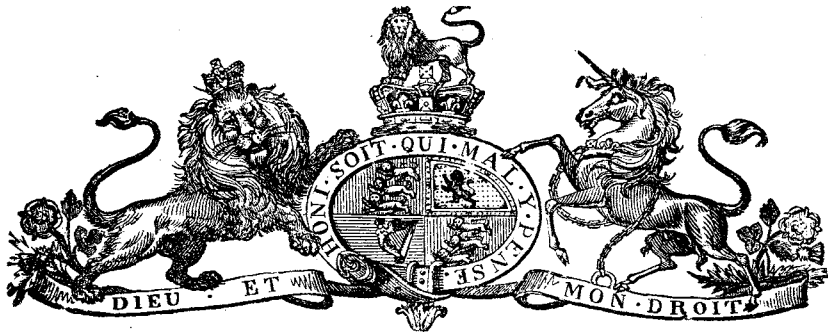


T A S M A N I A



1863.

ANNO VICESIMO-SEPTIMO

VICTORIÆ REGINÆ,

No. 9.



AN ACT to consolidate and amend the Legislative Enactments relating to Forgery.

[31 July, 1863.]

WHEREAS it is expedient to consolidate and amend the Legislative enactments relating to Forgery: Be it enacted by His Excellency the Governor of *Tasmania*, by and with the advice of the Legislative Council and House of Assembly in Parliament assembled, as follows:—

PREAMBLR.

*As forging Her Majesty's Seals.*

1 Whosoever shall forge or counterfeit, or shall utter, knowing the same to be forged or counterfeited, the Great Seal of the United Kingdom, Her Majesty's Privy Seal, any Privy Signet of Her Majesty, Her Majesty's Royal Sign Manual, any of Her Majesty's Seals appointed by the Twenty-fourth Article of the Union between *England* and *Scotland* to be kept, used, and continued in *Scotland*, the Great Seal of *Ireland*, or the Privy Seal of *Ireland*, or the seal of this Colony, or shall forge or counterfeit the stamp or impression of any of the Seals aforesaid, or shall utter any document or instrument whatsoever, having thereon or affixed thereto the stamp or impression of any such forged or counterfeited seal, knowing the same to be the stamp or impression of such forged or counterfeited seal, or any forged or counterfeited stamp or impression made or apparently intended to resemble the stamp or impression of any of the seals aforesaid, knowing the same to be forged or counterfeited, or shall forge or alter, or utter knowing the same to be forged or altered, any document or instrument having any of the said stamps or impressions thereon or affixed thereto, shall be guilty of Felony, and being convicted thereof shall be liable to be imprisoned for Life.

Forging the Great Seal, Privy Seal &c.

*As to forging Transfers of Stock, &c.*

Forging transfer of certain stock, and power of attorney relating thereto.

**2** Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any transfer of any share or interest of or in any stock, annuity, debenture, or other public fund, or of or in the capital stock of any body corporate, company, or society which now is or hereafter may be established by charter, or by, under, or by virtue of any Act or Acts, or shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any power of attorney or other authority to transfer any share or interest of or in any such stock, annuity, debenture, public fund, or capital stock, or to receive any dividend or money payable in respect of any such share or interest, or shall demand or endeavour to have any such share or interest transferred, or to receive any dividend or money payable in respect thereof, by virtue of any such forged or altered power of attorney or other authority, knowing the same to be forged or altered, with intent in any of the cases aforesaid to defraud, shall be guilty of Felony, and being convicted thereof, shall be liable to be imprisoned for Life.

Personating the owner of certain stock, and transferring or receiving or endeavouring to transfer or receive the dividends.

**3** Whosoever shall falsely and deceitfully personate any owner of any share or interest of or in any stock, annuity, debenture, or other public fund, or any owner of any share or interest of or in the capital stock of any body corporate, company, or society which now is or hereafter may be established by charter, or by, under, or by virtue of any Act or Acts, or any owner of any dividend or money payable in respect of any such share or interest as aforesaid, and shall thereby transfer or endeavour to transfer any share or interest belonging to any such owner, or thereby receive or endeavour to receive any money due to any such owner, as if such offender were the true and lawful owner, shall be guilty of Felony, and being convicted thereof shall be liable to be imprisoned for Life.

Forging attestation to power of attorney for transfer of stock, &c.

