and kept, and duly executed, and that the said launcegays shall be clear put out, upon the pain contained in the said statute of Northampton, and also to make fine and ransom to the King. And, moreover, that no lord, knight, nor other, little nor great, shall go, nor ride by night nor by day armed, nor bear sallet nor skull of iron, nor of other armour, upon the pain aforesaid, save and except the King's officers and ministers in doing their office.

ARSON.

(See, also, tit. "Burning.")

7 & 8 Geo. 4, c. 30.

II. Be it enacted, that if any person shall unlawfully and maliciously set fire to any church or chapel, or to any chapel for the religious worship of persons dissenting from the united church of England and Ireland, duly registered or recorded; or shall unlawfully and maliciously set fire to any house, stable, coach-house, outhouse, warehouse, office, shop, mill, malthouse, hop-oast, barn, or granary, or to any building or erection used in carrying on any trade or manufacture, or any branch thereof, whether the same, or any of them respectively, shall then be in the possession of the offender, or in the possession of any other person, with intent thereby to injure or defraud any person, every such offender shall be guilty of felony, and, being convicted thereof, shall suffer death as a felon.

Setting fire to a church, chapel, house, or certain buildings.

Note.—This enactment is founded chiefly on the 43 Geo. 3, c. 58, s. 1, which is repealed. The clause relating to churches and chapels is said to be new. Upon an indictment for arson at common law, it

was necessary to prove, in addition to the actual burning, that the property in question came under the description of *domus*, and that it belonged to another person. The word *domus*, however, necessarily