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PUNISHMENT OF DEATH:

A Series of Short Articles, to appear occasionally in Numbers designed for General Circulation.

A
COMPARATIVE VIEW
OF THE
PUNISHMENTS ANNEXED TO CRIME

IN THE
UNITED STATES OF AMERICA,

AND IN
ENGLAND.

BY J. SYDNEY TAYLOR, A. M.
Of the Middle Temple, Barrister-at-Law.

ROYAL COLLEGE
OF
PHYSICIANS
OF
LONDON

"If the present Bill be carried into effect, then may your Lordships expect to see *the whole frame of our criminal code* invaded and broken in upon.—*The Public* of this country, I submit, ought once for all, to know in what the public criminal code of the country consists, that your Lordships may not, time after time, and year after year, be distressed with such discussions as the present." (*Debate in the House of Lords, on the Bill for abolishing the punishment of DEATH for privately stealing from a shop to the amount of FIVE SHILLINGS, April 2, 1813.*)
LORD ELDON.

"The numerous volumes of remedial statutes which have been published *during the last three centuries* ought to be thrown into a pile and burnt, without taking them one by one with a chance of finding some that might not require to be purified by the flames." (*Debate in the House of Commons on the Punishment for Treason, April 5, 1813.*)
ROMILLY.

London:

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PUNISHMENT OF DEATH. No. 4.

The following pages present a contrasted view of the punishments annexed to the principal crimes in certain of the United States of America—and in this country, from which it will be seen, that, although the American criminal laws were derived from the English stock, they have undergone alterations which have rendered them in many instances more temperate and rational than our own, and of course more consonant with the dictates of intelligent and discriminating Justice.

It is true the criminal laws of the United States are still in a very imperfect condition; but the legislators of those States deserve credit for the improvements which, in many instances, they have introduced—improvements which evince an enlightened repugnance to that indiscriminate shedding of human blood, which has given a character of revolting barbarism to the criminal laws of England.

Perhaps it would have been better if the American States had wholly repealed the laws of English origin in the first instance, and commenced a new structure of criminal jurisprudence on a foundation, cleared, and prepared for the erection of a more civilized system. This work would have been less difficult and embarrassing than the task of reforming the existing code. It would also have ensured more unity of design, and simplicity of construction, than any plan of improvement which attempted to combine the ideas of a new and more rational legislation, with the elements of a system essentially vicious. For instance, *Mr. Livingstone's* code for *Louisiana*, which has departed from the old system altogether, approaches nearer to excellence than any of the most improved editions of the original model.

Under each head of capital crime in the law of England, *various* offences are included which ought to be classed separately, and which only a reckless indifference to the distinctions of guilt, or a want of the clearness of perception so necessary to legislators, could ever have confounded, either in name, or punishment. We may instance Treason, Burglary, Arson, and Forgery, as heads of crime to which this remark is peculiarly applicable. The criminal laws of the United States are not entirely free from this imputation, but it will be seen, by comparing the one with the other, that the American legislators have, at least partially, achieved what the English parliament has wholly neglected—the establishing a *gradation of punishment according to the degrees of guilt*.

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As we have not seen the provisions for the State of *NEW YORK*, they are not introduced in the following account; but it is understood that the punishment of *death* is abolished there for all crimes except *Treason*, *Murder*, *Rape*—and perhaps the *worst species of Arson*, the burning of a *dwelling-house* in the *night*.

COMPARATIVE VIEW, &c.

The Criminal Punishments of the two countries are distinguished by being printed the one in *red*, the other in *black ink*.

UNITED STATES.

Treason.

DEFINED by the constitution of the State to be the levying war against the State, or adhering to its enemies, or giving them aid and comfort.

The punishment is—

IN NEW HAMPSHIRE, VIRGINIA, MASSACHUSETTS, MAINE, NEW JERSEY, DELAWARE, VERMONT, CONNECTICUT, RHODE ISLAND—*death*.

IN PENNSYLVANIA—*imprisonment* for not less than three, nor more than six years. *Second offence—imprisonment* for not more than ten years.

IN MARYLAND—*death*, or *confinement to hard labor* in the penitentiary for not less than six, nor more than twenty years; with occasional *solitary confinement* under certain limitations as to duration.

to be a "levying of war" within the meaning of the statute, to resist the king's forces by defending a castle against them; to make an insurrection with an avowed design to pull down all enclosures, or all brothels. Thus, there are six different offences comprised under the one statutable phrase of "levying war," and there may be several more; such is the latitude of application which the judges have given this highly penal statute, by forced inferences of construction.

4^{thly}.

The adhering to the king's enemies in the realm, giving them aid and comfort in the realm, and elsewhere. This is judicially interpreted to mean—giving intelligence to the king's enemies; sending them provisions; selling them arms; treacherously surrendering a fortress; affording aid and comfort to foreign pirates and robbers who may happen to invade our coasts without any open hostilities between their nation and our own.

5^{thly}.

The counterfeiting the king's great or privy seal.

ENGLAND.

Treason.

DEFINED by the statute 25 Edw. III. cap. 2, to consist in

1^{stly}.

The compassing or imagining the death of our lord the king, of our lady the queen, or of their son and heir.

2^{ndly}.

The violation of the king's companion, of the king's eldest daughter unmarried, or of the wife of the king's eldest son and heir.

3^{rdly}.

The levying war against the king in his realm; which has been judicially interpreted to mean, not only the taking arms to dethrone the king, but under pretence to reform religion or the laws, or to remove evil counsellors, or abate other grievances, either real or pretended. It is also construed

6^{thly}.

The counterfeiting the king's money; the bringing false money into the realm, counterfeit to the lawful money of England, knowing the same to be false; the altering the standard, or alloy, established by law, by the king's own moneyers.

7^{thly}.

To slay the chancellor, treasurer, the king's justices of one bench or the other, justices in eyre, or justices of assize, and all other justices assigned to hear and determine, being in their places doing their offices—extended by the statute 5 Eliz. cap. 18, and 1 Wm. and M. c. 21, to the keeper or commissioners of the great seal. Other treasons have been enacted from time to time by various statutes, of which some have been repealed, and others still remain on the statute book; among the latter, are the treasons declared by the statute 1 Mary, cap. 6, namely, to falsely forge or counterfeit any such kind of coin of gold or silver, as is not the proper coin of this realm, but shall be current within this realm by consent of the crown. 2^{ndly}. To forge or counterfeit the sign manual or privy signet; and by the statute 1 and 2 P. and M. cap. 11, if any persons do bring into this realm such false or counterfeit foreign money, being current here, knowing the same to be false, with intent to utter the same in payment, they shall be deemed offenders in high treason; and by the 5 Eliz. cap. 11, and 18 Eliz. cap. 1, the dreadful penalties of the same crime are annexed to the offences of clipping, washing, rounding, filing, impairing, diminishing, scaling, and lightening, for wicked gain sake, any of the money of this realm; and by the 8 and 9 Wm. III. cap. 26, made perpetual by 7 Anne, cap. 25, whoever, without proper authority, shall knowingly make or mend, or assist in so doing, or shall buy, sell, conceal, or hide, or knowingly have in his possession, any implements of coining specified in the act, or other tools or instruments proper only for the coinage of money, or shall convey the same out of the king's mint, he, together with his counsellors, procurers, aiders, and abettors, shall be guilty of treason:—nay, this ferocious statute enacts, that to mark any coin on the edges with letters, or otherwise, in imitation of those used in the mint, or to color, case or gild over, any coin resembling the current coin, or round blanks of base metal, shall be deemed to be high treason. By the 15 and 16 Geo. II. cap. 28, to color or alter any shilling or sixpence, either lawful or counterfeit, to make them respectively resemble a guinea, or half guinea; or any halfpenny or farthing, to make them respectively resemble a shilling or sixpence, are also made high treason:—so cheap has this the “highest crime known to the law” been made by the sanguinary spirit of the legislature.

