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1st Session, 5th Parliament, 18 Victoria, 1854.

BILL.

An Act to amend and consolidate the
Laws in relation to the crimes of
Forgery and False Personation.

Received and Read First time, Thursday, 14th
Sept., 1854.

Second Reading, Thursday, 5th Oct., 1854.

MR. FELTON.

QUEBEC :

BY JOHN LOVELL, MOUNTAIN STREET.

An Act to amend and consolidate the Law in relation to the crimes of Forgery and False Personation.

WHEREAS it is expedient to amend and consolidate the Laws in Preamble. relation to the crimes of Forgery and False Personation: Be it therefore enacted, &c.

That from and after the day of next, all the Legislative enactments of this Province, or of the late Provinces of Upper and Lower Canada, relating to the said crimes or containing provisions respecting the matters legislated for in this Act, or inconsistent therewith, be repealed, and the following enactments be substituted therefor:—Provided always, that any offence against any such enactment now in force, committed before that day, for any crime of Forgery or of offering or uttering of any forged matter, respecting which no provision is hereinafter contained, may be tried and dealt with as if this Act had not been passed, but shall receive a punishment not greater than that provided in this Act for crimes of a like nature.

Former laws repealed.

Proviso, as to offences committed before this Act shall be in force.

II. That any person, who shall forge or counterfeit the great seal of this Province or of either of the late Provinces of Upper and Lower Canada, or the Seal at Arms of the Governor or person administering the Government of this Province, or any Document or instrument of an official character and relating to the public affairs of this Province, or purporting so to be, shall be guilty of Felony.

Forging Great Seal or documents relative to public affairs.

III. That any person, who shall forge, counterfeit, alter or erase any public register, roll, record or book, appointed by Law to be kept in any Public Office of or connected with any Department of the Government of this Province, or in any Municipal, Registry, or other office for the transaction of Public Business, or by any officer of any of the said offices, or by any officer, minister, or other person required or authorized by Law to keep the same, or any part of any such public register, roll, record or book, or any certified copy of, or certified extract from any such public register, roll, record or book, or any matter purporting so to be, shall be guilty of Felony.

Forging Registers, Records, &c.

IV. That any person, who shall forge, counterfeit, alter or erase any Letters Patent, commission, writ, warrant, order, marriage, auctioneer's or other license, certificate, land or other scrip, official letter or other written authority or permission, sealed or unsealed, made, granted, given, enrolled, signed or certified by the person administering the Government of this Province, or by any other Public Officer, or person acting in a public or official capacity acting under any Law or competent authority, or any certified copy of, or certified extract therefrom, or any matter purporting so to be, shall be guilty of Felony.

Forging Letters Patent commissions, License, &c.

Forging Documents relating to Elections.

V. That any person, who shall forge, counterfeit, alter or erase, any commission or warrant to any Returning Officer or Deputy Returning Officer, or any Writ of Election, Poll book, list or roll of Voters or persons qualified to vote at any election, return, warrant, affidavit, certificate, or other instrument in writing, made, granted or signed by any public officer, under any Law, present or future, relating to elections of Members of any Legislative or Municipal Body, shall be guilty of Felony. 5

Forging Judicial records, Notarial Acts, Wills, &c.

VI. That any person, who shall forge, counterfeit, alter or erase, any Judicial Record, writ, rule, order, return, deposition, exhibit, report, certificate, affidavit, recognizance, indictment, judgment, or other document or entry made or filed in any suit, case or proceeding, civil or criminal, in any Court of Justice in this Province, or by or with any officer thereof, or any paper purporting so to be, or any paper purporting to be an authenticated or certified copy, extract or exemplification of any, or of any part of any such Judicial Record, writ, rule, order, return, deposition, exhibit, report, certificate, affidavit, recognizance, indictment, judgment, or other document or entry, or any Notarial Act, deed or instrument, or any paper purporting so to be, or any paper purporting to be an authenticated copy of any such Notarial Act, deed or instrument, or any *procès verbal* of any Surveyor, or any copy purporting to be an authentic copy thereof, or any will, testament, codicil, or testamentary writing before witnesses, shall be guilty of Felony. 10 15 20

Forging deeds, bonds, receipts, or other instruments having any legal effect.

VII. That any person, who shall forge, counterfeit, alter or erase any deed, bond, writing obligatory, assignment of a right to land, instrument of any kind requiring registration, certificate of enregis- 25 tration or affidavit of execution, sealed or unsealed, with or without witnesses, or any memorial of any deed, will, or other instrument requiring registration; or any acquittance, receipt or accountable receipt for money or goods, or any promissory note, bill of exchange, or other security for payment of money or goods, or any order, cheque, warrant, or request for 30 the payment of money, or for the delivery or transfer of goods, or for the delivery of any note, bill, or other security for the payment of money or goods, or any contract, promise, or agreement in writing, having any legal validity or effect, shall be guilty of Felony.

Forging transfer of Stock or power to transfer.