**4** Whosoever shall forge any name, handwriting, or signature purporting to be the name, handwriting, or signature of a witness attesting the execution of any power of attorney or other authority to transfer any share or interest of or in any such stock, annuity, debenture, public fund, or capital stock, as is in either of the last two preceding sections mentioned, or to receive any dividend or money payable in respect of any such share or interest, or shall offer, utter, dispose of, or put off any such power of attorney, or other authority with any such forged name, handwriting, or signature thereon, knowing the same to be forged, shall be guilty of Felony, and being convicted thereof shall be liable to be imprisoned for Seven years.

*As to forging Debentures, &c.*

Forging debentures, exchequer bills, bonds, &c.

**5** Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any debenture or exchequer bill or exchequer bond, or any indorsement on or assignment of any debenture, or exchequer bill, or exchequer bond, or any receipt or certificate for interest accruing thereon, with intent to defraud, shall be guilty of Felony, and being convicted thereof shall be liable to be imprisoned for Life.

Making plates, &c., in imitation of those used for

**6** Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall make or cause or procure to be made, or shall aid or assist in making, or shall knowingly have in his

custody or possession, any frame, mould, or instrument having therein any words, letters, figures, marks, lines, or devices peculiar to and appearing in the substance of any paper provided or to be provided or used for debentures or exchequer bills or bonds, or any machinery for working any threads into the substance of any paper, or any such thread, and intended to imitate such words, letters, figures, marks, lines, threads or devices, or any plate peculiarly employed for printing such debentures or exchequer bills or exchequer bonds, or any die or seal peculiarly used for preparing any such plate, or for sealing such debentures or exchequer bills or exchequer bonds, or any plate, die, or seal intended to imitate any such plate, die, or seal as aforesaid, shall be guilty of Felony, and being convicted thereof shall be liable to be imprisoned for Seven years.

debentures, exchequer bills, &c.

**7** Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall make, or cause or procure to be made, or aid or assist in making, any paper in the substance of which shall appear any words, letters, figures, marks, lines, threads, or other devices peculiar to and appearing in the substance of any paper provided or to be provided or used for such debentures or exchequer bills or bonds, or any part of such words, letters, figures, marks, lines, threads, or other devices, and intended to imitate the same, or shall knowingly have in his custody or possession any paper whatsoever, in the substance whereof shall appear any such words, letters, figures, marks, lines, threads, or devices as aforesaid, or any parts of such words, letters, figures, marks, lines, threads, or other devices, and intended to imitate the same, or shall cause or assist in causing any such words, letters, figures, marks, lines, threads or devices as aforesaid, or any part of such words, letters, figures, marks, lines, threads, or other devices, and intended to imitate the same, to appear in the substance of any paper whatever, or shall take or assist in taking any impression of any such plate, die, or seal as in the last preceding section mentioned, shall be guilty of Felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding Seven years.

Making paper in imitation of that used for debentures, exchequer bills, &c.

**8** Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall purchase or receive, or knowingly have in his custody or possession, any paper, manufactured and provided by or under the directions of the Colonial Treasurer, for the purpose of being used as debentures or exchequer bills or bonds, before such paper shall have been duly stamped, signed, and issued for public use, or any such plate, die or seal, as in the two last preceding sections mentioned, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable to be imprisoned for any term not exceeding Three years.

Having in possession paper, plates, or dies to be used for debentures.

*As to forging Bank Notes.*

**9** Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any note or bill of exchange of any body corporate, company, or person carrying on the business of bankers, commonly called a bank note, a bank bill of exchange, or a bank post bill, or any indorsement on or assignment of any bank note, bank bill of exchange, or bank post bill, with intent to defraud, shall be guilty of Felony, and being convicted thereof shall be liable to be imprisoned for Life.

Forging a bank note, &c.

Purchasing or receiving or having forged bank notes.

**10** Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall purchase or receive from any other person, or have in his custody or possession, any forged bank note, bank bill of exchange, or bank post bill, or blank bank note, blank bank bill of exchange, or blank bank post bill, knowing the same to be forged, shall be guilty of Felony, and being convicted thereof shall be liable to be imprisoned for Fourteen years.

*As to making and engraving Plates, &c. for Bank Notes, &c.*

Engraving or having any plate, &c. for making bank notes, or having such plate, &c., or uttering or having paper upon which a blank bank note, &c. shall be printed.