Besides these, several new treasons were created by statute for the “security of the protestant succession:” some of these, which were directed against the late pretender to the crown, or his descendants, and persons aiding and assisting them, have become obsolete by the extinction of that race; but it still continues to be

high treason according to the 1 Anne, cap. 17, if any person shall endeavour to deprive or hinder any person, being the next in succession to the crown, according to the limitations of the Act of Settlement, from succeeding to the crown, and shall maliciously and directly attempt the same by any overt act; and by the 6 Anne, cap. 7, if any person shall maliciously, advisedly, and directly, by writing or printing, maintain and affirm that any other person hath any right or title to the crown of this realm, otherwise than according to the Act of Settlement; or that the kings of this realm, with the authority of parliament, are not able to make laws and statutes to bind the crown and the descent thereof, such person shall be guilty of high treason.

The PUNISHMENT of high treason, except in treasons relating to the coin, was, until mitigated by the humane efforts of Sir Samuel Romilly, most savage, indecent, and barbarous.—It inflicted death under circumstances of the most disgusting cruelty: in the first place, the offender was drawn on the bare ground to the scaffold, though in later years, by connivance, a hurdle was allowed; secondly, he was hanged by the neck and cut down *alive*; thirdly, his entrails were taken out and burned before his face; fourthly, his head was cut off; fifthly, his body was divided into four parts, to be at the king's disposal!

The PUNISHMENT now is *death* by hanging, and the cutting off the head after death. The latter remnant of the ancient barbarism, was the amendment of the Hon. Mr. Yorke to Sir Samuel Romilly's bill: our legislators were too much enamoured of revengeful punishment to part with its savage atrocities altogether; and so they preserved the form of butchering the body of the lifeless criminal!

UNITED STATES.

Murder.

Punished in all the States with—*death*, (and *liability to dissection* in some of the States)—the punishment, as in England, extending to accessories before the fact. In Mr. Livingstone's code for LOUISIANA, Murder is punishable by—imprisonment at *hard labor for life*.

Arson.

In VERMONT—a *secondary punishment*, namely, imprisonment to *hard labor* for a term not exceeding ten years, and *fine* not exceed-

ENGLAND.

Murder.

The killing a person in the king's peace, of malice aforethought. Punishment—*death* by hanging, with dissection of the body.

Attempts to murder are also punishable with—*death*, whether by violence or poison.

Arson.

By the ancient law, the wilful and malicious burning of a house, or out-house, is by modern statutes extended to the burning any

ing 1000 dollars; or either:—unless where any person suffers loss of life, or is injured in body or member, and then it is punished with—*death*.

In MAINE and MASSACHUSETTS—a *secondary punishment*; unless when the crime consists in the burning of a *dwelling-house* in the night time; or being accessory thereto before the fact.

In DELAWARE, VIRGINIA, RHODE ISLAND—*death*.

In CONNECTICUT—*secondary punishment*; unless where the burning a building causes loss of life, and then it is punished with—*death*.

In MARYLAND—*death*, or *penitentiary* for not less than five, nor more than twenty years, with occasional *solitary confinement*.

In NEW JERSEY—*fine*, and *solitary imprisonment to hard labor*, not exceeding fifteen years. *Second conviction—death*.

In NEW HAMPSHIRE—*solitary confinement* for six months, and imprisonment to *hard labor for life*.

In PENNSYLVANIA—*imprisonment* in the Penitentiary for the first offence, for not less than one, nor more than ten years; for the second offence, for not more than fifteen years.

By the code for LOUISIANA it is punishable with *imprisonment for life*—if not a dwelling-house and contain personal property of 100 dollars—*imprisonment* not less than seven, nor more than fourteen years. If containing less than 100 dollars—not less than five, nor more than ten years.

stack of corn, grain, pulse, and even of straw, and in all cases is punished with—*death*, however different the degrees may be of malignity or mischief.

The “amended” law of Sir Robert Peel makes it equally penal to wilfully burn a heap of straw, and to maliciously reduce a city to ashes.

UNITED STATES.

Burglary.

In MAINE and MASSACHUSETTS—a *secondary punishment*, namely, *solitary confinement* not exceeding two years, and afterwards imprisonment at *hard labor for life*:—unless when the offender is *armed* with a dangerous weapon, and then it is punished with—*death*.

In RHODE ISLAND and DELAWARE—*death*.

In NEW JERSEY—*fine* and *solitary imprisonment to hard labor* for a term not exceeding ten years. *Second conviction—death*.

ENGLAND.

Burglary.

The breaking of the dwelling-house by night with a felonious intent. Punishment in all cases—*death*.

By the ancient common law this offence was *not* punishable with death. It was first made *capital* by a statute passed in the first year of Edward VI. as to principals. As to abettors and accessories before the fact, they were exempt from *capital punishment*, until the act of the 3 & 4 W. and M. took from them the “benefit of clergy.”

The malignity of this offence is

IN NEW HAMPSHIRE—*solitary confinement* for six months, and imprisonment to *hard labor for life*.

IN VERMONT—*imprisonment* in the state prison, not exceeding fifteen years, and *fine* not exceeding 1000 dollars; or either of said punishments.

IN CONNECTICUT—*imprisonment* not exceeding three years, —or if attended with *personal violence*, or if the offender be *armed* with a dangerous weapon, —*imprisonment for life*, or for a term of years not less than seven.

IN PENNSYLVANIA—*imprisonment* for the first offence, not less than two, nor more than ten years. *Second offence* not more than fifteen years.

IN MARYLAND—*restitution* of property, or payment of the value, —and *imprisonment* in the penitentiary not less than three, nor more than ten years, with occasional *solitary confinement*.

IN VIRGINIA—*restitution*, or payment—and *imprisonment* in the penitentiary not less than five, nor more than ten years.

By the code for LOUISIANA—*imprisonment* for not less than ten, nor more than fifteen years.

House-breaking.

IN MAINE—*breaking and entering the dwelling-house in the day-time with felonious intent—solitary confinement* not exceeding one year—and *hard labor* not exceeding fifteen years.

The *same punishment* is annexed to the offence of entering the dwelling-house in the *night-time*, to commit larceny without breaking.

