

No. 5.—1865.

1st March.

AN ORDINANCE for preventing Embezzlements by
Persons employed in the Public Service of Her
Majesty.

(L. S.) J. H. T. MANNERS-SUTTON.

9th March, 1865.

BE it enacted by His Excellency the Governor with
the Advice and Consent of the Legislative Council
as follows :

1. Whosoever being employed in the public service of Her Majesty, or being a warden of any ward, or a constable or other person employed in the police of the Colony, or of any borough, ward, or place whatsoever, shall steal any chattel, money, or valuable security belonging to or in the possession or power of Her Majesty, or intrusted to or received or taken into possession by him by virtue of his employment shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding three years with or without hard labour.

Persons in the public service stealing money, valuable securities &c. entrusted to them to be deemed guilty of felony.

2. Whosoever being employed in the public service of Her Majesty, or being a warden of any ward, or a constable or other person employed in the police of the island, or of any borough, ward, or place, and entrusted by virtue of such employment with the receipt, custody, management or control of any chattel, money, or valuable security, shall embezzle any chattel, money, or valuable security which shall be entrusted to or received or taken into possession by him by virtue of his employment, or any part thereof, or in any manner fraudulently apply or dispose of the same, or any part thereof to his own use or benefit, or for any purpose whatsoever except for the public service, shall be deemed to have feloniously stolen the same from Her Majesty, and being thereof convicted, shall be liable at the discretion of the Court to be imprisoned with or without hard

Persons in the public service embezzling money &c. to be deemed to have feloniously stolen the same.

labour as to the Court shall seem meet for any term not exceeding three years.

What shall be deemed valuable securities.

3. Every tally, order, or other security whatsoever entitling or evidencing the title of any person or body corporate to any share or interest in any public stock or fund, whether of the United Kingdom of Great Britain and Ireland, or of any foreign State, or to any share or interest in any fund of any body corporate, company or society, or to any deposit in any Savings' Bank; and every debenture, deed, bond, bill, note, warrant, order or other security whatsoever for money or for payment of money, whether of the United Kingdom, or of this island, or of any foreign State, and every warrant or order for the delivery or transfer of any goods or valuable thing shall throughout this Ordinance be deemed for every purpose to be included under and denoted by the words, "valuable security;" and if any person so employed and entrusted as aforesaid shall embezzle or fraudulently apply or dispose of any such valuable security as aforesaid, he shall be deemed to have stolen the same within the intent and meaning of this Ordinance, and shall be punishable thereby in the same manner as if he had stolen any chattel of like value with the share, interest, or deposit to which such security may relate, or with the money due on such security or secured thereby and remaining unsatisfied, or with the value of the goods or other valuable thing mentioned in such security.

Distinct acts of embezzlement may be charged in indictment; and not necessary to specify particulars of coins or valuable securities.

4. It shall be lawful to charge in the indictment to be preferred against any offender under this Ordinance, and to proceed against him for any number of distinct acts of embezzlement or of fraudulent application or disposition as aforesaid, not exceeding three, which may have been committed by him within the space of six calendar months from the first to the last of such acts; and in every such indictment where the offence shall relate to any money or any valuable security, it shall be sufficient to allege the embezzlement or fraudulent application or disposition to be of money, without specifying any particular coin or valuable security; and such allegation so far as regards the description of the property, shall be sustained if the offender shall be proved to have embezzled or fraudulently applied or

disposed of any amount, although the particular species of coin or valuable security of which such amount was composed shall not be proved, or if he shall be proved to have embezzled or fraudulently applied or disposed of any piece of coin or any valuable security or any portion of the value thereof, although such piece of coin or valuable security 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 some other person, and although such part shall have been returned accordingly.

5. In every case of embezzlement or of fraudulent application or disposition as aforesaid of any chattel, money, or valuable security, it shall be lawful in the warrant of commitment by the Justice of the Peace before whom the offender shall be charged, and in the indictment to be preferred against such offender to lay the property of any such chattel, money, or valuable security as aforesaid in Her Majesty.

Property to be described as the Queen's.

6. If upon the trial of any person indicted for embezzlement or fraudulent application or disposition as aforesaid 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 or fraudulent application or disposition, but is guilty of simple larceny, or of larceny as a person employed in the public service, or in the police, or as a warden, 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 upon an indictment for such larceny; and if upon the trial of any person indicted for larceny it shall be proved that he took the property in question in any such manner as to amount in law to embezzlement or fraudulent application or disposition as aforesaid, 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 or fraudulent application or disposition 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 upon an indictment for

Person indicted for embezzlement and proved to have committed larceny to be found guilty thereof; and *vice versa*.

No person to
be twice tried
on the same
facts.

such embezzlement, fraudulent application or disposition; and no person so tried for embezzlement, fraudulent application or disposition or larceny as aforesaid shall be liable to be afterwards prosecuted for larceny, fraudulent application, or disposition or embezzlement upon the same facts.

Passed in Council this first day of March, in the year of our Lord one thousand eight hundred and sixty-five.

R. LECHMERE GUPPY,

Clerk of the Council.

No. 7.—1865.

16th May.

AN ORDINANCE for confirming certain Deeds made by Married Women, and for extending the provisions of an Ordinance entitled "An Ordinance with regard to Deeds made by Married Women."

J. H. T. MANNERS-SUTTON.

May 22, 1865.

Preamble.
Cites Ordinance No. 21
of 1855.

WHEREAS by an Ordinance passed in Council on the second day of July, in the year one thousand eight hundred and fifty-five, entitled "An Ordinance with regard to Deeds made by married Women," authority is given to married women to make certain deeds in respect of lands in this Colony, and when such deeds are executed in Great Britain or Ireland to acknowledge the same before a judge of some superior Court of Record or Master in Chancery, or before two of the perpetual commissioners appointed or to be appointed under the provisions of an Act passed in the Session of Parliament held in the third and fourth years of his late Majesty King William the Fourth, and entitled, "An Act for the abolition of Fines and Recoveries, and for the substitution of more simple modes of Assur-