VIII. That any person, who shall forge, counterfeit, alter or erase any transfer of, or any power of Attorney to transfer any share or interest of, 35 or in the capital stock of any body corporate, company, or society, now or hereafter established by charter, or Legislative enactment; or any power of Attorney or other authority to receive any dividend or profit payable in respect of such share or interest, or shall demand or endeavor to have any 40 such share or interest transferred, or to receive any such dividend or profit, by virtue of any such forged or altered power of Attorney or other authority, knowing the same to be forged or altered, with intent to defraud any person, shall be guilty of Felony.

Forging Debentures, indorsement on Bank Notes, Postage Stamps, &c.

IX. That any person, who shall forge, counterfeit, alter or erase any debenture payable by this Province, or by either of the late Provinces of 45 Upper or Lower Canada, or by any Municipal body or corporation, or by any corporation of any City, Town or Village in this Province, or any stamp or indorsement thereon, or assignment thereof, or any signature of the Inspector General, or any officer of his department, in and upon any bank 50 note issued under the banking laws of this Province, or any Postage stamp, shall be guilty of Felony.

X. That any person, who shall forge, counterfeit, alter or erase the name or signature of any witness, to or of any person, real or fictitious, living or dead, and purporting to be the name or signature of a witness to, any writing or document, the forging whereof would by this Act be a Felony, shall be guilty of Felony.

Forging
Signatures of
witnesses.

XI. That any person, who shall publish, or in any way avail himself of, offer, utter, dispose of, or put off, any forged, counterfeited, altered, or erased matter, the forging, counterfeiting, altering or erasing whereof is by this Act declared to be a Felony, knowing the same to be forged, counterfeited, altered or erased, shall be guilty of Felony, in the same degree as if he had committed the original forgery.

Uttering
forged matter.

XII. That any person, who shall forge, counterfeit, alter or erase any Promissory Note, Bill of Exchange, or Bank Note being or purporting to be the Promissory Note, Bill of Exchange or Bank Note of any chartered Bank in this Province, or in any part of the United Kingdom of Great Britain and Ireland, or in any Colony or dependency thereof, or of any person or persons carrying on the business of Banking under the Banking Laws in this Province, or in the United Kingdom, or in any Colony or dependency thereof, of any Foreign Prince or State, or of any body corporate, or body of the like nature, constituted or recognized by any Foreign Prince or State, or of any person or persons, or Company of persons carrying on the business of Banking in any Foreign Country, shall be guilty of Felony.

Forging
Bills of Ex-
change, Bank
Notes &c.

XIII. That any person who shall offer, utter, dispose of, or put off, or without lawful cause or excuse (the proof whereof shall lie on the party accused) purchase or receive from any person or have in his custody or possession, any forged, counterfeited, altered or erased Promissory Note, Bank Note or Bill of Exchange, whether in full or in blank, being, or purporting to be in full or in blank, any one of the several Promissory Notes, Blank Notes, or Bills of Exchange designated in the next preceding Section, knowing in each of the above cases the said forged, counterfeited, altered or erased matter to be so forged, counterfeited, altered or erased, shall be guilty of Felony.

Uttering or
having illegal-
ly in possession
forged
Bills or Notes.

XIV. That any person, who shall, without lawful cause or excuse (the proof whereof shall lie on the accused) have in his custody or possession any paper on which any part or parts of any forged, counterfeited, altered or erased, or any word or words, figure or figures, resembling or apparently intended to resemble any or any part or parts of any Promissory Note, Bank Note, or Bill of Exchange, being or purporting to be any of the Promissory Notes, Bank Notes, or Bills of Exchange designated in the penultimate preceding section of this Act, is or are made, written or printed, knowing the same in each and every of the said cases, to be forged, counterfeited, altered or erased, or to have been so made, written or printed with felonious intent, shall be guilty of Felony.

Having in pos-
session paper
on which parts
of forged
Notes &c. are
written or
printed.

XV. That any person who shall engrave, or in any wise make on any plate, piece or block of steel, copper or other material, any Promissory Note, Bank Note, or Bill of Exchange of any Bank, Foreign Prince or State, Body corporate, or Bankers in the section of this Act described, or any part or parts of any such Promissory Note, Bank Note, or Bill of Exchange, or any word or words, figure or figures, number or numbers, resembling, or apparently intended to resemble any such Promissory Note, Bank Note, or Bill of Exchange or any part thereof, without the

Engraving
plates for
Notes &c. or
having such
plates in pos-
session, with-
out lawful ex-
cuse in either
case.

authority of such Bank, Body corporate, or Bankers (the proof whereof shall lie on the party accused) or shall, without such authority to be proved as aforesaid, or without lawful excuse to be proved by the party accused, purchase or receive from any other person or have in his custody or possession, any such plate, piece or block of steel, copper, or other material upon which any such Promissory Note, Bank Note, or Bill of Exchange, or any part or parts of any such Promissory Note, Bank Note, or Bill of Exchange, or any word or words, figure or figures, ornament or ornaments, resembling or apparently intended to resemble any such Promissory Note, Bank Note or Bill of Exchange, or any part thereof, shall be engraved or in any wise made, or shall make, or in any wise engrave on any such plate, piece or block, any word, figure or number, for the purpose of altering any such Promissory Note, Bank Note, or Bill of Exchange from a low to a higher denomination, or shall without lawful excuse to be proved as aforesaid, have in his custody or possession any such plate, piece, or block, engraved or prepared for the said last named purpose, shall be guilty of Felony.