**11** Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall engrave or in anywise make upon any plate whatsoever, or upon any wood, stone, or other material, any promissory note, bill of exchange, or bank post bill, or part of a promissory note, bill of exchange, or bank post bill, purporting to be a bank note, bank bill of exchange, or bank post bill of any body corporate, company, or person carrying on the business of bankers, or to be a blank bank note, blank promissory note, blank bank bill of exchange, or blank bank post bill of such body corporate, company, or person as aforesaid, or to be a part of a bank note, promissory note, bank bill of exchange, or bank post bill of such body corporate, company, or person as aforesaid, or any name, word, or character resembling or apparently intended to resemble any subscription to any bill of exchange or promissory note issued by any such body corporate, company, or person as aforesaid, or shall use any such plate, wood, stone, or other material, or any other instrument or device, for the making or printing any bank note, bank bill of exchange, or bank post bill, or blank bank note, blank bank bill of exchange, or blank bank post bill, or part of a bank note, bank bill of exchange, or bank post bill, or knowingly have in his custody or possession any such plate, wood, stone, or other material, or any such instrument or device, or shall knowingly offer, utter, dispose of, or put off, or have in his custody or possession, any paper upon which any blank bank note, blank bill of exchange, or blank bank post bill of any such body corporate, company or person as aforesaid, or part of a bank note, bank bill of exchange or bank post bill, or any name, word, or character resembling or apparently intended to resemble any such subscription, shall be made or printed, shall be guilty of Felony, and being convicted thereof shall be liable to be imprisoned for Fourteen years.

Engraving on a plate, &c. any word, number, or device resembling part of a bank note or bill, or using or having any such plate, &c., or uttering or having any paper on which any such word, &c. is impressed.

**12** Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall engrave, or in anywise make upon any plate whatsoever, or upon any wood, stone, or other material, any word, number, figure, device, character, or ornament the impression taken from which shall resemble or apparently be intended to resemble any part of a bank note, bank bill of exchange, or bank post bill of any body corporate, company, or person carrying on the business of bankers, or shall use, or knowingly have in his custody or possession, any such plate, wood, stone, or other material, or any other instrument, or device for the impressing or making upon any paper or other material any word, number, figure, character, or ornament which shall resemble or apparently be intended to resemble any part of a bank note, bank bill of exchange, or bank post bill of any such body corporate, company, or person as aforesaid, or shall knowingly offer, utter, dispose of, or put off, or have in his custody or possession, any paper or other material upon which there shall be an impression of any such matter as aforesaid, shall be guilty of Felony, and being convicted thereof shall be liable to be imprisoned for Fourteen years.

**13** Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall make or use any frame, mould, or instrument for the manufacture of paper, with the name or firm of any body corporate, company or person carrying on the business of Bankers, appearing visible in the substance of the paper, or knowingly have in his custody or possession any such frame, mould, or instrument, or make, use, sell, expose to sale, utter, or dispose of, or knowingly have in his custody or possession, any paper in the substance of which the name or firm of any such body corporate, company, or person shall appear visible, or by any art or contrivance cause the name or firm of any such body corporate, company, or person to appear visible in the substance of the paper upon which the same shall be written or printed, shall be guilty of Felony, and being convicted thereof shall be liable to be imprisoned for Fourteen years.

Making or having mould for making paper with the name of any banker, or making or having such paper.

**14** Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall engrave or in anywise make upon any plate whatsoever, or upon any wood, stone, or other material, any bill of exchange, promissory note, undertaking, or order for payment of money, or any part of any bill of exchange, promissory note, undertaking, or order for payment of money, in whatsoever language the same may be expressed, and whether the same shall or shall not be or be intended to be under seal, purporting to be the bill, note, undertaking, or order, or part of the bill, note, undertaking, or order of any Foreign Prince or State, or of any minister or officer in the service of any Foreign Prince or State, or of any body corporate or body of the like nature, constituted or recognized by any Foreign Prince or State, or of any person or company of persons resident in any country not under the dominion of Her Majesty, or shall use, or knowingly have in his custody or possession, any plate, stone, wood, or other material upon which any such foreign bill, note, undertaking, or order, or any part thereof, shall be engraved or made, or shall knowingly offer, utter, dispose of, or put off, or have in his custody or possession, any paper upon which any part of any such foreign bill, note, undertaking, or order shall be made or printed, shall be guilty of Felony, and being convicted thereof shall be liable to be imprisoned for Fourteen years.

Engraving plates for foreign bills or notes, or using or having such plates, or uttering paper on which any part of any such bill or note is printed.

