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Laws of Her Majesty's Province of United Canada, passed in the year 1854. Quebec: Stewart Derbishire and George Desbarts, 1854.

18 Victoria – Chapter 92

An Act to amend the Criminal Law of this Province. Assented to 18th May, 1855.

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 by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

I. From and after the passing of this Act, whenever on the trial of any indictment for any felony or misdemeanor 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 forperjury, 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.

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.

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.

IV. In making up the record of any conviction or acquittal on any indictment, it shall be sufficient to copy the indictment with the plea pleaded thereon, without any formal caption or heading whatever, and the statement of the arraignment and the proceedings subsequent thereto, shall be entered of record in the same manner as before the passing of this Act, subject to any such alterations in the forms of such entry, as shall or may from time to time be prescribed by any rule or rules of the Judges of the Superior Courts of Common Law of Upper Canada, and of the Queen's Bench in Lower Canada.

V. It shall not be necessary that any indictment, except in cases of high treason, shall be written on parchment; any law, usage or Custom to the contrary notwithstanding.

VI. 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 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.

VII. 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.

VIII. 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, mailer or thing.

IX. 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.

X. 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 that 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.

XI. If any person shall obtain any property 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 labour.

XII. 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 or attempted to be obtained by the defendant by false pretences, with intent to defraud, without any further or more particular statement of such false pretences.

XIII. If on the trial of any person charged with any felony or misdemeanor, 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 misdemeanor 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 misdemeanor charged in the indictment, and no person shall hereafter be prosecuted for any attempt to commit any felony or misdemeanor who has been previously tried for committing the same offence.

XIV. 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 tinder 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 by false pretences with intent to defraud, 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 by false pretences upon the same facts.

XV. If upon the trial of any person for any misdemeanor 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 misdemeanor; 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 misdemeanor.

XVI. 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 betook 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.

XVII. 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.

XVIII. Any number of accessories to any felony or receivers at different times of stolen properly 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.

XIX. 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 eases, 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.

XX. 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.

XXI. 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.

XXII. 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 sufficient, when-ever 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.

XXIII. 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 misdemeanor, without proof of the signature or official character of the person appearing to have signed the same.

XXIV. 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.

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

XXVI. 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.

XXVII. 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.

XXVIII. And whereas it is expedient to make further pro-vision 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 blackened 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 he 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 any time not exceeding two years.

XXIX. 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 off fender or any other person to commit, or 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, for any term not less than two nor more than five years.

XXX. 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 be imprisoned, with hard labour, in any gaol or prison for any term not exceeding two years, or in the Provincial Penitentiary for any term not less than two nor more than five years.

XXXI. If upon the trial of any indictment for any felony, except murder or manslaughter, where the indictment shall allege that the defendant 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, stabbing or wounding, and thereupon such defendant shall be liable to be punished as in the next preceding section is mentioned.

XXXII. If any person shall wilfully and maliciously put, place, cast or throw upon or across any railway, any wood, stone or other matter or 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 point or other machinery belonging to any railway, or shall wilfully and maliciously make or shew, hide or 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, 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 for any term not less than three nor more than seven years.

XXXIII. If any person shall wilfully and maliciously cast, throw or cause to fall or strike against, into or upon any carriage, engine, tender, 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 track, 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 less than three nor more than seven years.

XXXIV. 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.

XXXV. If any person shall unlawfully and maliciously set fire to any stack of com, grain, pulse, straw, hay, coals, charcoal or wood, he shall be guilty of felony, and every such offender, upon being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned in the Provincial Penitentiary for a period not less than two nor more than five years.

XXXVI. Any person who shall steal any ticket or order for any free or paid passage on any railway, or on any steam or other vessel, shall be deemed guilty of felony, and on conviction thereof, shall in the discretion of the court before whom such offender shall be tried, be liable to imprisonment in any common gaol or prison for any period not exceeding two years, with or without hard labour.

XXXVII. Any person who shall knowingly forge, or utter, knowing the same to be forged, any such ticket or order as in the next preceding section mentioned, with intent to defraud any other person, shall be deemed guilty of felony, and on conviction thereof shall, in the discretion of the

court before whom such offender is tried, be liable to imprisonment in the Provincial Penitentiary for a period not exceeding three years.

XXXVIII. Any person who shall by means of any false ticket or order, or of any other ticket or order, fraudulently and wilfully obtain or attempt to obtain any passage on any railway or in any steam or other vessel, shall be deemed guilty of a misdemeanor, and on conviction thereof shall, in the discretion of the court before whom such offender is tried, be liable to imprisonment in any common gaol or prison with or without hard labour, for any period not exceeding six months.

XXXIX. It shall not be necessary in opening any Court of Quarter Sessions in Upper Canada, to read the commission of the Peace, or any other commission, issued for the County or Union of Counties for which such Court of Quarter Sessions is held; any law, usage or custom to the contrary notwithstanding, but such Court of Quarter Sessions shall have the same powers and authorities, and proceed in the same manner, as if such commission had been read as before the passing of this Act.

XL. 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.

XLI. If any person liable to be apprehended under the provisions of this Act, shall assault or otter 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.

XLII. 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.

XLIII. 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 be held at such times as the Judges of the Superior Courts of Common Law shall appoint subsequent to the several terms after which they are now directed by law to be holden; except where such Courts are or shall be held at any slated time under any statute now in force or hereafter to be passed, in which case such Courts shall be held at such stated time; 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: Provided always, that nothing in this section contained shall prevent the issuing of any special commission for the trial of offenders, in the same manner, and with the same authorities and powers as if this section had not been passed.

XLIV. It shall be the duty of the Secretary of this Province, 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 lime 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, audio 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 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.

XLV. And whereas it would greatly conduce to the despatch of business at the Courts of Assize and Nisi Prius, Oyer and 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, in the absence of any Judge of the Superior Courts of Common Law, 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.

XLVI. 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.

XLVII. 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.

Simple Larceny.

County or District of __________, to wit. } The Jurors for our Lady the Queen, upon their oath 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 or District of __________, did feloniously steal a gold watch of C. D.

False Pretences.

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

Murder.

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

Manslaughter.

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

Perjury.

County or District of __________, to wit. } The Jurors for our Lady the Queen, upon their oath present, that heretofore, to wit, at the Assizes holden for the County or District 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 substance and to the effect following, that he saw the said G. H. duly execute the deed on which the said action was brought, which fact 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 or District of __________, to wit. } Same as last form to the end, and then proceed: — And the Jurors further present, that before the committing 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.