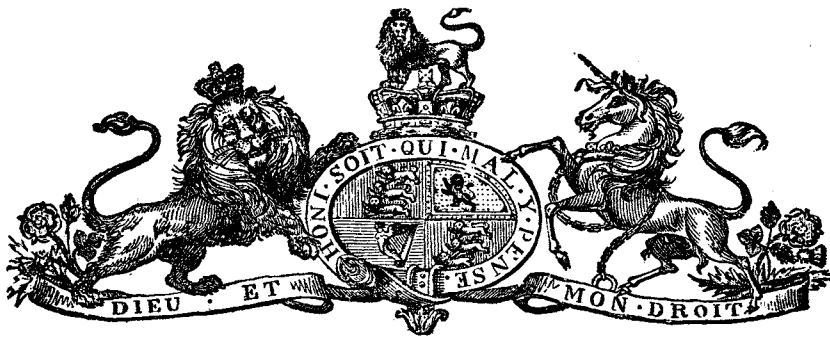


T A S M A N I A



1877.

ANNO QUADRAGESIMO-PRIMO

VICTORIÆ REGINÆ,

No. 13.



AN ACT to amend the Law relating to Robbery, A.D. 1877.
Frauds, and other similar Offences.

[11 December, 1877.]

WHEREAS it is expedient to amend the Law relating to Robbery, PREAMBLE.
Frauds, and other similar Offences :

Be it therefore enacted by His Excellency the Governor of *Tasmania*,
by and with the advice and consent of the Legislative Council and House
of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as “The Larceny Act, 1877;” and the Short title.
Act of the Parliament of *Tasmania* of the 27th *Victoria*, No. 8, may be
cited as “The Larceny Act, 1863.”

2 Section Sixty-five of “The Larceny Act, 1863,” is hereby repealed, Repeal of Section
Sixty-five of
27 Vict. No. 8.
except as to anything heretofore duly done thereunder, and except so
far as may be necessary for the purpose of supporting and continuing
any proceeding taken or of prosecuting or punishing any person for any
offence committed before the passing of this Act.

3 Whosoever, having been intrusted, either solely, or jointly with Agent, banker,
&c. embezzling
money or selling
securities, &c
entrusted to him.
any other person, as a banker, merchant, broker, attorney, or other
agent, with any money, or security for the payment of money, with any
direction in writing to apply, pay, or deliver such money or security
or any part thereof respectively, or the proceeds or any part of the
proceeds of such security, for any purpose, or to any person specified in
such direction, shall, in violation of good faith and contrary to the terms

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of such direction, in anywise convert to his own use or benefit, or the use or benefit of any person other than the person by whom he shall have been so intrusted, such money, security, or proceeds, or any part thereof respectively; and whosoever, having been intrusted, either solely, or jointly with any other person, as a banker, merchant, broker, attorney, or other agent, with any chattel or valuable security, or any power of attorney for the sale or transfer of any share or interest in any public stock, fund, or debenture, whether of any part of the *British* dominions, or of any foreign State, or in any stock or fund of any body corporate, company, or society, for safe custody, or for any special purpose, without any authority to sell, negotiate, transfer, or pledge, shall in violation of good faith, and contrary to the object or purpose for which such chattel, security, or power of attorney shall have been intrusted to him, sell, negotiate, transfer, pledge, or in any manner convert to his own use or benefit, or the use or benefit of any person other than the person by whom he shall have been so intrusted, such chattel or security, or the proceeds of the same or any part thereof, or the share or interest in the stock or fund to which such power of attorney shall relate, or any part thereof, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned for Seven years; but nothing in this Section contained relating to agents shall affect any trustee in or under any instrument whatsoever, or any mortgagee of any property, real or personal, in respect of any act done by such trustee or mortgagee in relation to the property comprised in or affected by any such trust or mortgage; nor shall restrain any banker, merchant, broker, attorney, or other agent from receiving any money which shall be or become actually due and payable upon or by virtue of any valuable security, according to the tenor and effect thereof, in such manner as he might have done if this Act had not been passed; nor from selling, transferring, or otherwise disposing of any securities or effects in his possession upon which he shall have any lien, claim, or demand entitling him by law so to do, unless such sale, transfer, or other disposal shall extend to a greater number or part of such securities or effects than shall be requisite for satisfying such lien, claim, or demand.

Exceptions.

Member of copartnership guilty of converting to his own use, &c. property of copartnership liable to be tried as if not such member. [31 & 32 Vict., cap. 116, sec. 1.]

4 If any person, being a member of any copartnership, or being one of two or more beneficial owners of any money, goods or effects, bills, notes, securities, or other property, shall steal or embezzle any such money, goods or effects, bills, notes, securities, or other property of or belonging to any such copartnership or to such joint beneficial owners, every such person shall be liable to be dealt with, tried, convicted, and punished for the same as if such person had not been or was not a member of such copartnership or one of such beneficial owners.

Limitation of actions for advertisements of reward for return of stolen property. [33 & 34 Vict., cap. 65, sec. 3.]

5 Every action against the printer or publisher of a newspaper to recover a forfeiture under Section Ninety-one of "The Larceny Act, 1863," shall be brought within Six months after the forfeiture is incurred; and no such action against the printer or publisher of a newspaper shall be brought unless the assent in writing of Her Majesty's Attorney-General or Solicitor-General for *Tasmania* has been first obtained to the bringing of such action.

Stay of proceedings in action brought before passing of the Act. [*Ibid.*, sec. 4.]

6 Where any action has been brought before the passing of this Act against the printer or publisher of any newspaper for the recovery of any forfeiture incurred under Section Ninety-one of "The Larceny Act, 1863," the defendant in such action may apply to a Judge of the

Larceny.

Supreme Court of *Tasmania*; and such Judge, upon such application and upon proof that sufficient notice of the application has been given to the plaintiff or his attorney, shall order that upon payment by the defendant of the plaintiff's costs, out of pocket, incurred in the action up to the time of the application, the action shall be discontinued, or (if the forfeiture was incurred within Six months of the passing of this Act) shall be discontinued unless the plaintiff, before the expiration of Six months from the date of the forfeiture, obtains the assent required by this Act to the bringing of such action, and shall be stayed until such assent is obtained. A.D. 1877.

7 In this Act the term "newspaper" means a newspaper as defined for the purposes of the Acts for the time being in force relating to the carriage of newspapers by post. Definition of newspaper. [*Ibid.*, sec. 2.]

8 This Act shall be deemed to be incorporated with "The Larceny Act, 1863," and shall be construed as if the said Act (except such parts thereof as are repealed or amended by this Act) and this Act were one Act. This Act to be read with 27 Vict. No. 8.

The first part of the book is devoted to a general history of the United States from its discovery to the present time. It is divided into three volumes, each of which contains a complete and accurate account of the events which have taken place in the country since its independence. The first volume contains the history of the thirteen original states, the second volume contains the history of the territories, and the third volume contains the history of the United States as a whole. The author has endeavored to give a full and complete account of all the important events which have taken place in the country, and to do so in a clear and concise manner. He has also endeavored to give a full and complete account of the character and conduct of the various administrations which have governed the country, and to do so in a fair and impartial manner. The book is intended for the use of students in the schools and colleges, and is also well adapted for the general reader who is interested in the history of the United States.