*As to forging Deeds, Wills, Bills of Exchange, &c.*

**15** Whosoever, with intent to defraud, shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any deed, or any bond or writing obligatory, or any assignment at law or in equity of any such bond or writing obligatory, or any assignment at law or in equity of any such bond or writing obligatory, or shall forge any name, handwriting, or signature purporting to be the name, handwriting, or signature of a witness attesting the execution of any deed, bond, or writing obligatory, or shall offer, utter, dispose of, or put off any deed, bond, or writing obligatory having thereon any such forged name, handwriting, or signature, knowing the same to be forged, shall be guilty of Felony, and being convicted thereof shall be liable to be imprisoned for Life.

Forging deeds, bonds, &c.

**16** Whosoever, with intent to defraud, shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any will, testament, codicil, or testamentary instrument, shall be guilty of Felony, and being convicted thereof shall be liable to be imprisoned for Life.

Forging wills.

Forging bills of exchange or promissory notes.

**17** Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any bill of exchange, or any acceptance, indorsement, or assignment of any bill of exchange, or any promissory note for the payment of money, or any indorsement or assignment of any such promissory note, with intent to defraud, shall be guilty of Felony, and being convicted thereof shall be liable to be imprisoned for Life.

Forging orders, receipts, &c., for money, goods, &c.

**18** Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any undertaking, warrant, order, authority, or request for the payment of money, or for the delivery or transfer of any goods or chattels, or of any note, bill, or other security for the payment of money, or for procuring or giving credit, or any indorsement on or assignment of any such undertaking, warrant, order, authority, or request, or any accountable receipt, acquittance, or receipt for money or for goods, or for any note, bill, or other security for the payment of money, or any indorsement on or assignment of any such accountable receipt, with intent in any of the cases aforesaid, to defraud, shall be guilty of Felony, and being convicted thereof shall be liable to be imprisoned for Life.

Any person making or accepting any bill, note, &c. by procuration, without lawful authority, or uttering any such bill, note, &c. so made or accepted, with intent to defraud, to be guilty of Felony.

**19** Whosoever, with intent to defraud, shall draw, make, sign, accept, or indorse any bill of exchange or promissory note, or any undertaking, warrant, order, authority, or request, for the payment of money, or for the delivery or transfer of goods or chattels, or of any bill, note, or other security for money, by procuration or otherwise, for, in the name, or on the account of any other person, without lawful authority or excuse, or shall offer, utter, dispose of, or put off any such bill, note, undertaking, warrant, order, authority, or request so drawn, made, signed, accepted, or indorsed by procuration or otherwise, without lawful authority or excuse, as aforesaid, knowing the same to have been so drawn, made, signed, accepted, or indorsed as aforesaid, shall be guilty of Felony, and being convicted thereof shall be liable to be imprisoned for Fourteen years.

Obliterating crossings on cheques.

**20** Whenever any cheque or draft on any banker shall be crossed with the name of a banker, or with two transverse lines with the words "and company," or any abbreviation thereof, whosoever shall obliterate, add to, or alter any such crossing, or shall offer, utter, dispose of, or put off any cheque or draft whereon any such obliteration, addition, or alteration has been made, knowing the same to have been made, with intent, in any of the cases aforesaid, to defraud, shall be guilty of Felony, and being convicted thereof shall be liable to be imprisoned for Fourteen years.

*As to forging Records, Process, Instruments of Evidence, &c.*

Forging proceedings of Courts of Record or Courts of Equity.

**21** Whosoever shall forge or fraudulently alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or fraudulently altered, any record, writ, return, panel, process, rule, order, warrant, interrogatory, deposition, affidavit, affirmation, recognizance, cognovit actionem, or warrant of attorney, or any original document whatsoever of or belonging to any Court of Record, or any bill, petition, process, notice, rule, answer, pleading, interrogatory, deposition, affidavit, affirmation, report, order, or decree, or any original document whatsoever of or belonging to any Court of Equity or Court of Admiralty or Vice-Admiralty, or any document or writing, or any copy of any document or writing, used or intended to be used as evidence in any Court in this section mentioned, shall be guilty of Felony, and being convicted thereof shall be liable to be imprisoned for Seven years.

**22** Whosoever, being the Clerk of any Court, or other Officer having the custody of the records of any Court, or being the Deputy of any such Clerk or Officer, shall utter any false copy or certificate of any record, knowing the same to be false; and whosoever, other than such Clerk, Officer, or Deputy, shall sign or certify any copy or certificate of any record as such Clerk, Officer, or Deputy; and whosoever shall forge or fraudulently alter, or offer, utter, dispose of, or put off knowing the same to be forged or fraudulently altered, any copy or certificate of any record, or shall offer, utter, dispose of, or put off any copy or certificate of any record having thereon any false or forged name, handwriting, or signature, knowing the same to be false or forged; and whosoever shall forge the seal of any Court of Record, or shall forge or fraudulently alter any process of any Court other than such Courts as in the last preceding section mentioned, or shall serve or enforce any forged process of any Court whatsoever, knowing the same to be forged, or shall deliver or cause to be delivered to any person any paper falsely purporting to be any such process, or a copy thereof, or to be any judgment, decree, or order of any Court of Law or Equity, or a copy thereof, knowing the same to be false, or shall act or profess to act under any such false process, knowing the same to be false, shall be guilty of Felony, and being convicted thereof shall be liable to be imprisoned for Seven years.