How such forgeries as are mentioned in the four next proceeding sections may be proved.

XVI. That of any trial of any party accused of any offence against the last four Sections of this Act, it shall not be necessary to produce the Charter or Incorporation of any Body Corporate or Bank, or to produce any witness personally conversant with the handwriting or signature of any party whose signature may be forged, but the fact of the existence of any such Bank or Body corporate may be proved *prima facie*, by the production of a true Bank Note issued thereby, and by parol testimony: and the spurious character of any forged Bank Note and the falsity of the signatures thereto may be established, *prima facie*, by the testimony of persons familiar with Bank notes, and skilled in detecting those that are spurious: provided always that such evidence may be rebutted by the accused in the like manner as all other parol testimony may be rebutted.

Falsely personating the owner of any Stock, cognizor, &c.

XVII. That any person who shall deceitfully and falsely personate any owner of any share or interest in the Capital Stock of any Body Corporate Company or Society now or hereafter established by Charter or Legislative enactment, or any owner of any dividend or profit, payable in respect of any such share or interest as aforesaid, and shall thereby endeavour to transfer any share or interest belonging to such owner, or to receive any money due to such owner, as if such offender were the true and lawful owner,—or who shall knowingly and wilfully, before any Court, Judge, or other person, lawfully authorized to take any recognizance or bail, acknowledge any such recognizance or bail in the name of any other person not privy or consenting thereto, whether such recognizance be or be not fyled,—or who shall, in the name of any other person not privy or consenting thereto, acknowledge any *cognovit actionem*, or judgment, or deed to be enrolled and enrolled, shall be guilty of Felony.

Fac simile of forged instrument not required in indictment.

XVIII. That in all informations or indictments, for forging, altering, or in any manner uttering any instrument or writing, it shall not be necessary to set forth any copy or *fac simile* thereof, but it shall be sufficient to describe the same in such manner as would sustain an indictment for stealing the same.

What shall be deemed having a thing in possession under this Act.

IX. That any person who shall knowingly have any matter, the possession whereof is by this act declared to be an offence, in any dwelling house, building, lodging, apartment, field or other place, open or inclosed, whether belonging to or occupied by himself or not, and whether such matter be so

had for his own use or for the use or benefit of another, shall be deemed and taken to have such matter in his custody or possession within the meaning of this Act.

XX. That any person who shall commit any offence against this Act, and every accessory before and after such offence, may be dealt with, indicted, tried and punished in any District in which the principal in the first degree shall be apprehended or be in custody, as if the offence had been actually committed therein. Where offences against this Act may be tried.

XXI. That any person, who shall within this Province, forge, counterfeit, alter or erase, or offer; utter, dispose of, and put off, any matter, knowing the same to be forged, counterfeited, altered or erased, the forging whereof may be Felony under this Act, which may have been or may purport to have been, made in any country out of this Province; or which may, or may purport to, secure or be conditioned for the payment of money or other value in any country out of this Province, and in whatever language such matter be expressed, shall be guilty of Felony, and together with his aiders, abettors and counsellors, shall be punishable in like manner under this Act as if the forged matter had or had purported to have been payable within this Province. As to forged Notes &c. payable out of the Province, or expressed in any Foreign language.

XXII. That principals in the first degree in every Felony under this Act, shall be punishable by being kept confined at hard labor in the Penitentiary of this Province for any term not less than years, nor more than years; and every principal in the second degree and every accessory before the fact, shall be punishable for every offence under this Act in like manner as the principal in the first degree; and every accessory after the fact shall be liable to imprisonment in any common Gaol for any term less than two years. Punishment of Principals and accessories.

XXIII. That no witness shall be deemed incompetent in support of any prosecution under this Act, by reason of any interest which he may have in respect of any forged matter given in evidence at the trial, provided always that the evidence of such interested witness shall not be sufficient to sustain a conviction, unless it be corroborated by other legal evidence. As to testimony of witnesses interested in forged matters.

XXIV. That whenever any Judge of any Court Civil or Criminal, shall be satisfied by affidavit that there is reasonable or probable cause to suspect that any forged, counterfeited, altered or erased matter is contained in, or concealed among the records of any public officer, Notary, Registrar, or other, he shall or may grant a search warrant under his hand, to any discreet and proper person, to search such records, and attach such forged matter, and to bring the same before him or some other Judge to be impounded or otherwise dealt with, as to justice may appertain. Judge may grant search warrant to discover forged matter among records of Public Officers.

XXV. That whenever any Justice of the Peace shall be satisfied by affidavit that there is reasonable or probable cause to suspect that any forged, counterfeited, or altered note, deed, instrument or other matter, or any plate, paper, or other instrument or material, designed or prepared for the purpose of committing any offence against this Act, is concealed in any building or place, or upon the person of any individual, it shall be lawful for such Justice to grant a search warrant to search such building or place, or to arrest and search the person suspected, or both, for such matter or instrument. Justices may grant warrant to search for forged matters in certain cases.