

New Zealand.

ANNO TRICESIMO PRIMO

V I C T O R I Æ R E G I N Æ .

No. 4.

AN ACT to consolidate and amend the Title.
Statute Law relating to Indictable
Offences by Forgery.

[10th October 1867.]

WHEREAS it is expedient to consolidate and amend the statute Preamble.
law relating to indictable offences by forgery

BE IT THEREFORE ENACTED by the General Assembly of New Zealand
in Parliament assembled and by the authority of the same as follows—

AS TO FORGING HER MAJESTY'S SEALS AND OTHER SEALS.

1. Whosoever shall forge or counterfeit or shall utter knowing the Forging the great seal privy seal &c. 24 and 25 Vict. c. 98 s. 1.
same to be forged or counterfeited the great seal of the United Kingdom Her Majesty's privy seal any private signet of Her Majesty Her Majesty's royal sign manual any of Her Majesty's seals appointed by the twenty-fourth article of the union between England and Scotland to be kept used and continued in Scotland the great seal of Ireland or the privy seal of Ireland or the seal of the Colony of New Zealand or shall forge or counterfeit the stamp or impression of any of the seals aforesaid or shall utter any document or instrument whatsoever having thereon or affixed thereto the stamp or impression of any such forged or counterfeited seal knowing the same to be the stamp or impression of such forged or counterfeited seal or any forged or counterfeited stamp or impression made or apparently intended to resemble the stamp or impression of any of the seals aforesaid knowing the same to be forged or counterfeited or shall forge or alter or utter knowing the same to be forged or altered any document or instrument having any of the said stamps or impressions thereon or affixed thereto shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for life or for any term not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

2. Whosoever shall forge or counterfeit or shall utter knowing the Forging the signature of the Governor.
same to be forged or counterfeited the signature of the Governor or Colonial Secretary of New Zealand or of any of Her Majesty's Principal or Under Secretaries of State to any grant commission warrant or order with intent to defraud shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for any term not exceeding fourteen years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour.

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AS TO FORGING TRANSFERS OF STOCK ETC.

Forging transfer of certain stock and power of attorney relating thereto.

24 and 25 Vict. c. 98 s. 2.

3. Whosoever shall forge or alter or shall offer utter dispose of or put off knowing the same to be forged or altered any transfer of any share or interest of or in the capital stock of any body corporate company or society which now is or hereafter may be established by charter or by under or by virtue of any Act of the Imperial Parliament or the General Assembly or shall forge or alter or shall offer utter dispose of or put off knowing the same to be forged or altered any power of attorney or other authority to transfer any share or interest of or in any such capital stock or to receive any dividend or money payable in respect of any such share or interest or shall demand or endeavour to have any such share or interest transferred or to receive any dividend or money payable in respect thereof by virtue of any such forged or uttered power of attorney or other authority knowing the same to be forged or altered with intent in any of the cases aforesaid to defraud shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for life or for any term not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

Personating the owner of certain stock and transferring or receiving or endeavouring to transfer or receive the dividends.

Ib. s. 3.

4. Whoever shall falsely and deceitfully personate any owner of any share or interest of or in the capital stock of any body corporate company or society which now is or hereafter may be established by charter or by under or by virtue of any Act of the Imperial Parliament or of the General Assembly of New Zealand or any owner of any dividend or money payable in respect of any such share or interest as aforesaid and shall thereby transfer or endeavour to transfer any share or interest belonging to any such owner or thereby receive or endeavour to receive any money due to any such owner as if such offender were the true and lawful owner shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for life or for any term not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

Forging attestation to power of attorney for transfer of stock.

Ib. s. 4.

5. Whosoever shall forge any name handwriting or signature purporting to be the name handwriting or signature of a witness attesting the execution of any power of attorney or other authority to transfer any share or interest of or in any such capital stock as in either of the last two preceding sections mentioned or to receive any dividend or money payable in respect of any such share or interest or shall offer utter dispose of or put off any such power of attorney or other authority with any such forged name handwriting or signature thereon knowing the same to be forged shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for any term not exceeding seven years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

AS TO FORGING INDIA BONDS.

Forging an East India bond.

Ib. s. 7.

6. Whosoever shall forge or alter or shall offer utter dispose of or put off knowing the same to be forged or altered any bond commonly called an East India bond or any bond debenture or security issued or made under the authority of any Act of the Imperial Parliament passed or to be passed relating to the East Indies or any endorsement on or assignment of any such bond debenture or security with intent to defraud shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for

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life or for any term not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

AS TO FORGING GOVERNMENT DEBENTURES TREASURY BILLS
EXCHEQUER BILLS ETC.

7. Whosoever shall forge or alter or shall offer utter dispose of or put off knowing the same to be forged or altered any debenture or bond or Treasury Bill issued under any Act of the General Assembly or any Act or Ordinance of the Superintendent and Provincial Council of any Province in New Zealand or any coupons for interest accruing thereon with intent to defraud shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for life or for any term not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

Forging Colonial or Provincial debentures &c.

