



WESTERN AUSTRALIA.

ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

NO. I.

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

WHEREAS it is expedient that Provision should be made with regard to Embezzlements by Persons employed in the Public Service of Her Majesty in Western Australia; Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies by and with the advice and consent of the Legislative Council thereof:—

Persons in the Public Service embezzling any money or valuable securities with which they are entrusted to be deemed guilty of Felony.

I. THAT if any Person employed in the Public Service of Her Majesty, 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

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discretion of the Court before whom he or she shall be tried, to suffer penal Servitude for any Term not exceeding Eight Years, or to be imprisoned, with or without hard Labour and in or out of Irons as to such Court shall seem meet, for any Term not exceeding Three Years.

What is to be included under the words valuable security.

II. 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 said Colony or of any other British Colony, or of Great Britain or 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 this Colony or of any other British Colony, 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 that 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 the said 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.

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

III. THAT it shall be lawful to charge in the Indictment, Information, or other Pleading 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 or her within the Space of Six Calendar Months from the first to the last of such Acts; and in every such Indictment, Information, or other Pleading, 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, and 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.

As to allegation and proof of the property embezzled.

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IV. THAT in every such 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 Indictment, Information, or other Pleading to be preferred against such Offender, to lay the Property of any such Chattel, Money, or valuable Security as aforesaid, in the Queen's Majesty.

Property to be described as
the Queen's.

A. E. KENNEDY,
GOVERNOR AND COMMANDER-IN-CHIEF.

*Passed the Legislative Council
this 18th day of November, 1859.*

HENRY WAKEFORD,
Clerk of the Council.

L. S.