

No. II.

An Act to adopt an Act for more effectually preventing Embezzlement by Persons employed in the Public Service of Her Majesty in the Colony of New South Wales. [28th August, 1845.]

2 Wm. IV. c. 4.

Persons in the public service embezzling any money or valuable securities with which they are entrusted to be deemed guilty of felony &c.

What to be included under the words "valuable securities."

WHEREAS an Act of the Imperial Parliament was passed in the second year of the reign of His late Majesty King William the Fourth intituled "An Act for more effectually preventing Embezzlements by persons employed in the Public Service of His Majesty" and whereas it is expedient that the provisions of the same should be adopted in the Colony of New South Wales Be it enacted by the Governor of the said Colony by and with the advice and consent of the Legislative Council thereof That the said recited Act shall be and is hereby adopted accordingly and that from and after the passing of this Act if any person employed in the service of Her Majesty in the said Colony and entrusted by virtue of such employment with the receipt custody management or control of any chattel money or valuable security shall embezzle the same 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 every such offender shall be deemed to have stolen the same and shall be deemed guilty of felony and on being thereof convicted in due form of law shall be liable at the discretion of the Court to be transported beyond the seas for any term not exceeding fourteen years nor less than seven years or to be imprisoned with or without hard labor as to the Court shall seem meet for any term not exceeding three years.

2. And be it enacted That 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 or of Great Britain or of 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 the said Colony or of any Foreign State or Country and every warrant or order for the delivery or transfer of any goods or valuable thing shall throughout this Act be deemed for every purpose to be included under and denoted by the words "valuable security" and that if any person so employed and entrusted as aforesaid shall embezzle or fraudulently apply or dispose of any such valuable security

Imperial Capital Punishment Abolition Act re-enacted.

security as aforesaid he shall be deemed to have stolen the same within the intent and meaning of this Act 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.

3. And be it enacted That it shall be lawful to charge in the information or indictment to be preferred against any offender under this Act 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 information or 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 it regards the description of the property shall be sustained if the offender shall be proved to have embezzled 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 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 and although such part shall have been returned accordingly.

4. And be it enacted That in every case of embezzlement or fraudulent application or disposition as aforesaid of any chattel money or valuable security it shall be lawful in the order of committal by the Justice of the Peace before whom the offender shall be charged and in the information or indictment to be preferred against such offender to lay the property of any such chattel money or valuable security as aforesaid in Her Majesty the Queen.

Different acts of
embezzlement may
be charged in the
same indictment.

As to allegation and
proof of the property
embezzled.

Property to be de-
scribed as the
Queen's.