8. Whosoever shall forge or alter or shall offer utter dispose of or put off knowing the same to be forged or altered any Exchequer bill or Exchequer bond or Exchequer debenture or any endorsement on or assignment of any Exchequer bill or Exchequer bond or Exchequer debenture or any receipt or certificate for interest accruing thereon with intent to defraud shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for life or for any term not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

Forging Exchequer bills bonds and debentures &c.

24 and 25 Vict. c. 98
s. 8.

9. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall make or cause or procure to be made or shall aid or assist in making or shall knowingly have in his custody or possession any frame mould or instrument having therein any words letters figures marks lines or devices peculiar to and appearing in the substance of any paper provided or to be provided or used for Exchequer bills or Exchequer bonds or Exchequer debentures or for any such debentures bonds or bills as are mentioned in the seventh section hereof or any machinery for working any threads into the substance of any paper or any such thread and intended to imitate such words letters figures marks lines threads or devices or any plate peculiarly employed for printing such Exchequer bills bonds or debentures or such debentures bonds or bills as are mentioned in the seventh section hereof or any die or seal peculiarly used for preparing any such plate or for sealing such Exchequer bills bonds or debentures or such debentures bonds or bills as are mentioned in the seventh section hereof or any plate die or seal intended to imitate any such plate die or seal as aforesaid shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for any term not exceeding seven years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

Making plates &c. in imitation of those used for Exchequer bills &c.

Ib. s. 9.

10. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall make or cause or procure to be made or aid or assist in making any paper in the substance of which shall appear any words letters figures marks lines threads or other devices peculiar to and appearing in the substance of any paper provided or to be provided or used for such several Exchequer bills bonds or debentures or for such debentures bonds or bills as are mentioned in the said seventh section or any part of such words letters figures marks lines threads or other devices and intended to imitate the same or shall knowingly have in his custody or possession any paper

Making paper in imitation of that used for Exchequer bills debentures &c.

Ib. s. 10.

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whatsoever in the substance whereof shall appear any such words letters figures marks lines threads or devices as aforesaid or any parts of such words letters figures marks lines threads or other devices and intended to imitate the same or shall cause or assist in causing any such words letters figures marks lines threads or devices as aforesaid or any part of such words letters figures marks lines threads or other devices and intended to imitate the same to appear in the substance of any paper whatever or shall take or assist in taking any impression of any such plate die or seal as in the last preceding section mentioned shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for any term not exceeding seven years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

Having in possession paper plates or dies to be used for Exchequer bills debentures &c.

24 and 25 Vict. c. 98 s. 11.

11. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall purchase or receive or knowingly have in his custody or possession any paper manufactured and provided by or under the directions of the Commissioners of Inland Revenue or Commissioners of Her Majesty's Treasury or of the Colonial Treasurer of New Zealand or for the purpose of being used as Exchequer bills or Exchequer bonds or Exchequer debentures or as such debentures bonds or bills as are mentioned in the said seventh section before such paper shall have been duly stamped signed and issued or any such plate die or seal as in the last two preceding sections mentioned shall be guilty of a misdemeanour 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.

AS TO FORGING BANK NOTES.

Forging a bank note &c.

Ib. s. 12.

12. Whosoever 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 governor and company of the Bank of Ireland or of any other body corporate company or person carrying on whether within New Zealand or elsewhere the business of bankers commonly called a bank note a bank bill of exchange or a bank post bill or any endorsement on or assignment of any bank note bank bill of exchange or bank post bill with intent to defraud shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for life or for any term not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

Purchasing or receiving or having forged bank notes.

Ib. s. 13.

13. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall 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 of any body corporate company or person carrying on the business of bankers whether within New Zealand or elsewhere knowing the same to be forged shall be guilty of felony and being convicted thereof shall be liable at the discretion of the court to be kept in penal servitude for any term not exceeding fourteen years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour.

AS TO MAKING AND ENGRAVING PLATES ETC. FOR BANK NOTES ETC.

Making or having mould for making

14. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall make or use or knowingly

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have in his custody or possession any frame mould or instrument for the making of paper with the words "Bank of England" or "Bank of Ireland" or any part of such words intended to resemble and pass for the same visible in the substance of the paper or for the making of paper with curved or waving bar lines or with the laying wire lines thereof in a waving or curved shape or with any number sum or amount expressed in a word or words in Roman letters visible in the substance of the paper or with any device or distinction peculiar to and appearing in the substance of the paper used by the governor and company of the Banks of England and Ireland respectively for any notes bills of exchange or bank post bills of such banks respectively or shall make use sell expose to sale utter or dispose of or knowingly have in his custody or possession any paper whatsoever with the words "Bank of England" or "Bank of Ireland" or any part of such words intended to resemble and pass for the same visible in the substance of the paper or any paper with curved or waving bar lines or with the laying wire lines thereof in a waving or curved shape or with any number sum or amount expressed in a word or words in Roman letters appearing visible in the substance of the paper or with any device or distinction peculiar to and appearing in the substance of the paper used by the governor and company of the Banks of England and Ireland respectively for any notes bills of exchange or bank post bills of such banks respectively or shall by any art or contrivance cause the words "Bank of England" or "Bank of Ireland" or any part of such words intended to resemble and pass for the same or any device or distinction peculiar to and appearing in the substance of the paper used by the governor and company of the Banks of England and Ireland respectively for any notes bills of exchange or bank post bills of such banks respectively to appear visible in the substance of any paper or shall cause the numerical sum or amount of any bank note bank bill of exchange or bank post bill blank bank note blank bank bill of exchange or blank bank post bill in a word or words in Roman letters to appear visible in the substance of the paper whereon the same shall be written or printed shall be guilty of felony and being convicted thereof shall be liable at the discretion of the court to be kept in penal servitude for any period not exceeding fourteen years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour.