IN NEW HAMPSHIRE—*solitary confinement*, to *hard labor* not less

said to consist in—the forcible violation of the right of habitation in the darkness of night, and the terror thereby inspired.—Originally there should have been to constitute the offence, a *forcible breaking* and an *actual entry*:—now there may be both a *constructive entry* and—*constructive breaking*, —for, a *fraudulent entry* has been construed to be a *forcible breaking and entry*,—and the putting in a hand, or an instrument, through a window to steal goods, has been construed to be an *actual entry*. Hence it frequently happens that children who break a pane of glass at night in a shop window, and put in the hand to steal a cake, or a hook to abstract some other property, are condemned to *death* at the Old-Bailey sessions as *Burglars*.—It would be difficult to say *what terror* such acts of petty theft inspire which are thus dignified with the name of *Burglary*, only to make the sentence of death contemptible, and the law ridiculous.

House-breaking.

Punishment, however small the value taken—*death*.

This offence is distinguished from *burglary* by the latter always taking place in the night-time, or between the twilight of the evening and the twilight of the morning. There is also this further distinction, that to constitute the crime of house-breaking—some property must be actually stolen, whereas the *unexecuted felonious intent*, connected with the breaking

than two, nor more than seven years.

The breaking and entering any bank office, &c. in the night—confinement to hard labor not less than three, nor more than ten years.

IN MASSACHUSETTS—breaking into any house or shop in the day-time, or, in the night without breaking, with intent to commit a felony—solitary confinement not more than six months—and imprisonment afterwards to hard labor not more than three years; or by fine not exceeding 500 dollars—and imprisonment not more than three years.

IN NEW JERSEY—house-breaking by day, with intent to kill, rob, or steal—fine not exceeding 500 dollars, or solitary imprisonment, to hard labor not exceeding ten years; or both.

IN DELAWARE—breaking the dwelling-house in the day-time, or by night without breaking,—breaking and entering any shop, warehouse, &c. by night, with intent to commit a felony—the pillory for one hour—thirty-nine lashes on the back—imprisonment not exceeding one year—and afterwards sold to service for not less than two, nor more than seven years. If goods were taken—the offender is to restore them, or pay the owner fourfold their value.

IN MARYLAND—breaking the dwelling-house in the day, or a storehouse, shop, or office by day or night, with intent to commit a felony—confinement in the penitentiary not less than two, nor more than ten years.

Mr. Livingstone's code for LOUISIANA, under the head of house-breaking, says, "whoever enters a house secretly, or by force, or threats, or fraud, during

of the house in the night-time, is sufficient to satisfy the definition of burglary.

By the ancient common law, there was no *larceny from the dwelling-house* distinguished from *simple larceny*—either in name or punishment, with the exception of burglary. This latter was regarded as a more malignant and dangerous crime than any other species of larceny from the dwelling-house, because, as it has been expressed—"it took place when all creation, except beasts of prey, are at rest—when sleep has disarmed the owner and rendered his castle defenceless." Who would suppose that this pompous description of the terrors of burglary applies to an offence which, as we have stated elsewhere, (p. 44.) a child may commit by breaking a pane of glass in a pastry-cook's shop after dark and feloniously putting in the hand to purloin a penny bun, and thereby incur by law, the *forfeiture of life!* But though *house-breaking*, properly so called, does not take place with the terror which a nocturnal violation of the dwelling may inspire "when sleep has disarmed the owner, and rendered his castle defenceless," yet it is equally punished with—*death!* It was ridiculous in the commentators on our laws, to be astute in finding a reason why burglary (the greatest crime in its true sense) against the rights of habitation, is punished with death, when, for inferior offences connected with the dwelling-house, the law equally demands the blood of the offender. It is true that the felonious *intent* is sufficient in *burglary*, although nothing be actually stolen; but although larceny of some property must be committed to constitute the crime of *house-*

the night, or, in like manner, enters a house by day, and conceals himself therein until the night, with the intent in either case of committing a crime, is guilty of the crime of house-breaking, and shall be imprisoned at *hard labor* not less than ten, nor more than fifteen years."

breaking, the value of the property makes no difference. The statute which took away the benefit of clergy from the offence of "house-breaking"—that is, where the house is broken and property stolen, but no other violence is committed and no person put in fear, is the 39 Eliz. cap. 15, which made it a capital felony to break and enter a dwelling-house,

outhouse, shop, or warehouse, and commit larceny to the value of *five shillings*. In the reign of Elizabeth five shillings was equal in value to a much more considerable sum of our money at the currency of the present day. Sir Robert Peel did not in this instance enhance the price at which human life was to be taken, as in the case of privately stealing in the dwelling-house, which he raised from £2. to £5.—He acted here on the opposite principle, and made the *capital* punishment applicable to the offence, *whatever* the amount of the property stolen. Thus, under the law of Elizabeth, it was not a capital offence to break and enter a dwelling-house and steal to the value of 4s. 11½*d.* By Sir Robert Peel's law, the stealing to the value of *one penny*, or *one farthing*, subjects the offender to the penalty of—*death!* It is long since Sir Henry Spelman justly remarked, that although every thing else had greatly increased in price since the establishment of our monarchy, the *life of man* had continually grown *cheaper*. What would that distinguished writer have said to such a cheapening of human life, under pretext of ameliorating the law, as reduced the price from the value of five shillings nearly two centuries and a half ago,—to a farthing at the present day?

UNITED STATES.

Stealing in the Dwelling-house.

In MAINE—*larceny in a dwelling-house, shop, office, &c. in day-time—solitary confinement* not more than six months—and *hard labor* not more than five years.

The same punishment is inflicted for—*breaking and entering in the night a church, or other public building, store, or barn, with intent to commit a felony.*

In NEW HAMPSHIRE—*larceny in a dwelling-house—imprisonment to hard labor* not less than two, nor more than ten years.

In MASSACHUSETTS—*larceny in the day-time in any dwelling-house, or shop—solitary confinement* not more than six months—

ENGLAND.

Stealing in the Dwelling-house.

If to the value of five pounds—*death.*

By the common-law, stealing in the dwelling-house was not distinguished from simple larceny in general, for which the offender had the benefit of clergy, or in other words, an exemption from capital punishment. The first statute which made this a distinct offence was the 12th Anne, cap. 7. which enacted that the privately stealing to the value of forty shillings in a dwelling-house, or its out-houses, although the same be not broken, and whether any person be therein or not, unless committed against their masters by apprentices being

and *hard labor* not more than five years.

In NEW JERSEY—*entering a dwelling-house, or shop, either by night or day, without breaking, with intent to rob, or steal—fine* not exceeding 300 dollars, or *solitary confinement to hard labor* not exceeding five years; or both.

In *Mr. Livingstone's Code for LOUISIANA*, it is provided, that if any one in the day-time shall with a fraudulent design, enter a house or shop, without breaking or other violence, and shall then and there commit a theft, he shall be imprisoned not less than three, nor more than six years at *hard labor*. If the theft shall be committed by *breaking* any closet, box, or other place of the like nature, in which the property stolen was contained, the punishment shall be—not less than four, nor more than seven years' imprisonment with *hard labor*.

In some States larceny in the dwelling-house, unaccompanied with breaking or violence, is not a distinct offence, but is punishable as simple larceny.

Robbery in the Dwelling-house.