Forging copies or certificates of records, process of courts not of record, and using forged process.

**23** Whosoever shall forge or fraudulently alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or fraudulently altered, any instrument, whether written or printed, or partly written and partly printed, which is or shall be made evidence by any Act passed or to be passed, and for which offence no punishment is herein provided, shall be guilty of Felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding Seven years.

Forging instruments made evidence by any Act.

*As to forging Registers of Deeds.*

**24** Whosoever shall forge or fraudulently alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or fraudulently altered, any memorial, affidavit, affirmation, entry, certificate, indorsement, document, or writing, made or issued under the provisions of any Act passed or hereafter to be passed for or relating to the registry of deeds, or shall forge or counterfeit the seal of or belonging to any office for the registry of deeds, or any stamp or impression of any such seal; or shall forge any name, handwriting, or signature purporting to be the name, handwriting, or signature of any person to any such memorial, affidavit, affirmation, entry, certificate, indorsement, document, or writing which shall be required or directed to be signed by or by virtue of any Act passed or to be passed, or shall offer, utter, dispose of, or put off any such memorial or other writing as in this section before mentioned, having thereon any such forged stamp or impression of any such seal, or any such forged name, handwriting, or signature, knowing the same to be forged, shall be guilty of Felony, and being convicted thereof shall be liable to be imprisoned for Fourteen years.

Forgery as to the registry of deeds.

*As to forging Orders, &c. of Justices of the Peace.*

**25** Whosoever, with intent to defraud, shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any summons, conviction, order, or warrant of any Justice of the Peace, or any recognizance purporting to have been entered into

Forging orders of Justices, recognizances, affidavits, &c.

before any Justice of the Peace, or other officer authorised to take the same, or any examination, deposition, affidavit, affirmation, or solemn declaration, taken or made before any Justice of the Peace, shall be guilty of Felony, and being convicted thereof shall be liable to be imprisoned for Three years.

*As to forging the Name of any Judge, &c. of the Supreme Court.*

Forging the name of any Judge, or the Registrar or Clerk of the Supreme Court.

**26** Whosoever, with intent to defraud, shall forge or alter any certificate, report, entry, indorsement, declaration of trust, note, direction, authority, instrument, or writing made or purporting or appearing to be made by any Judge, or the Registrar, or Clerk of the Supreme Court, or the name, handwriting, or signature of any such Judge, Registrar, or Clerk as aforesaid, or shall offer, utter, dispose of, or put off any such certificate, report, entry, indorsement, declaration of trust, note, direction, authority, instrument, or writing, knowing the same to be forged or altered, shall be guilty of Felony, and being convicted thereof shall be liable to be imprisoned for Fourteen years.

*As to falsely acknowledging Recognizances, &c.*

Acknowledging recognizance, bail, cognovit, &c. in the name of another.

**27** Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall, in the name of any other person, acknowledge any recognizance or bail, or any cognovit actionem, or judgment, or any deed or other instrument, before any Court, Judge, or other person lawfully authorised in that behalf, shall be guilty of Felony, and being convicted thereof shall be liable to be imprisoned for Seven years.

*As to forging Marriage Licences.*

Forging or uttering marriage licence or certificate.

**28** Whosoever shall forge or fraudulently alter any licence of or certificate for marriage, or shall offer, utter, dispose of, or put off any such licence or certificate, knowing the same to be forged or fraudulently altered, shall be guilty of Felony, and being convicted thereof shall be liable to be imprisoned for Seven years.

*As to forging Registers of Births, Marriages and Deaths.*

Forging registers of births, baptisms, marriages, deaths or burials.