15. Nothing in the last preceding section contained shall prevent any person from issuing any bill of exchange or promissory note having the amount thereof expressed in guineas or in a numerical figure or figures denoting the amount thereof in pounds sterling appearing visible in the substance of the paper upon which the same shall be written or printed nor shall prevent any person from making using or selling any paper having waving or curved lines or any other devices in the nature of watermarks visible in the substance of the paper not being bar lines or laying wire lines provided the same are not so contrived as to form the groundwork or texture of the paper or to resemble the waving or curved laying wire lines or bar lines or the watermarks of the paper used by the governor and company of the Banks of England and Ireland respectively.

16. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall engrave or in anywise make upon any plate whatsoever or upon any wood stone or other material any promissory note bill of exchange or bank post bill or part of a promissory note bill of exchange or bank post bill purporting to be a bank note bank bill of exchange or bank post bill of the governor and company of the Bank of England or of the governor and company

paper with the words "Bank of England" or "Bank of Ireland" or with curved bar lines &c. or selling such paper.

24 and 25 Vict. c. 98 s. 14.

Proviso as to paper used for bills of exchange &c.

Ib. s. 15.

Engraving or having any plate &c. for making notes of Bank of England or Ireland or other banks or having such plate &c. or uttering or having paper upon which a blank bank note &c. shall be printed.

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24 and 25 Vict. c. 98
s. 16.

of the Bank of Ireland or of any other body corporate company or person carrying on whether within New Zealand or elsewhere within the dominions of Her Majesty the business of bankers or to be a blank bank note blank promissory note blank bank bill of exchange or blank bank post bill of the governor and company of the Bank of England or of the governor and company of the Bank of Ireland or of any such other body corporate company or person as aforesaid or to be a part of a bank note promissory note bank bill of exchange or bank post bill of the governor and company of the Bank of England or of the governor and company of the Bank of Ireland or of any such other body corporate company or person as aforesaid or any name word or character resembling or apparently intended to resemble any subscription to any bill of exchange or promissory note issued by the governor and company of the Bank of England or the governor and company of the Bank of Ireland or by any such other body corporate company or person as aforesaid or shall use any such plate wood stone or other material or any other instrument or device for the making or printing any bank note bank bill of exchange or bank post bill or blank bank note blank bank bill of exchange or blank bank post bill or part of a bank note bank bill of exchange or bank post bill or knowingly have in his custody or possession any such plate wood stone or other material or any such instrument or device or shall knowingly offer utter dispose of or put off or have in his custody or possession any paper upon which any blank bank note blank bank bill of exchange or blank bank post bill of the governor and company of the Bank of England or of the governor and company of the Bank of Ireland or of any such other body corporate company or person as aforesaid or part of a bank note bank bill of exchange or bank post bill or any name word or character resembling or apparently intended to resemble any such subscription shall be made or printed shall be guilty of felony and being convicted thereof shall be liable at the discretion of the court to be kept in penal servitude for any term not exceeding fourteen years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

Engraving on a plate &c. any word number or device resembling part of a bank note or bill or using or having any such plate &c. or uttering or having any paper on which any such word &c. is impressed.

Ib. s. 17.

17. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall engrave or in anywise make upon any plate whatsoever or upon any wood stone or other material any word number figure device character or ornament the impression taken from which shall resemble or apparently be intended to resemble any part of a bank note bank bill of exchange or bank post bill of the governor and company of the Bank of England or of the governor and company of the Bank of Ireland or of any other body corporate company or person carrying on whether within New Zealand or elsewhere within the dominions of Her Majesty the business of bankers or shall use or knowingly have in his custody or possession any such plate wood stone or other material or any other instrument or device for the impressing or making upon any paper or other material any word number figure character or ornament which shall resemble or apparently be intended to resemble any part of a bank note bank bill of exchange or bank post bill of the governor and company of the Bank of England or of the governor and company of the Bank of Ireland or of any such other body corporate company or person as aforesaid or shall knowingly offer utter dispose of or put off or have in his custody or possession any paper or other material upon which there shall be an impression of any such matter as aforesaid shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for

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any term not exceeding fourteen years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

18. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall make or use any frame mould or instrument for the manufacture of paper with the name or firm of any body corporate company or person carrying on the business of bankers within the dominions of Her Majesty (other than and except the Banks of England and Ireland respectively) appearing visible in the substance of the paper or knowingly have in his custody or possession any such frame mould or instrument or make use sell expose to sale utter or dispose of or knowingly have in his custody or possession any paper in the substance of which the name or firm of any such body corporate company or person shall appear visible or by any art or contrivance cause the name or firm of any such body corporate company or person to appear visible in the substance of the paper upon which the same shall be written or printed shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for any term not exceeding fourteen years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

Making or having mould for making paper with the name of any banker or making or having such paper.