In DELAWARE—*fine* of not less than 1000, nor more than 5000 dollars—the *pillory* for one hour—*sixty lashes*—*imprisonment* not more than two years—and to be *sold as a servant for fifteen years*.

greater or less degree of *nerve or courage* of the individual in the house, at the time of the robbery. It is not necessary to make the offence a *capital* crime that there should be any personal violence committed, or even any act moving towards personal violence. If the person in the house will swear that he or she was "put in fear," it matters not whether that fear was the result of a *fact*—or a

under the age of fifteen, be a *capital* offence, both in the principals and their aiders and abettors.

Sir Samuel Romilly made strenuous exertions for several years to have this sanguinary statute repealed, along with the *shop-lifting act*, and the act against stealing to the amount of 40 shillings on board vessels in navigable rivers. The zealous and enlightened advocate for the reform of the criminal laws, carried the repeal of those statutes in the House of Commons, but was defeated in the House of Lords!—This needs no comment.

Sir Robert Peel's "amended" law—the 7th and 8th Geo. IV. cap. 29, has substituted for the forty shillings of the former statute,—*five pounds*, as the sum which fixes the *price of human life!*—This additional £3. does not even cover the difference in the value of money between the time of King William, and that of George the Fourth.

Robbery in the Dwelling-house.

Punishment in all cases—*death*.

By the statute of the 3 and 4 W. & M. the stealing in a dwelling-house by night or by day, *any person being therein and put in fear*, was made a capital offence. According to this law, the *life of man* is made to depend upon the

fancy—the offender who steals the most trifling article, that can be laid at any value, and who has used no violence of any sort, must die the death of a murderer! (See note at page 60.)

UNITED STATES.

Robbery from the person.

IN MAINE and MASSACHUSETTS—a secondary punishment, namely, *solitary confinement* not exceeding two years, and afterwards imprisonment at *hard labor for life*: unless when the offender is *armed with a dangerous weapon, and intends to kill*, and then it is punished with—*death*.

IN RHODE ISLAND—*death*.

IN NEW HAMPSHIRE—*solitary confinement* for not more than six months, and imprisonment to *hard labor for life*.

IN VERMONT—*imprisonment* not exceeding fifteen years, and *fine* not exceeding 1000 dollars, or either of said punishments: for second offence—*imprisonment for life*, or not less than seven years.

IN CONNECTICUT—*imprisonment* not exceeding seven years:—or if attended with *personal violence*, or if the offender be *armed with a dangerous weapon*—*imprisonment for life*, or for a term not less than seven years.

IN NEW JERSEY—*fine*, and *solitary imprisonment with hard labor* not exceeding fifteen years. *Second conviction*—*death*.

IN DELAWARE—when committed in or near the highway, or in a dwelling-house—*fine*, not less than 1000 dollars, nor more than 5000; the *pillory* for one hour—*sixty lashes* on the bare back, *imprisonment* for four years, and afterwards to be *sold* as a servant for fifteen years. If committed in any other place than above mentioned,—*fine*, not less than 500 dollars, nor more than 2000; *thirty-nine lashes*—*imprisonment* for not more than two years, and afterwards, to be *sold* as a servant for ten years.

IN PENNSYLVANIA—*imprisonment* not less than one, nor more than seven years. *Second offence*, not more than twelve years.

IN MARYLAND—*restitution*, or payment of the value—and *imprisonment* in the penitentiary not less than three, nor more than ten years, with occasional *solitary confinement*.

IN VIRGINIA—*restitution*, or payment—and *imprisonment* in the penitentiary not less than five, nor more than ten years.

By the code for LOUISIANA—*imprisonment to hard labor for not less than seven, nor more than fifteen years*.

ENGLAND.

Robbery from the person.

The felonious taking from the person of another of goods or money, by violence or putting him in fear—in all cases punished with—*death*.

Robbery from the person in or near the king's *highway*, or in a *dwelling-house*, was first made a capital offence by an act passed in the 23rd year of Henry VIII; but other robberies from the person* were not punishable with death, until the 3d year of Wm. III.

* The privately stealing from the person to the amount of *one shilling*, made capital by 8 Elizabeth, cap. 4, and in force for 243 years, was of course a distinct offence, which does not belong to this class. The repeal of that sanguinary statute took place in 1808, being one of the earliest successful efforts of Sir Samuel Romilly.

Horse-stealing.

In NEW HAMPSHIRE—imprisonment to *hard labor*, not less than three, nor more than seven years.

In VERMONT—*fine*, not exceeding 1000 dollars, and imprisonment to *hard labor* not more than ten years; or either of said punishments. *Second* conviction, fifteen years, and *fine* as before.

In RHODE ISLAND—shall pay the *value* thereof, and also *return* the horse to the owner; (or *else* shall pay *double the value* thereof)—*fine* not exceeding 1000 dollars—*lashes* not exceeding 100—and *imprisonment* not more than three years. *Accessaries before* the fact—punishment the same. *Accessaries after* the fact—*fine*, not more than 500 dollars—and *imprisonment* not exceeding two years.

In CONNECTICUT—shall pay the owner *treble the value of the horse*—and be confined in the State *prison* not exceeding two years.

In PENNSYLVANIA—*imprisonment*—not less than one, nor more than four years. *Second* offence, not more than seven years.

In DELAWARE—shall pay to the owner *two-fold*, and *restore* the horse; (or otherwise shall pay *four-fold*)—*pillory* one hour—*thirty-nine lashes* on the bare back—and *sold* to service for seven years.

In MARYLAND—*restitution*, or payment of the value—*imprisonment* in the penitentiary not less than two, nor more than fourteen years. *Accessaries*, before, or after the fact—punishment the same.

In VIRGINIA—*imprisonment* in the penitentiary, not less than five, nor more than ten years. *Accessaries*, punishment the same.

In other States, the crime is punished as simple larceny.

Sheep-stealing.

In NEW HAMPSHIRE—imprisonment to *hard labor*, not less than three, nor more than seven years.

In other States of the American Republic this offence is punishable as simple larceny, as it was by the common law of England before the enactment of the sanguinary statutes of more recent times.

intent to steal the carcasses, or *skin*, or *any part* of the cattle so killed, every such offender shall be guilty of felony, and shall suffer—*death* as a felon." The offences of killing a ram, ewe, sheep, or lamb, with *intent* to steal the *skin*, were first made capital by Sir R. Peel's enactment.

Horse-stealing.

This offence, which under the *common law* was a clergyable felony, that is, a felony *not* punishable with death, was first made capital by a statute passed in the 37th year of the sanguinary reign of Henry VIII. That statute was followed by a similar one in the first year of Edward VI. The statute passed in the 31st year of Elizabeth, extended the vindictive punishment to its utmost limits, making accessaries before and *after* the fact, liable to the same punishment as the principal offender!

Under Sir Robert Peel's "amended" law, all principals and accessaries *before* the fact in this offence, are still punishable with—*death*.

Sheep-stealing.

This species of theft, like that of *horse-stealing*, was not punishable with death under the ancient common law. The statute by which it was first rendered a *capital* crime, is the 14th Geo. II. cap. 6. By Sir Robert Peel's "amended" law it is enacted, that "if any person shall steal any ram, ewe, sheep, or lamb, or shall wilfully kill any such cattle *with*

Rape.

IN MAINE, MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, DELAWARE—*death*.

IN NEW HAMPSHIRE—*solitary confinement* for not less than six months, and *hard labor for life*.