**29** Whosoever shall unlawfully destroy, deface, or injure, or cause or permit to be destroyed, defaced, or injured, any register of births, baptisms, marriages, deaths, or burials, which now is or hereafter shall be by law authorised or required to be kept, or any part of any such register, or any certified copy of any such register, or any part thereof, or shall forge or fraudulently alter in any such register any entry relating to any birth, baptism, marriage, death, or burial, or any part of any such register, or any certified copy of such register, or of any part thereof, or shall knowingly and unlawfully insert or cause or permit to be inserted in any such register, or in any certified copy thereof, any false entry of any matter relating to any birth, baptism, marriage, death, or burial, or shall knowingly and unlawfully give any false certificate relating to any birth, baptism, marriage, death, or burial, or shall certify any writing to be a copy or extract from any such register, knowing such writing, or the part of such register whereof such copy or extract shall be so given, to be false in any material particular, or shall forge or counterfeit the seal of or belonging to any register office, or shall offer, utter, dispose of, or put off any such register, entry, certified copy, certificate, or seal, knowing the same to be false, forged, or altered,



or shall offer, utter, dispose of, or put off any copy of any entry in any such register, knowing such entry to be false, forged, or altered, shall be guilty of Felony, and being convicted thereof shall be liable to be imprisoned for Life.

**30** Whosoever shall knowingly and wilfully insert or cause or permit to be inserted in any copy of any register directed or required by law to be transmitted to any registrar or other officer any false entry of any matter relating to any baptism, marriage, or burial, or shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any copy of any register so directed or required to be transmitted as aforesaid, or shall knowingly and wilfully sign or verify any copy of any register so directed or required to be transmitted as aforesaid, which copy shall be false in any part thereof, knowing the same to be false, or shall unlawfully destroy, deface, or injure, or shall for any fraudulent purpose take from its place of deposit, or conceal, any such copy of any register, shall be guilty of Felony, and being convicted thereof shall be liable to be imprisoned for Life.

Making false entries in copies of register sent to registrar.

*As to demanding Property upon Forged Instruments.*

**31** Whosoever with intent to defraud, shall demand, receive, or obtain, or cause or procure to be delivered or paid to any person, or endeavour to receive or obtain, or to cause or procure to be delivered or paid to any person, any chattel, money, security for money, or other property whatsoever, under, upon, or by virtue of any forged or altered instrument whatsoever, knowing the same to be forged or altered, or under, upon, or by virtue of any probate or letters of administration, knowing the will, testament, codicil, or testamentary writing on which such probate or letters of administration shall have been obtained to have been forged or altered, or knowing such probate or letters of administration to have been obtained by any false oath, affirmation, or affidavit, shall be guilty of Felony, and being convicted thereof shall be liable to be imprisoned for Fourteen years.

Demanding property upon forged instruments.

*As to other Matters.*

**32** Where by this or by any other Act any person is or shall hereafter be made liable to punishment for forging or altering, or for offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any instrument or writing designated in such Act by any special name or description, and such instrument or writing, however designated, shall be in law a will, testament, codicil, or testamentary writing, or a deed, bond, or writing obligatory, or a bill of exchange, or a promissory note for the payment of money, or an indorsement on or assignment of a bill of exchange or promissory note for the payment of money, or an acceptance of a bill of exchange, or an undertaking, warrant, order, authority, or request for the payment of money, or for the delivery or transfer of any goods and chattels, or an indorsement on or assignment of an undertaking, warrant, order, authority, or request for the payment of money, or for goods, within the true intent and meaning of this Act, in every such case the person forging or altering such instrument or writing, or offering, uttering, disposing of, or putting off such instrument or writing, knowing the same to be forged or altered, may be proceeded against as an offender against this Act and punished accordingly.

Forging any instrument however designated, which is in law a will, bill of exchange, &c.

**33** Where the forging or altering any writing or matter whatsoever, or the offering, uttering, disposing of, or putting off any writing or

Forging, &c., in the Colony docu-

ments purporting to be made, or actually made, out of the Colony, and forging, &c., in the Colony, bills of exchange, &c., purporting to be payable out of the Colony.