24 and 25 Vict. c. 98 s. 18.

19. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall engrave or in anywise make upon any plate whatsoever or upon any wood stone or other material any bill of exchange promissory note undertaking or order for payment of money or any part of any bill of exchange promissory note undertaking or order for payment of money in whatsoever language the same may be expressed and whether the same shall or shall not be or be intended to be under seal purporting to be the bill note undertaking or order or part of the bill note undertaking or order of any foreign prince or state or of any minister or officer in the service 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 company of persons resident in any country not under the dominion of Her Majesty or shall use or knowingly have in his custody or possession any plate stone wood or other material upon which any such foreign bill note undertaking or order or any part thereof shall be engraved or made or shall knowingly offer utter dispose of or put off or have in his custody or possession any paper upon which any part of any such foreign bill note undertaking or order shall be made or printed shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for any term not exceeding fourteen years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

Engraving plates for foreign bills or notes or using or having such plates or uttering paper on which any part of any such bill or note is printed.

Ib. s. 19.

AS TO FORGING DEEDS WILLS BILL OF EXCHANGE ETC.

20. Whosoever with intent to defraud shall forge or alter or shall offer utter dispose of or put off knowing the same to be forged or altered any deed or any bond or writing obligatory or any assignment of any such bond or writing obligatory or shall forge any name handwriting or signature purporting to be the name handwriting or signature of a witness attesting the execution of any deed bond or writing obligatory or shall offer utter dispose of or put off any deed bond or writing obligatory having thereon any such forged name handwriting or signature knowing the same to be forged shall be guilty

Forging deeds bonds &c.

Ib. s. 20.

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of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for life or for any term not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

Forging wills.

24 and 25 Vict. c. 98
s. 21.

21. Whosoever with intent to defraud shall forge or alter or shall offer utter dispose of or put off knowing the same to be forged or altered any will testament codicil or testamentary instrument shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for life or for any term not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

Forging bills of exchange or promissory notes.

Ib. s. 22.

22. Whosoever shall forge or alter or shall offer utter dispose of or put off knowing the same to be forged or altered any bill of exchange or any acceptance endorsement or assignment of any bill of exchange or any promissory note for the payment of money or any endorsement or assignment of any such promissory note with intent in any of the cases aforesaid to defraud shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for life or for any term not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

Forging orders receipts &c. for money goods &c.

Ib. s. 23.

23. Whosoever shall forge or alter or shall offer utter dispose of or put off knowing the same to be forged or altered any undertaking warrant order authority or request for the payment of money or for the delivery or transfer of any goods or chattels or of any note bill or other security for the payment of money or for procuring or giving credit or any endorsement on or assignment of any such undertaking warrant order authority or request or any accountable receipt acquittance or receipt for money or for goods or for any note bill or other security for the payment of money or any endorsement on or assignment of any such accountable receipt with intent in any of the cases aforesaid to defraud shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for life or for any term not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

Any person making or accepting any bill note &c. by procuration without lawful authority or uttering any such bill note &c. so made or accepted with intent to defraud to be guilty of felony.

Ib. s. 24.

24. Whosoever with intent to defraud shall draw make sign accept or endorse any bill of exchange or promissory note or any undertaking warrant order authority or request for the payment of money or for the delivery or transfer of goods or chattels or of any bill note or other security for money by procuration or otherwise for in the name or on the account of any other person without lawful authority or excuse or shall offer utter dispose of or put off any such bill note undertaking warrant order authority or request so drawn made signed accepted or endorsed by procuration or otherwise without lawful authority or excuse as aforesaid knowing the same to have been so drawn made signed accepted or indorsed as aforesaid shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for any term not exceeding fourteen years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

Obliterating crossings on cheques.

Ib. s. 25.

25. Whenever any cheque or draft on any banker shall be crossed with the name of a banker or with two transverse lines with the words "and company" or any abbreviation thereof whosoever shall obliterate add to or alter any such crossing or shall offer utter dispose of or put

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off any cheque or draft whereon any such obliteration addition or alteration has been made knowing the same to have been made with intent in any of the cases aforesaid to defraud shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for life or for any term not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

26. Whosoever shall forge or fraudulently alter or shall offer utter dispose of or put off knowing the same to be forged or fraudulently altered any debenture issued under any lawful authority whatsoever either within Her Majesty's dominions or elsewhere shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for any term not exceeding fourteen years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

Forging debentures.
24 and 25 Vict. c. 98
s. 26.

AS TO FORGING RECORDS PROCESS INSTRUMENTS OF EVIDENCE ETC.