IN VERMONT—*imprisonment* not exceeding ten years, and *fine* not exceeding 1000 dollars; or either of said punishments.

IN NEW JERSEY—*fine*, and *solitary imprisonment to hard labor*, not exceeding fifteen years. *Second conviction—death*.

IN PENNSYLVANIA—*imprisonment* for the first offence for not less than two, nor more than twelve years.

IN MARYLAND—*death*, or *imprisonment* in the penitentiary not exceeding twenty-one years, with occasional *solitary confinement*.

IN VIRGINIA—when committed by a free person—*imprisonment* in the penitentiary for not less than ten, nor more than twenty years.

By the code for LOUISIANA it is punishable with imprisonment at *hard labor for life*.

Mayhem:

IN MARYLAND—*imprisonment* in the penitentiary for not more than ten years, with occasional *solitary confinement*.

IN NEW HAMPSHIRE—*solitary confinement* not less than six months—and *hard labor* not less than one year, nor more than twenty years.

IN MAINE—*solitary confinement* not exceeding one year, and imprisonment with *hard labor* not exceeding ten years.

IN CONNECTICUT—when the tongue is cut out, or the eye put out with malice—*death*.

IN VERMONT—*imprisonment for life*, or a term of years not less than seven.

IN RHODE ISLAND—*imprisonment* for not more than two years,—and a *fine* of not less than 50 dollars, nor more than 2000 dollars.

IN MASSACHUSETTS—*solitary confinement* not exceeding one year, and imprisonment at *hard labor* for any time not exceeding ten years.

Rape.

Punishment in all cases—*death*.

In the reign of Edward I. the punishment for this offence was two years' *imprisonment*—and *fine* at the king's will. It was first made a felony without benefit of clergy, by the act of the 18 Eliz. cap. 7.

Mayhem.

The violently depriving another of the use of such of his members as may render him the less able in fighting, either to defend himself or to annoy an adversary.

Formerly, by the common law, punished with *fine* and *imprisonment*; afterwards it was enacted by the statute called the Coventry Act, (the 22 and 23 Car. II. Cap. 1,) that if any person should of malice aforethought and by lying in wait, unlawfully cut out or disable the tongue, put out the eye, slit the nose, cut off a nose or lip, or cut off or disable any limb or member of any other person, with intent to maim or to disfigure him, he and his abettors should suffer *death*. This and another statute, 5 Hen. IV. Cap. 5. relative to the crime of Mayhem were repealed by the statute 9 Geo. IV. Cap. 31, commonly called *Lord Lansdowne's Act*, which relates to the various offences against the person, and by section 12th enacts, that if any person shall

IN NEW JERSEY—*fine* not exceeding 1000 dollars, or imprisonment at *hard labor* not exceeding seven years; or both.

IN DELAWARE—*fine* not exceeding 2000 dollars, nor less than 400—*sixty lashes*—*imprisonment* not exceeding two years, and afterwards to be *sold* as a servant for not less than four, nor more than seven years.

IN VIRGINIA—*imprisonment* in the penitentiary not less than two years, nor more than ten, and *fine* of 1000 dollars.

IN PENNSYLVANIA—*imprisonment*: first offence, not less than one, nor more than seven years: second offence, not more than fourteen years.

So that under this “amended” law the party who attempts or perpetrates a grievous bodily injury to another, must—either *lose his life*, or—suffer *no punishment* whatever!

Duelling.

IN MAINE—*fighting* a duel, giving a *challenge*, or acting as a *second*—subjects the party to be punished as a felonious assaulter, and disqualifies him for twenty years for *holding any office* under the State government. *Accepting* a challenge—*imprisonment* one year, and *disqualification* for five years.

IN CONNECTICUT—*sending* or *accepting* a challenge to fight a duel, incurs a *fine* of 3000 dollars, and *recognizances* to keep the peace and good behaviour *during life*, and disables from ever holding *any public office*.

IN VERMONT and VIRGINIA—duelling, when death ensues, is punished with—*death*. *Sending*, or *accepting* a challenge—*perpetual disqualification* for *any office*—with a *fine*, in VERMONT, not exceeding 1000 dollars.

IN NEW HAMPSHIRE—*accepting* a challenge, *imprisonment* in the common gaol not exceeding one year, and *disqualification* for *holding any office* for five years.

IN MASSACHUSETTS—*chal-*

unlawfully and maliciously stab, cut, or wound any person, with intent to *maim*, *disfigure*, or *disable* such person, or to do him some grievous bodily harm, or with intent to resist his lawful apprehension for some offence, every such offender with his abettors shall suffer *death* as a felon, provided that such stabbing or cutting was committed under such circumstances, that if death had ensued therefrom it would, in law, have amounted to murder, and if it can be made to appear on the trial, that the stabbing, &c. if death had followed would not have been murder, but manslaughter, or some less offence, the party is entitled to an acquittal.

Duelling.

The offence of single combat with mortal weapons, upon premeditation, is, if death ensues, by the letter of the law of England, *murder*, and the survivor and the seconds of both parties are liable to suffer—*death*. But the law is obsolete in practice, or is at least, never carried into effect, unless foul play, or something like assassination be proved; and this disregard of the law in practice, arises, partly from its excessive severity, partly from the offence of duelling being countenanced and encouraged by the example of men of rank and station—and even by ministers of the crown and legislators—so that it rarely happens that a trial for duelling, where death ensues, ends in any other way than what is called an “honorable acquittal,”—though the Jury, as in every case of indictment for murder, may return a verdict of “manslaughter” if they think fit. The sending a challenge, or a provocation to fight a duel, is a misdemeanor punishable with—*fine*—and *imprisonment*.

lenging to fight a duel, though no duel be fought, and fighting a duel when death does not ensue, subjects the party to be punished as a felonious assaulter, with *solitary confinement* for not more than one year,—*hard labor* not exceeding twenty years, and disqualification for *holding any office* for twenty years. The aiders, seconds, and abettors are liable to the same punishment;—and the *accepting* a challenge, though no duel ensue, incurs *imprisonment* in the common gaol for not more than one year, and *disqualification for office* for not more than five years. Killing in a duel is punished with—*death*, and the body ordered for *dissection*,

In DELAWARE—*giving* or *accepting* a challenge, *carrying* or *delivering* such challenge, *engaging in* or fighting a duel, or being *second*, whether the duel take place or not—*fine* 1000 dollars, *imprisonment* three months, and *perpetual* disqualification for *holding any office* in the state.

In MARYLAND—fighting a duel, and *killing* an antagonist, or wounding him so that he shall die thereof in a year and a day, and *aiding* and *abetting*—*confinement* in the penitentiary for not less than five years, nor more than eighteen. *Giving* or *accepting* a challenge, disqualifies *ever after* for *any office*, civil or military.

In NEW JERSEY—*challenging* to fight a duel, though no duel be fought, or knowingly being the bearer of a challenge, or in *any way aiding* or *abetting*—*fine* not exceeding 500 dollars; or *imprisonment* with *hard labor* not more than two years; or both. *Fighting* a duel, where death does not ensue, or being a *second*, or *aiding* or *abetting* in such duel—*fine* not exceeding 1000 dollars, or *imprisonment* at *hard labor* not exceeding four years; or both.