matter whatsoever, knowing the same to be forged or altered, is in this Act expressed to be an offence, if any person shall in this Colony forge or alter, or offer, utter, dispose of, or put off, knowing the same to be forged or altered, any such writing or matter in whatsoever place or country out of this Colony, whether under the dominion of Her Majesty or not, such writing or matter may purport to be made or may have been made, and in whatever language the same or any part thereof may be expressed, every such person, and every person aiding, abetting, or counselling such person, shall be deemed to be an offender within the meaning of this Act, and shall be punishable thereby in the same manner as if the writing or matter had purported to be made or had been made in this Colony; and if any person shall in this Colony forge or alter, or offer, utter, dispose of, or put off, knowing the same to be forged or altered, any bill of exchange, or any promissory note for the payment of money, or any indorsement on or assignment of any bill of exchange or promissory note for the payment of money, or any acceptance of any bill of exchange, or any undertaking, warrant, order, authority, or request for the payment of money, or for the delivery or transfer of any goods or security, or any deed, bond, or writing obligatory for the payment of money (whether such deed, bond, or writing obligatory shall be made only for the payment of money, or for the payment of money together with some other purpose), or any indorsement on or assignment of any such undertaking, warrant, order, authority, request, deed, bond, or writing obligatory, in whatsoever place or country out of this Colony, whether under the dominion of Her Majesty or not, the money payable or secured by such bill, note, undertaking, warrant, order, authority, request, deed, bond, or writing obligatory may be or may purport to be payable, and in whatever language the same respectively or any part thereof may be expressed, and whether such bill, note, undertaking, warrant, order, authority, or request be or be not under seal, every such person, and every person aiding, abetting, or counselling such person, shall be deemed to be an offender within the meaning of this Act, and shall be punishable thereby in the same manner as if the money had been payable or had purported to be payable in this Colony.

Description of instrument in informations for forgery.

**34** In any information for forging, altering, offering, uttering, disposing, or putting off 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.

Description of instrument in informations for engraving, &c.

**35** In any information for engraving or making the whole or any part of any instrument, matter, or thing whatsoever, or for using or having the unlawful custody or 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 custody or possession of any paper upon which the whole or any part of any instrument, matter, or thing whatsoever shall have been made or printed, it shall be sufficient to describe such instrument, matter, or thing by any name or designation by which the same may be usually known, without setting out any copy or fac-simile of the whole or any part of such instrument, matter, or thing.

Intent to defraud particular persons need not be alleged or proved.

**36** It shall be sufficient in any information for forging, altering, uttering, offering, disposing of, or putting off any instrument whatsoever, where it shall be necessary to allege an intent to defraud, to allege

that the party accused did the act with intent to defraud, without alleging an intent to defraud any particular person; and on the trial of any such offence it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove that the party accused did the act charged with an intent to defraud.

**37** Where the having any matter in the custody or possession of any person is in this Act expressed to be an offence, if any person shall have any such matter in his personal custody or possession, or shall knowingly and wilfully have any such matter in the actual custody or possession of any other person, or shall knowingly and wilfully have any such matter in any dwelling-house or other building, lodging, apartment, field, or other place, open or inclosed, whether belonging to or occupied by himself or not, and whether such matter shall be so had for his own use or for the use or benefit of another, every such person shall be deemed and taken to have such matter in his custody or possession within the meaning of this Act.

Interpretation as to criminal possession.

**38** If it shall be made to appear, by information on Oath or affirmation before a Justice of the Peace, that there is reasonable cause to believe that any person has in his custody or possession, without lawful authority or excuse, any note or bill of any body corporate, company, or person carrying on the business of bankers, or any frame, mould, or implement for making paper in imitation of the paper used for such notes or bills, or any such paper, or any plate, wood, stone, or other material having thereon any words, forms, devices, or characters capable of producing or intended to produce the impression of any such note or bill, or any part thereof, or any tool, implement, or material used or employed or intended to be used or employed in or about any of the operations aforesaid, or any forged security, document, or instrument whatsoever, or any machinery, frame, mould, plate, die, seal, paper, or other matter or thing used or employed or intended to be used or employed in the forgery of any security, document, or instrument whatsoever, such Justice may, if he think fit, grant a warrant to search for the same; and if the same shall be found upon such search, it shall be lawful to seize and carry the same before some Justice, to be by him disposed of according to law; and all such matters and things so seized as aforesaid shall by order of the Court where any such offender shall be tried, or in case there shall be no such trial then by order of some Justice of the Peace, be defaced and destroyed or otherwise disposed of as such Court or Justice shall direct.

Search for paper or implements employed in any forgery, and for forged instruments.

**39** Whosoever shall, after the commencement of this Act, be convicted of any offence which shall have been subjected by any law to the same pains and penalties as are imposed by the Act of the Imperial Parliament of the 5th *Elizabeth*, chapter 14, intituled *An Act against Forgers of false Deeds and Writings*, for any of the offences first enumerated in the said Act, shall be guilty of Felony, and shall, in lieu of such pains and penalties, be liable to be imprisoned for Fourteen years.

Other punishments substituted for those of the 5th Eliz. c. 14, which have been adopted in other Acts.

