

all actions and prosecutions to be commenced against any person for any thing done in pursuance of this Ordinance, shall be commenced within three calendar months after the fact committed, and not otherwise.

34. And be it further enacted, That no conviction under this Ordinance shall be quashed for want of form, and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

35. And be it further enacted, That this Ordinance shall take effect from and immediately after the promulgation thereof.

Passed in Council this thirty-first day of December, one thousand eight hundred and forty-two.

THOMAS F. JOHNSTON,

Clerk of Council.

No. 13.—1842.

AN ORDINANCE for the Prevention and Punishment of Forgery, and Assimilating the laws relating thereto to the Laws of England in like cases.

(L. S.) C. CHICHESTER,

Acting Governor, Lieut.-Colonel 81st Regiment.

WHEREAS it is expedient that the laws relating to forgery should be altered and amended, and assimilated to the Laws of England in like cases, and consolidated into this Ordinance: Be it therefore enacted, by his Excellency the Governor and Commander-in-Chief, in and over the said Island and its Dependencies, Vice-Admiral thereof, &c., &c., &c., by and with the advice and consent of the Council of Government thereof, That if any person 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 the Governor and Company of the Bank of England, or of the Colonial Bank, or of the West India Bank, or any

acts done in
pursuance of this
Ordinance

Conviction
not to be
quashed for
want of form.

Ordinance to
take effect
from promul-
gation.

Forging Bank
Notes, Bills of
Exchange, or
acceptance or
indorsement
thereof, or
warrant, or
order for pay-
ment of money
—felony—and
punishment
thereof.

other bank, now or hereafter to be established by lawful authority in this Colony, 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 whatsoever, or any deed, will, testament, codicil or testamentary writing, or 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 or order for the payment of money, with intent in any of the cases aforesaid to defraud any person whatsoever, every such offender shall be guilty of felony, and being convicted of any such offence, shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of the natural life of such person, or any term not less than ten years, or to be imprisoned for any term not exceeding four years.

Forgery of
deeds, &c., or
certificates of
Registrar or
Escribano, or
Officer of Cus-
toms, &c.

2. And be it further enacted, That if any person shall forge or alter, or shall offer, utter, or dispose of, knowing the same to be forged or altered, any deed, bond, or writing obligatory, or any certificate by the Registrar of this Island, or his lawful Deputy, of the entry or registry of any deed, will or testament, in the Registrar's Office of this Island, or any receipt or certificate of the Colonial Treasurer or his lawful Deputy, or of the Escribano or Registrar of the Court of First Instance of Civil Jurisdiction, or of any officer of Her Majesty's Customs, or any acquittance or receipt, either for money or goods, or any accountable receipt either for money or goods or for any note, bill, or other security for payment of money, or any warrant, order or request, for the delivery or transfer of any goods, or for the delivery of any note, bill, or other security, for payment of money with intent to defraud any person whatsoever, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years.

False entries
in registries of

3. And be it further enacted, That if any person shall knowingly and wilfully insert or cause, or permit

to be inserted, in any register of baptisms, marriages, or burials which hath been, or shall be made or kept by the rector, curate, or officiating minister of any parish or church, or by any minister or ministers of any Roman Catholic church or chapel, or by any dissenting minister of any chapel within this Colony, any false entry of any matter relating to any baptism, marriage, or burial, or shall forge or alter in any such register, any entry of any matter relating to any baptism, marriage, or burial, or shall utter any writing as and for a copy of an entry in any such register of any matter relating to any baptism, marriage, or burial, knowing such writing to be false, forged or altered, or if any person shall utter any entry in any such register of any matter relating to any baptism, marriage or burial, knowing such entry to be false, forged or altered, or shall utter any copy of such entry, knowing such entry to be false, forged or altered, or shall wilfully destroy, deface or injure, or cause or permit to be defaced, destroyed or injured, any such register, or any part thereof, or shall forge or alter, or shall utter, knowing the same to be forged or altered, any license of marriage, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years.