In RHODE ISLAND—fighting a duel though death does not ensue—the offender to be carried publicly *in a cart*, with a rope about *his neck*, to the gallows and to sit thereon an hour; and to be *imprisoned* not exceeding one year; either or both.

By the code for LOUISIANA :

Insult or *provocation to fight* a duel—*fine* not less than 50, nor more than 300 dollars—or *imprisonment* not less than five, nor more than thirty days, in close custody :

Giving or *accepting* a challenge—*imprisonment* in close custody, not less than two, nor more than six months, and *suspension from political rights* for four years :

Fighting a duel and inflicting *no wound*—*imprisonment* not less than six, nor more than twelve months, and *suspension* for six years :

Wounding *without permanent disability*—*imprisonment* not less than twelve, nor more than eighteen months, and *suspension* for eight years :

Wounding *with permanent disability*—*imprisonment* not less than twelve months, and *suspension* from political rights and civil rights of first and third class for seven years :

Wounding *mortally*—*imprisonment* not less than two, nor more than four years, and *forfeiture for ever* of political rights and civil rights of first and third class :

Treacherously inflicting a mortal wound—the same punishment as murder by assassination, namely, *imprisonment* at *hard labor* for life.

Adultery.

IN MAINE and MASSACHUSETTS—*solitary confinement for a term not exceeding three months, and imprisonment to hard labor for a term not exceeding five years.*

IN CONNECTICUT—*imprisonment not less than two, and not more than five years; the man in the state prison, the woman in the common gaol.*

IN RHODE ISLAND—*imprisonment six months—and fine not exceeding 200 dollars.*

IN NEW JERSEY—*imprisonment not exceeding six months, or fine not exceeding 100 dollars.*

IN DELAWARE—*fine of 100 dollars.*

IN MARYLAND, by a law passed as far back as 1715—a *fine of £3. or 1200 lbs. of tobacco.*

IN VIRGINIA—*fine of 20 dollars.*

IN NEW HAMPSHIRE—*imprisonment in the common gaol not exceeding one year—fine not exceeding 400 dollars, and a liability to recognizances with sureties for a term not exceeding five years.*

IN VERMONT—*imprisonment in the state prison not exceeding three years, and fine not exceeding 1000 dollars; or either of the said punishments.*

IN the code for LOUISIANA—*fine not less than 100, nor more than 2000 dollars, or imprisonment six months; or both.*

Coining.

IN MAINE—*counterfeiting gold or silver coin—solitary confinement not exceeding one year—and hard labor for life.*

IN NEW HAMPSHIRE—*solitary confinement not more than six months—and hard labor not less than four, nor more than ten years.*

IN VERMONT—*imprisonment in the state prison not exceeding ten years—and fine not exceeding 1000 dollars; or either.*

IN MASSACHUSETTS—*solitary confinement not exceeding one year—and hard labor for life.*

IN RHODE ISLAND—the pillory—to be branded with the letter C—to have a part of each ear cut off—to be imprisoned not more than six years—and fined not exceeding 4,000 dollars; or any, or all of said punishments.

IN CONNECTICUT—*imprisonment in the state prison not exceeding three years.*

IN MARYLAND—*confinement in the penitentiary not less than four, nor more than ten years.*

IN VIRGINIA—*confinement in the penitentiary not less than ten, nor more than twenty years.*

By Mr. Livingstone's code for LOUISIANA—*imprisonment at hard labor not less than seven, nor more than fifteen years.*

Adultery.

Punishment—*none*—it being no crime by the laws of England!

Coining.

See *High Treason*, p. 41, of which counterfeit coining is a species by the laws of England, whether the offence consists in the fraudulent imitation of a sovereign or a sixpence of the lawful coin of this realm, or of a piece of foreign money made current here. It is, of course, in all cases punished with—*death.*

with—*death.*

Forgery.

In MAINE—*Forging of public records, certificates, and private securities—solitary confinement not exceeding six months—and afterwards imprisonment with hard labor not less than two, nor more than ten years.*

Forging bills of credit, bank bills, &c.—solitary confinement not exceeding one year—and imprisonment with hard labor for life.

*Uttering, or tendering in payment false bills, notes, &c. knowing them to be forged—solitary confinement not exceeding thirty days—and * hard labor not exceeding three years; or by fine not exceeding 1000 dollars,—and binding to good behaviour for two years. Second conviction for the same, or conviction on three several indictments at the same court—solitary confinement not more than one year—and hard labor afterwards not less than two, nor more than ten years.*

Having in possession, or bringing into the State counterfeit bank bills with intent to pass—solitary confinement not more than three months—and hard labor not more than three years; or by fine not exceeding 1000 dollars—and imprisonment not more than one year.

Engraving, or making plates, press, &c. for forging, or possessing such plates with intent to use—solitary confinement not exceeding three months—and hard labor afterwards not exceeding three years; or by fine not exceeding 500 dollars—and imprisonment not exceeding one year.

*By 'hard labor,' the reader will in all cases understand imprisonment to hard labor.

Forgery.

The fraudulent making or alteration of a writing to the prejudice of another's right.

This offence was punishable by our ancient common law by *fine* and *imprisonment* as a misdemeanor.

In the fifth year of Elizabeth the first statute was passed which visited this offence with intemperate and cruel punishment in certain cases. By that statute it was provided, that to forge, or make, or knowingly to publish, or give in evidence any forged deed, court-roll, or will, with intent to affect the right of real property, either freehold or copyhold, shall be punishable by a forfeiture of the party grieved of double costs and damages—by standing in the pillory, and having both ears cut off—and the nostrils slit and seared—by forfeiture to the crown of the property of the lands, and by perpetual imprisonment.

For any forgery relating to a term of years, or annuity, bond, obligation, acquittance, release, or discharge of any debt, or demand of any personal chattels, the same forfeiture is given to the party grieved, and the offender is liable to the pillory, loss of one of his ears, and a year's imprisonment. In both cases the *second* offence was made *capital*.

It was not until the statute of the 8th and 9th William III, cap. 20, that the forging, altering, or uttering as true when forged, of any bank bills, or notes, or other securities, was made punishable with—*death*. Then followed a number of statutes, making various descriptions of forgery, chiefly relating to paper credit,

In MASSACHUSETTS—forgery in general—solitary confinement not more than six months—and hard labor not less than two, nor more than ten years.

Counterfeiting any certificate of public debt, or bank bill—solitary confinement not exceeding one year—and hard labor for life.

Passing any counterfeit certificate of public debt, or bank bill—solitary confinement not more than thirty days—and hard labor not more than three years: or by fine not exceeding 1000 dollars—and binding to good behaviour for two years. Second conviction—solitary confinement not more than one year—and hard labor for a term not exceeding ten years.

Bringing counterfeit bills into the State, or having them in possession with intent to pass—solitary confinement not more than three months—and hard labor not more than three years:—or by fine not exceeding 1000 dollars—and imprisonment not exceeding one year.

Making or mending any tool to be used in counterfeiting bills, or having it in possession with intent to use—solitary confinement not exceeding three months—and hard labor not more than three years:—or by fine not exceeding 500 dollars—and imprisonment not more than one year.

In NEW HAMPSHIRE—forgery in general—solitary confinement not more than six months—and hard labor not less than five, nor more than ten years.