**40** Where by any Act now in force any person falsely making, forging, counterfeiting, erasing, or altering any matter whatsoever, or uttering, publishing, offering, disposing of, putting away, or making use of any matter whatsoever, knowing the same to have been falsely made, forged, counterfeited, erased, or altered, or any person demanding or endeavour-

All forgeries which were capital before the 1 Will. 4 c. 66, and are not otherwise punishable under

this Act, shall be punished with imprisonment for Life.

ing to receive or have any thing, or to do or cause to be done any act, upon or by virtue of any matter whatsoever, knowing such matter to have been falsely made, forged, counterfeited, erased, or altered, would, according to the provisions contained in any such Act, be guilty of Felony, and would before the passing of the Act of the Imperial Parliament of the 1st *William* the 4th, chapter 66, have been liable to suffer death as a Felon ; or where by any Act now in force any person falsely personating another, or falsely acknowledging any thing in the name of another, or falsely representing any other person than the real party to be such real party, or wilfully making a false entry in any book, account, or document, or in any manner wilfully falsifying any part of any book, account, or document, or wilfully making a transfer of any stock, annuity, or fund in the name of any person not being the owner thereof, or knowingly taking any false Oath, or knowingly making any false affidavit or false affirmation, or demanding or receiving any money or other thing by virtue of any probate or letters of administration, knowing the will on which such probate shall have been obtained to have been false or forged, or knowing such probate or letters of administration to have been obtained by means of any false oath or false affirmation, would, according to the provisions contained in any such Act, be guilty of Felony, and would before the passing of the said Act of the 1st *William* the 4th, have been liable to suffer death as a Felon ; or where by any Act now in force any person making or using, or knowingly having in his custody or possession, any frame, mould, or instrument for the making of paper, with certain words visible in the substance thereof, or any such person making such paper, or causing certain words to appear visible in the substance of any paper, would, according to the provisions contained in any such Act, be guilty of Felony, and would before the passing of the said Act of the 1st *William* the 4th, have been liable to suffer death as a Felon ; then, and in each of the several cases aforesaid, if any person shall after the commencement of this Act, be convicted of any such Felony as is hereinbefore in this section mentioned, or of aiding, abetting, counselling, or procuring the commission thereof, (and the same shall not be punishable under any of the other provisions of this Act), every such person shall be liable to be imprisoned for Life.

Principals in the second degree and accessories.

**41** In the case of every Felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this Act punishable ; and every accessory after the fact to any felony punishable under this Act shall on conviction be liable to be imprisoned for any term not exceeding Two years ; and every person who shall aid, abet, counsel, or procure the commission of any Misdemeanor punishable under this Act, shall be liable to be proceeded against, tried, and punished as a principal offender.

Abettors in misdemeanors.

Fine and sureties for keeping the peace ; in what case.

**42** Whenever any person shall be convicted of a Misdemeanor under this Act it shall be lawful for the Court, if it shall think fit, in addition to or in lieu of any of the punishments by this Act authorised, to fine the offender, and to require him to enter into his own recognizances, and to find sureties, both or either, for keeping the peace and being of good behaviour ; and in all cases of Felonies in this Act mentioned, it shall be lawful for the Court, if it shall think fit, to require the offender to enter into his own recognizances, and to find sureties, both or either, for keeping the peace, in addition to any of the punishments by this Act

authorised; provided that no person shall be imprisoned under this clause for not finding sureties for any period exceeding One year.

**43** When any person is convicted of any offence for which he is liable to be punished under this Act by imprisonment for Life, it shall be lawful for the Court before which such person is convicted to pass sentence on such offender of imprisonment for Life, or for any term of years not exceeding Twenty years; and when any person is convicted of any offence for which he is liable to be punished under the provisions of this Act by imprisonment for any term of years, it shall be lawful for the Court before which such person is convicted to pass sentence upon such offender of imprisonment for any shorter term.

Mode of passing sentence of imprisonment.

**44** Every sentence of imprisonment passed under the provisions of this Act shall, for the purpose of being carried into effect, be deemed and taken to be a sentence of penal servitude, and shall have all the incidents attending a sentence of penal servitude: Provided that, in case the sentence passed is for a period of imprisonment of less than Two years, the Court may direct that the person sentenced shall not be kept to hard labour; and in every such case the sentence passed shall be carried into effect in the same manner in which a sentence of imprisonment without hard labour is now carried into effect.

Sentence of imprisonment same as sentence of penal servitude.

**45** This Act shall commence and take effect on the First day of *September*, 1863.

Commencement of Act.