27. Whosoever shall forge or fraudulently alter or shall offer utter dispose of or put off knowing the same to be forged or fraudulently altered any record writ return panel process rule order warrant interrogatory deposition affidavit affirmation recognizance *cognovit actionem* warrant of attorney bill petition process notice pleading report or decree or any original document whatsoever of or belonging to the Supreme Court of New Zealand or any Court of Record or any Court of Equity or Court of Admiralty or Vice-Admiralty in Great Britain or New Zealand or elsewhere in the dominions of Her Majesty or any document or writing or any copy of any document or writing used or intended to be used as evidence in any Court in this section mentioned shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for any term not exceeding seven years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

Forging proceedings
of Courts of Record
or Courts of Equity.
Ib. s. 27.

28. Whosoever being the clerk of any Court or other officer having the custody of the records of any Court or being the deputy of any such clerk or officer shall utter any false copy or certificate of any record knowing the same to be false and whosoever other than such clerk officer or deputy shall sign or certify any copy or certificate of any record as such clerk officer or deputy and whosoever shall forge or fraudulently alter or offer utter dispose of or put off knowing the same to be forged or fraudulently altered any copy or certificate of any record or shall offer utter dispose of or put off any copy or certificate of any record having thereon any false or forged name handwriting or signature knowing the same to be false or forged and whosoever shall forge the seal of any Court of Record or shall forge or fraudulently alter any process of any Court other than such Courts as in the last preceding section mentioned or shall serve or enforce any forged process of any Court whatsoever knowing the same to be forged or shall deliver or cause to be delivered to any person any paper falsely purporting to be any such process or a copy thereof or to be any judgment decree or order of the Supreme Court of New Zealand or of any Court of Record or of any Court of Law or Equity or a copy thereof knowing the same to be false or shall act or profess to act under any such false process knowing the same to be false shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for any term not

Forging copies or
certificates of records
process of Courts not
of record and using
forged process.
Ib. s. 28.

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exceeding seven years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

Forging instruments
made evidence by any
Act of Parliament.

24 and 25 Vict. c. 98
s. 29.

29. Whosoever shall forge or fraudulently alter or shall offer utter dispose of or put off knowing the same to be forged or fraudulently altered any instrument whether written or printed or partly written and partly printed which is or shall be made evidence by any Act of the Imperial Parliament or of the General Assembly passed or to be passed and for which offence no punishment is herein provided shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for any term not exceeding seven years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

AS TO FORGING REGISTERS OF DEEDS.

Forgery as to the
registry of deeds.

Ib. s. 31.

30. Whosoever shall forge or fraudulently alter or shall offer utter dispose of or put off knowing the same to be forged or fraudulently altered any memorial receipt affidavit affirmation attestation entry certificate endorsement document or writing made or issued under the provisions of any Act of the Imperial Parliament or of the General Assembly passed or hereafter to be passed for or relating to the registry of deeds or of documents of title to lands or other instruments or shall forge or counterfeit the seal of or belonging to any office for the registry of deeds or of documents of title to lands or other instruments or any stamp or impression of any such seal or shall forge any name handwriting or signature purporting to be the name handwriting or signature of any person to any such memorial receipt affidavit affirmation attestation entry certificate endorsement document or writing which shall be required or directed to be signed by or by virtue of any Act of the Imperial Parliament or of the General Assembly passed or to be passed or shall offer utter dispose of or put off any such memorial or other writing as in this section before mentioned having thereon any such forged stamp or impression of any such seal or any such forged name handwriting or signature knowing the same to be forged shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for any term not exceeding fourteen years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

AS TO FORGING ORDERS ETC. OF JUSTICES OF THE PEACE.

Forging orders of
Justices recogni-
zances affidavits &c.

Ib. s. 32.

31. Whosoever with intent to defraud shall forge or alter or shall offer utter dispose of or put off knowing the same to be forged or altered any summons conviction order or warrant of any Justice of the Peace or any recognizance purporting to have been entered into before any Justice of the Peace or other officer authorized to take the same or any examination deposition affidavit affirmation or solemn declaration taken or made before any Justice of the Peace shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for the term of three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

AS TO FORGING THE NAME ETC. OF OFFICERS OF COURT ETC.

Forging name of
Judge Registrar &c.

32. Whosoever with intent to defraud shall forge or alter any certificate report entry endorsement declaration of trust note direction

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authority instrument or writing made or purporting or appearing to be made by any Judge or any registrar or any other officer of the Supreme Court or by any Judge or officer of any Court in New Zealand or elsewhere in the dominions of Her Majesty or the name handwriting or signature of any such registrar Judge or officer as aforesaid or shall offer utter dispose of or put off any such certificate report entry endorsement declaration of trust note direction authority instrument or writing knowing the same to be forged or altered shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for any term not exceeding fourteen years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

24 and 25 Vict. c. 93
s. 33.

AS TO FALSELY ACKNOWLEDGING RECOGNIZANCES ETC.

33. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall in the name of any other person acknowledge any recognizance or bail or any *cognovit actionem* or judgment or any deed or other instrument before any Court Judge or other person lawfully authorized in that behalf shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for any term not exceeding seven years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

Acknowledging
recognizances bail
cognovit &c. in the
name of another.