Passing forged notes, bills, &c.—solitary confinement not more than four months—and hard labor not less than two, nor more than four years.

capital crimes—until the sanguinary spirit of the law shocked the feelings of mankind, and public opinion called loudly for its amelioration. Sir Robert Peel, professing to act in accordance with public opinion, undertook to improve and ameliorate the laws of forgery. He repealed the former statutes, and introduced one bill relative to all offences of forgery, re-enacting in most cases the punishment of—*death*: which punishment, after repeated discussions, was repealed by the House of Commons: the bill was afterwards carried to the House of Lords, where the penalty of death was restored to it, and being brought back into the House of Commons when most of the opposition members had left town on the eve of a general election, it was voted into a law, in spite of upwards of 200 petitions against it; and among those, one petition from a thousand bankers, praying for the *abolition* of the punishment of *death in all cases of forgery*.

The following are the provisions of this “amended” law of Sir Robert Peel:

To forge, or counterfeit, or to utter, knowing the same to be forged or counterfeited, the great seal of the united kingdom—*death*.

To forge, or counterfeit his Majesty’s privy seal, or any privy signet of his Majesty—*death*.

To forge, or counterfeit any of his Majesty’s seals appointed by the twenty-fourth article of the Union to be kept, used, and continued in Scotland—*death*.

To forge, or counterfeit the great seal or the privy seal of Ireland—*death*.

The forging, or altering of any Exchequer bill, or Exchequer debenture—*death*.

Bringing into the State, or having in possession counterfeit bills with intent to pass them—solitary confinement not more than four months—and hard labor not less than two, nor more than five years.

Making or having in possession plates, &c. with intent to make counterfeit bills—solitary confinement not more than four months—and hard labor not less than two, nor more than five years.

Forging of records, judicial proceedings, bonds, promissory notes, &c.—solitary confinement not more than six months—and hard labor not less than three, nor more than seven years.

In VERMONT—forgery in general—hard labor in state prison not more than ten years—and fine not exceeding 1000 dollars; or either.

In RHODE ISLAND—forging of notes, certificates, or other securities, or bank bills—by principals, or accessaries before the fact—the pillory, and while there to have a part of each ear cut off, and to be branded with the letter C—to be imprisoned not more than six years—and to be fined not exceeding 4000 dollars:—or any, or all of said punishments.

Passing forged notes, or bank bills—bringing into the State, or having in possession forged bank notes with intent to pass—making, or having in possession, plates and tools for forging, and for the forgery of records, bonds, &c.—the same punishment.

In CONNECTICUT—forgery in general—imprisonment in the State prison not exceeding three years—and double damages to the party injured.

The uttering, disposing of, or putting off any Exchequer bill, or Exchequer debenture, knowing the same to be forged—**death.**

The forging, or altering any indorsement on, or assignment of any Exchequer bill, or Exchequer debenture—**death.**

The uttering, or putting off any forged indorsement on, or assignment of, any Exchequer bill, or Exchequer debenture, knowing the same to be forged—**death.**

The forging, or altering any East India bond—**death.**

The uttering, or putting off any forged East India bond, knowing the same to be forged—**death.**

The forging, or altering any indorsement on, or assignment of any East India bond—**death.**

The uttering any forged indorsement on, or assignment of, any East India bond, knowing the same to be forged—**death.**

The forging any note, or bill of exchange of the governor and company of the Bank of England, commonly called a bank-note, a bank bill of exchange, or bank-post bill—**death.**

The uttering any bank-note, bank bill of exchange, or bank post-bill, knowing the same to be forged—**death.**

The forging any indorsement, or an assignment of any bank-note, bank bill of exchange, or bank post-bill, knowing the same to be forged—**death.**

The uttering any forged indorsement on, or assignment of any bank-note, bank bill of exchange, or bank post-bill, knowing the same to be forged—**death.**

The forging, or altering any will, testament, *codicil*, or *testamentary writing*—**death.**

The uttering any forged will, testament, *codicil*, or *testamentary*

Passing counterfeit bills, having in possession counterfeit bills with intent to pass, having in possession plates for forging bank bills, and forging public securities—the same punishment.

In NEW JERSEY—*forgery in general—fine—and solitary imprisonment, at hard labor not exceeding ten years; or both.*

In PENNSYLVANIA—*forgery—first offence—imprisonment in penitentiary not less than one, nor more than seven years. Second offence, not more than ten years.*

In DELAWARE—*forging public records—fine not less than 500, nor more than 4000 dollars—solitary confinement for three months—and to wear on the outside garment between the shoulders for a term not less than five years the letter F, not less than six inches long and two inches wide, and of a scarlet color.*

Forging bank notes, or other instruments affecting banks, or passing, or attempting to pass such forged notes—fine not less than 500, nor more than 2,000 dollars—to be set on the pillory one hour—solitary confinement not exceeding three months—and to wear the letter F, as above, for a term not less than two, nor more than five years.

Forging promissory note, order, receipt, bill of exchange, will, or deed, or uttering the same—fine not less than 500, nor more than 2,000 dollars—pillory one hour—solitary confinement three months—and to wear the letter F, as above, and for the same term.

Making plates, or instruments for counterfeiting bank bills, or having such plates in possession, or having unfinished bank bills with intent to

writing, knowing the same to be forged—Death.

The forging any bill of exchange—**Death.**

The uttering a forged bill of exchange, knowing it to be forged—**Death.**

The forging any promissory note for the payment of money—**Death.**

The uttering any forged promissory note for the payment of money, knowing the same to be forged—**Death.**

The forging any indorsement on, or any assignment of any bill of exchange—**Death.**

The uttering such forged indorsement on, or assignment of any bill of exchange, knowing it to be forged—**Death.**

The forging any indorsement on, or assignment of any promissory note for the payment of money—**Death.**

The uttering such forged indorsement on, or assignment of a promissory note, knowing it to be forged—**Death.**

The forging any acceptance on any bill of exchange—**Death.**

The uttering any forged acceptance on any bill of exchange, knowing it to be forged—**Death.**

The forging, or altering any undertaking, warrant, or order for the payment of money, with intent to defraud any person whatsoever—**Death.**

The uttering any forged or altered undertaking, warrant, or order for the payment of money, knowing it to be forged—**Death.**

To wilfully make any false entry, or wilfully alter any word or figure, in any of the books of account kept by the governor and company of the Bank of England—**Death.**

To wilfully make any false

finish—fine not less than 500, nor more than 4,000 dollars—pillory one hour—lashes thirty-nine—imprisonment not exceeding two years, and to wear the letter F, as above, for a term not less than five years.

IN MARYLAND—fixing fraudulent or forged signatures to bank notes, or being concerned in altering or forging any bank note, or knowingly passing the same, or passing as genuine a note purporting to be of a bank which does not exist—employing an artist to engrave, or being concerned in engraving any plate in imitation of bank notes, or striking impressions therefrom—confinement in the penitentiary not less than five, nor more than ten years. Second offence of forging bills—confinement in the penitentiary, not less than ten, nor more than twenty years.

The same for forging any deed, will, bond, or receipt.

Forging the Maryland brand on any hogshead or cask of tobacco—confinement in the penitentiary for not less than two, nor more than four years.