4. Provided always, and be it enacted, That no rector, curate, or officiating minister of any parish, or Roman Catholic minister, or dissenting minister of any chapel within this Island, who shall discover any error in the form or substance of the entry in the register of any baptism, marriage, or burial respectively by him solemnized, shall be liable to any of the penalties herein mentioned, if he shall within one calendar month after the discovery of such error, in the presence of the parent or parents of the child baptized, or of the parties married, or in the presence of two persons, who shall have attended at such burial, or in the case of the death or absence of the respective parties aforesaid, then in the presence of the churchwarden, or of some other rector, curate, or Roman Catholic minister, or officiating minister, or dissenting minister, correct the entry which shall have been

baptism, marriage, or burial

Not to apply to Rectors or Ministers correcting errors as directed.

found erroneous, according to the truth of the case by entry in the margin of the register, wherein such erroneous entry shall have been made, without any alteration or obliteration of the original entry, and shall sign such entry in the margin, and add to such signature the day of the month and year when such correction shall be made, and such correction and signature shall be attested by the parties in whose presence the same are directed to be made as aforesaid.

Having forged notes in possession without lawful excuse.

5. And be it further enacted, That if any person shall without lawful excuse, the proof whereof shall lie upon the party accused, 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 respectively to be forged, every such offender shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years.

Construction of Ordinance.

6. And be it further enacted, That where the committing any offence with intent to defraud any person whatsoever, is made punishable by this Ordinance, in every such case, the word person shall throughout this Ordinance be deemed to include Her Majesty or any body corporate, or any company or society of persons not incorporated, or any person or number of persons whatsoever, who may be intended to be defrauded by such offender, whether such body corporate, company, society, person or number of persons shall reside, or carry on business in this Island or elsewhere, in any place or country, whether within the dominions of Her Majesty or not, and it shall be sufficient in any indictment to name one person only of such company, society or number of persons, and to allege the offence to have been committed with intent to defraud the person so named, and another or others, as the case may be.

Court may order hard labour.

7. And be it further enacted, That when any person shall be convicted of any offence punishable under this Ordinance for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned with or without hard labour in the Royal Gaol, and also to direct that the offender shall be kept in solitary confinement for any portion or portions of

such imprisonment not exceeding one month at any one time, and not exceeding three months in any one year, as to the Court in its discretion shall seem meet.

8. And be it further enacted, That in the case of every felony punishable under this Ordinance, 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 Ordinance punishable, and every accessory after the fact to any felony punishable under this Ordinance, shall, on conviction, be liable to be imprisoned for any term not exceeding two years. Punishment of accessories.

9. And in order to prevent justice from being defeated by clerical or verbal inaccuracies, be it further enacted, That in all indictments for forging, or in any manner uttering any instrument or writing, it shall not be necessary to set forth any copy or facsimile thereof, but it shall be sufficient to describe the same in such manner as would sustain an indictment for stealing the same. In indictments for forging sufficient to describe instrument as if for stealing.

10. And be it further enacted, That on any prosecution by indictment against any person for forging any deed, writing, instrument or other matter whatsoever, or for uttering or disposing of any deed, writing, instrument or other matter whatsoever, knowing the same to be forged, or for being accessory before or after the fact to any such offence, if the same be a felony, or for aiding, abetting, or counselling the commission of any such offence, if the same be a misdemeanor, no person shall be deemed to be an incompetent witness in support of any such prosecution, by reason of any interest which such person may have, or be supposed to have, in respect of such deed, writing, instrument, or other matter. Witness not incompetent by reason of interest.

11. And be it enacted, That this Ordinance shall take effect from and immediately after the promulgation thereof.

Passed in Council this thirty-first day of December, eighteen hundred and forty-two.

THOMAS F. JOHNSTON,
Clerk of Council.