Ib. s. 34.

AS TO FORGING MARRIAGE CERTIFICATES.

34. Whosoever shall forge or fraudulently alter any certificate for marriage or writing purporting to be a certificate of marriage or any consent or writing purporting to be a consent to the marriage of any person under the age of twenty-one years or shall offer utter dispose of or put off any such certificate consent or writing knowing the same to be forged or fraudulently altered shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for any term not exceeding seven years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

Forging or uttering
marriage license or
certificate.

Ib. s. 35.

AS TO FORGING REGISTERS OF BIRTHS MARRIAGES AND DEATHS.

35. Whosoever shall unlawfully destroy deface or injure or cause or permit to be destroyed defaced or injured any register book or register of births baptisms marriages deaths or burials which now is or hereafter shall be by law authorized or required to be kept or any part of any such register or book or any certified copy of any such register or book or any part thereof or shall forge or fraudulently alter in any such register or book any entry relating to any birth baptism marriage death or burial or any part of any such register or book or any certified copy of such register or of any part thereof or shall knowingly and unlawfully insert or cause or permit to be inserted in any such register or book or in any certified copy thereof any false entry of any matter relating to any birth baptism marriage death or burial or shall knowingly and unlawfully give any false certificate relating to any birth baptism marriage death or burial or shall certify any writing to be a copy or extract from any such register or book knowing such writing or any part of such register or book whereof such copy or extract shall be so given to be false in any material particular or shall forge or counterfeit the seal of or belonging to any register office or

Forging registers of
births baptisms
marriages deaths or
burials.

Ib. s. 36.

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the seal stamp or signature of the Registrar-General or any Deputy Registrar of Births Deaths and Marriages or shall offer utter dispose of or put off any such register entry certified copy certificate or seal stamp or signature knowing the same to be false forged or altered or shall offer utter dispose of or put off any copy of any entry in any such register knowing such entry to be false forged or altered shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for life or for any term not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

Making false entries
in copies of register
sent to registrar.

24 and 25 Vict. c. 98
s. 3.

36. Whosoever shall knowingly and wilfully insert or cause or permit to be inserted in any copy of any register directed or required by law to be transmitted to any registrar or other officer any false entry of any matter relating to any baptism marriage or burial or shall forge or alter or shall offer utter dispose of or put off knowing the same to be forged or altered any copy of any register so directed or required to be transmitted as aforesaid or shall knowingly and wilfully sign or verify any copy of any register so directed or required to be transmitted as aforesaid which copy shall be false in any part thereof knowing the same to be false or shall unlawfully destroy deface or injure or shall for any fraudulent purpose take from its place of deposit or conceal any such copy of any register shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for life or for any term not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

AS TO DEMANDING PROPERTY UPON FORGED INSTRUMENT.

Demanding property
upon forged
instruments.

Ib. s. 38.

37. Whosoever with intent to defraud shall demand receive or obtain or cause or procure to be delivered or paid to any person or endeavour to receive or obtain or to cause procure to be delivered or paid to any person any chattel money security for money or other property whatsoever under upon or by virtue of any forged or altered instrument whatsoever knowing the same to be forged or altered or under upon or by virtue of any probate or letters of administration knowing the will testament codicil or testamentary writing on which such probate or letters of administration shall have been obtained to have been forged or altered or knowing such probate or letters of administration to have been obtained by any false oath affirmation or affidavit shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for any term not exceeding fourteen years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

AS TO OTHER MATTERS.

Forging any
instruments however
designated which is
in law a will bill of
exchange &c.

Ib. s. 39.

38. Where by this or by any other Act of the General Assembly any person is or shall hereafter be made liable to punishment for forging or altering or for offering uttering disposing of or putting off knowing the same to be forged or altered any instrument or writing designated in such Act by any special name or description and such instrument or writing however designated shall be in law a will testament codicil or testamentary writing or a deed bond or writing obligatory or a bill of exchange or a promissory note for the payment of money or an endorsement on or assignment of a bill of exchange or promissory note for the payment of money or on acceptance of a bill of exchange or an undertaking warrant order authority or request for

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the payment of money or an endorsement on or assignment of an undertaking warrant order authority or request for the payment of money within the true intent and meaning of this Act in every such case the person forging or altering such instrument or writing or offering uttering disposing of or putting off such instrument or writing knowing the same to be forged or altered may be indicted as an offender against this Act and punished accordingly.