IN VIRGINIA—forging of bank notes, or passing or offering to pass such forged notes with intent to defraud—confinement in the penitentiary for not less than ten, nor more than twenty years.

Forging or procuring to be forged, or keeping and concealing any instrument for the purpose of forging bank notes, or the seal of any banking company, or any public official seal—confinement in the penitentiary, when the offence is against a banking company, not less than five, nor more than fifteen years, when in relation to any other public seal, confins-

entry, or wilfully alter any word or figure, in any of the books of account kept by the South Sea Company—Death.

The above provisions relate to the books in which the accounts of the owners of any stock, annuities, or other public funds transferrable at the Bank of England, or the South Sea House, are entered and kept.

To wilfully make any transfer of any share or interest of or in any stock, annuity, or other public fund, which now is, or hereafter may be transferrable at the Bank of England, in the name of any person not being the true and lawful owner of such share or interest, with intent to defraud any person whatsoever—**Death.**

To wilfully make any transfer of any share or interest of or in any stock, annuity, or other public fund, which now is, or hereafter may be, transferrable at the South Sea House, in the name of any person not being the true and lawful owner of such share or interest, with intent to defraud any person whatsoever—**Death.**

To forge, or alter any transfer of any share or interest of or in any stock, annuity, or other public fund, which now is, or hereafter may be, transferrable at the Bank of England, with intent to defraud any person whatsoever—**Death.**

To forge, or alter any transfer of any share or interest, of or in any stock, annuity, or other public fund, which now is, or hereafter may be, transferrable at the South Sea House, with intent to defraud any person whatsoever—**Death.**

To forge, or alter any transfer of any share or interest, of or in the capital stock of any body corporate, company, or society, which

ment in the penitentiary not less than one, nor more than ten years.

Forging of any cheque, post note, or order on any bank, or attempting to obtain money by means of such forged cheque—confinement in the penitentiary not less than two, nor more than ten years.

Forging of any land warrant issued by the State, or U. S. or any bill of credit, record, deed, will, note, or bond—confinement not less than one, nor more than ten years.

Forging or counterfeiting the brand or mark of any inspector of tobacco, or exporting tobacco with such forged brand or mark, with intent to defraud—confinement in the penitentiary not less than one, nor more than ten years.

now is, or hereafter may be established by charter or act of parliament—**death.**

To utter any such forged transfers of shares, knowing them to be forged—**death.**

To forge or alter any power of attorney, or other authority, to transfer any share or interest, of or in any such stock, annuity, public fund, or capital stock before mentioned, or to receive any dividend payable in respect of any such share, or interest—**death.**

To utter any such forged power of attorney as before described, knowing the same to be forged, or to demand, or endeavor to have any such share or interest transferred, or to receive any dividend payable in respect thereof, by virtue of any such forged or altered power of attorney, knowing the same to be forged or altered, with intent to defraud—**death.**

To falsely personate any owner of such share, or interest, or dividend, and thereby transfer any share or interest belonging to such owner, or thereby receive any money due to such owner, as if such person were the lawful owner—**death.**

Such are the provisions of this truly sanguinary law!

The other offences contained in the statute relative to forgery are visited with various degrees of punishment, from transportation for life—to transportation for seven years, and from imprisonment for four years—to imprisonment for one year, allowing the court the power of making the whole, or any part, of the imprisonment *solitary*, or of adding to it *hard labor* or not, at its discretion.

Cattle-stealing.

In NEW HAMPSHIRE—hard labor not less than three, nor more than seven years.

In other States the crime is punished as simple larceny.

Cattle-stealing.

All cattle-stealing was punishable only as simple larceny by the common law. The statute passed in the 14th year of George II. which made sheep-stealing a capital offence, also extended the penalty of death to the stealing of

other sorts of cattle. The cattle to which the act applied were more particularly specified by the act of the 15 George II. cap. 34. Sir Robert Peel, in amending the law, repealed those statutes and then re-enacted their sanguinary provisions, along with those additional capital offences of his own creating which we have adverted to under the head of sheep-stealing. By Sir Robert Peel's act the 7 & 8 Geo. IV. cap. 29, the law stands at present as follows—

To steal any bull, ox, cow, or heifer—*death.*

To kill any bull, ox, cow, or heifer, with *intent* to steal the carcass—*death*.

To kill any bull, ox, cow, or heifer, with intent to steal part of the carcass—*death*.

To kill any bull, ox, cow, or heifer, with intent to steal the *skin*—(a new capital enactment of Sir Robert Peel)—*death*.

To steal any calf—*death*.

To kill any calf with intent to steal the carcass—*death*.

To kill any calf with intent to steal part of the carcass—*death*.

To kill any calf with intent to steal the *skin*—*death*.

Note to the offence of Robbery in the Dwelling House, in ENGLAND,
page 48.

The first Act upon this subject was that of the 23rd Hen. VIII. cap. 1, which enacted that all persons—robbing any church, or chapel, or “robbing any person in his dwelling-house, the owner or dweller of the same house, his wife, children, or servants, then being within, and put in fear and dread by the same”—are exempt from the benefit of clergy, except such as are in the order of sub-deacon.

The reader will notice that the Act of W. and M. extends the sanguinary provision, by {substituting for *owner*, &c.—*any person*.—Sir Robert Peel’s Bill 7 and 8 Geo. IV. cap. 29, repealed both those statutes, but revived the provisions of the *more* sanguinary one!

NOTICE. CONTENTS of the *three preceding Numbers* on the “PUNISHMENT OF DEATH,” printed for the Society, and published by the same Booksellers.

No. 1, published April 9th, 1831, contains an affecting narrative of a young woman under nineteen, who *was executed* for a trivial theft committed under circumstances of the most appalling distress. Her case was related by *Sir Wm. Meredith* in the House of Commons, in a powerful appeal against the sanguinary spirit of our criminal laws, which will be found reported at length in the same Number. (Second Edition.) *Price 1s. 6d. per dozen.*

In No. 2, published May 16th, 1831, are reported the Speeches of *Earl Grey* and *Lord Grenville* in the House of Lords, April 2, 1813, in the debate upon Sir Samuel Romilly’s Bill for abolishing the Punishment of *Death* for privately stealing to the amount of *five shillings* from a shop, together with a list of the Peers who divided on that occasion. Also an extract from the *Morning Herald* of 19th April, 1831, relative to the case of a man who was to have been put to death that morning at Newgate, but who was respited in consequence of convincing evidence being adduced of *his innocence*—“another instance to be added to *many on record*, of the fallibility of human judgment where the awful question of *life or death* is to be solved by the decision.” *Price 2s. 6d. per dozen.*

No. 3. The substance of the Speeches of S. Lushington, LL.D. and J. Sydney Taylor, A.M. at a Public Meeting in Exeter-Hall, May 30, 1831, on moving and seconding the Resolution relative to the *Punishment of Death*. *Price 3s. 6d. per dozen.*

In a succeeding Number, it is proposed to review the arguments of DR. PALEY on the Punishment of Death.

TO CORRESPONDENTS. *The printers of our Numbers 1, 2, 3 and 4, have been instructed to keep the press standing till the middle of September, so that any Orders may be supplied through the Country Booksellers prior to that time.*