39. Where the forging or altering any writing or matter whatsoever or the offering uttering disposing of or putting off any writing or matter whatsoever knowing the same to be forged or altered is in this Act expressed to be an offence if any persons shall in New Zealand forge or alter or offer utter dispose of or put off knowing the same to be forged or altered any such writing or matter in whatsoever place or country out of New Zealand whether under the dominion of Her Majesty or not such writing or matter may purport to be made or may have been made and in whatever language the same or any part thereof may be expressed every such person and every person aiding abetting or counselling such person shall be deemed to be an offender within the meaning of this Act and shall be punishable thereby in the same manner as if the writing or matter had purported to be made or had been made in New Zealand and if any person shall in New Zealand forge or alter or offer utter dispose of or put off knowing the same to be forged or altered any bill of exchange or any promissory note for the payment of money or any endorsement 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 order authority or request for the payment of money or for the delivery or transfer of any goods or security or any deed bond or writing obligatory for the payment of money (whether such deed bond or writing obligatory shall be made only for the payment of money or for the payment of money together with some other purpose) or any endorsement on or assignment of any such undertaking warrant order authority request deed bond or writing obligatory in whatsoever place or country out of New Zealand whether under the dominion of Her Majesty or not the money payable or secured by such bill note undertaking warrant order authority request deed bond or writing obligatory may be or may purport to be payable or the goods or security transferable or deliverable under such undertaking warrant order authority or request may be or purport to be so transferable or deliverable and in whatever language the writings or instruments respectively or any part thereof may be expressed and whether such bill note undertaking warrant order authority or request be or be not under seal every such person and every person aiding abetting or counselling such person shall be deemed to be an offender within the meaning of this Act and shall be punishable thereby in the same manner as if the money had been payable or had purported to be payable in New Zealand.

40. If any person shall commit any offence against this Act or shall commit any offence of forging or altering any matter whatsoever or of offering uttering disposing of or putting off any matter whatsoever knowing the same to be forged or altered whether the offence in any such case shall be indictable at common law or by virtue of any Act of the General Assembly passed or to be passed every such offender may be dealt with indicted tried and punished in any judicial district jurisdiction or place in which he shall be apprehended or be in custody in the same manner in all respects as if his offence had been actually committed in that district jurisdiction or place and every accessory before or after the fact to any such offence if the same be a felony and every person aiding abetting or counselling the commission of any

Forging &c. in New Zealand documents purporting to be made or actually made out of New Zealand forging &c. in New Zealand bills of exchange &c. purporting to be payable out of New Zealand.

24 and 25 Vict. c. 98 s. 40.

Forgers &c. may be tried in the district where they are apprehended or are in custody.

Ib. s. 41.

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such offence if the same be a misdemeanour may be dealt with indicted tried and punished in any judicial district jurisdiction or place in which he shall be apprehended or be in custody in the same manner in all respects as if his offence and the offence of his principal had been actually committed in such district jurisdiction or place.

Description of instrument in indictments for forgery.
24 and 25 Vict. c. 98 s. 42.

41. In any indictment for forging altering offering uttering disposing of or putting off any instrument it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known or by the purport thereof without setting out any copy or fac-simile thereof or otherwise describing the same or the value thereof.

Description of instrument in indictments for engraving &c.

Ib. s. 43.

42. In any indictment for engraving or making the whole or any part of any instrument matter or thing whatsoever or for using or having the unlawful custody or possession of any plate or other material upon which the whole or any part of any instrument matter or thing whatsoever shall have been engraved or made or for having the unlawful custody or possession of any paper upon which the whole or any part of any instrument matter or thing whatsoever shall have been made or printed it shall be sufficient to describe such instrument matter or thing by any name or designation by which the same may be usually known without setting out any copy or fac-simile of the whole or any part of such instrument matter or thing.

Intent to defraud particular persons need not be alleged or proved.

Ib. s. 44.

43. It shall be sufficient in any indictment for forging altering uttering offering disposing of or putting off any instrument whatsoever where it shall be necessary to allege an intent to defraud to allege that the party accused did the act with intent to defraud without alleging an intent to defraud any particular person and on the trial of any such offence it shall not be necessary to prove an intent to defraud any particular person but it shall be sufficient to prove that the party accused did the act charged with an intent to defraud.

Interpretation as to criminal possession.

Ib. s. 45.

44. Where the having any matter in the custody or possession of any person is in this Act expressed to be an offence if any person shall have any such matter in his personal custody or possession or shall knowingly and wilfully have any such matter in the actual custody or possession of any other person or shall knowingly and wilfully have any such matter in any dwelling-house or other building lodging apartment field or other place open or enclosed whether belonging to or occupied by himself or not and whether such matter shall be so had for his own use or for the use or benefit of another every such person shall be deemed and taken to have such matter in his custody or possession within the meaning of this Act.

Search for paper or implements employed in any forgery and for forged instruments.

Ib. s. 46.

45. If it shall be made to appear by information on oath or affirmation before a Justice of the Peace that there is reasonable cause to believe that any person has in his custody or possession without lawful authority or excuse any note or bill of any body corporate company or person carrying on the business of bankers whether within New Zealand or elsewhere or any frame mould or implement for making paper in imitation of the paper used for such notes or bills or any such paper or any plate wood stone or other material having thereon any words forms devices or characters capable of producing or intended to produce the impression of any such note or bill or any part thereof or any tool implement or material used or employed or intended to be used or employed in or about any of the operations aforesaid or any forged security document or instrument whatsoever or any machinery frame mould plate die seal paper or other matter or thing used or employed or intended to be used or employed in the forgery of any security document or instrument whatsoever such Justice may if he think fit grant a warrant to search for the same and

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if the same shall be found upon such search it shall be lawful to seize and carry the same before some Justice of the Peace to be by him disposed of according to law and all such matters and things so seized as aforesaid shall by order of the Court where any such offender shall be tried or in case there shall be no such trial then by order of some Justice of the Peace be defaced and destroyed or otherwise disposed of as such Court or Justice shall direct.

46. Whosoever shall after the commencement of this Act be convicted of any offence which shall have been subjected by any law to the same pains and penalties as are imposed by the Act of the Imperial Parliament passed in the fifth year of the reign of Queen Elizabeth intituled "An Act against Forgers of False Deeds and Writings" for any of the offences first enumerated in the said Act shall be guilty of felony and shall in lieu of such pains and penalties be liable at the discretion of the Court to be kept in penal servitude for any term not exceeding fourteen years and not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

47. Where by any Act of the Imperial Parliament now in force in New Zealand any person falsely making forging counterfeiting erasing or altering any matter whatsoever or uttering publishing offering disposing of putting away or making use of any matter whatsoever knowing the same to have been falsely made forged counterfeited erased or altered or any person demanding or endeavouring to receive or have anything or to do or cause to be done any act upon or by virtue of any matter whatsoever knowing such matter to have been falsely made forged counterfeited erased or altered would according to the provisions contained in any such Act be guilty of felony and would in England before the passing of the Act of the first year of King William the Fourth chapter sixty-six have been liable to suffer death as a felon if such offence had been committed in England or where by any Act now in force any person falsely personating another or falsely acknowledging anything in the name of another or falsely representing any other person than the real party to be such real party or wilfully making a false entry in any book account or document or in any manner wilfully falsifying any part of any book account or document or wilfully making a transfer of any stock annuity or fund in the name of any person not being the owner thereof or knowingly taking any false oath or knowingly making any false affidavit or false affirmation or demanding or receiving any money or other thing by virtue of any probate or letters of administration knowing the will on which such probate shall have been obtained to have been false or forged or knowing such probate or letters of administration to have been obtained by means of any false oath or false affirmation would according to the provisions contained in any such Act be guilty of felony and would in England before the passing of the said Act of the first year of King William the Fourth have been liable to suffer death as a felon if such offence had been committed in England or where by any Act now in force any person making or using or knowingly having in his custody or possession any frame mould or instrument for the making of paper with certain words visible in the substance thereof or any person making such paper or causing certain words to appear visible in the substance of any paper would according to the provisions contained in any such Act be guilty of felony and would in England before the passing of the said Act of the first year of King William the Fourth have been liable to suffer death as a felon if such offence had been committed in England then and in each of the several cases aforesaid if any person shall after the

Other punishments substituted for those of the 5 Eliz. c. 14 which have been adopted in other Acts. 24 and 25 Vict. c. 98 s. 47.

All forgeries which in England were capital before the 1 William IV. c. 66 and are not otherwise punishable under this Act shall be punished with penal servitude for life &c.

Ib. s. 48.

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commencement of this Act be convicted of any such felony as is hereinbefore in this section mentioned or of aiding abetting counselling or procuring the commission thereof and the same shall not be punishable under any of the other provisions of this Act every such person shall be liable at the discretion of the Court to be kept in penal servitude for life or for any term not less than three years or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

Principals in the second degree and accessories abettors in misdemeanours.
24 and 25 Vict. c. 98 s. 49.

48. In the case of every felony punishable under this Act 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 Act punishable and every accessory after the fact to any felony punishable under this Act shall on conviction be liable at the discretion of the Court to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement and every person who shall aid abet counsel or procure the commission of any misdemeanour punishable under this Act shall be liable to be proceeded against indicted and punished as a principal offender.

Fines and sureties for keeping the peace in what cases.

Ib. s. 51.

49. Whenever any person shall be convicted of a misdemeanour under this Act it shall be lawful for the Court if it shall think fit in addition to or in lieu of any of the punishments by this Act authorized to fine the offender and to require him to enter into his own recognizances and to find sureties both or either for keeping the peace and being of good behaviour and in all cases of felonies in this Act mentioned it shall be lawful for the Court if it shall think fit to require the offender to enter into his own recognizances and to find sureties both or either for keeping the peace in addition to any of the punishments by this Act authorized. Provided that no person shall be imprisoned under this section for not finding sureties for any period exceeding one year.

Hard labour.

Ib. s. 52.

50. Whenever imprisonment with or without hard labour may be awarded for any offence under this Act the Court may sentence the offender to be imprisoned or to be imprisoned and kept to hard labour in any public gaol.

Solitary confinement.

Ib. s. 53.

51. Whenever solitary confinement may be awarded for any offence under this Act the Court may direct the offender to be kept in solitary confinement for any portion or portions of his imprisonment or of his imprisonment with hard labour not exceeding one month at any one time and not exceeding three months in any one year.

Short Title.

52. The Short Title of this Act shall be "The Forgery Act 1867."

Commencement of Act.

53. This Act shall commence and take effect on the first day of November one thousand eight hundred and sixty-seven.

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