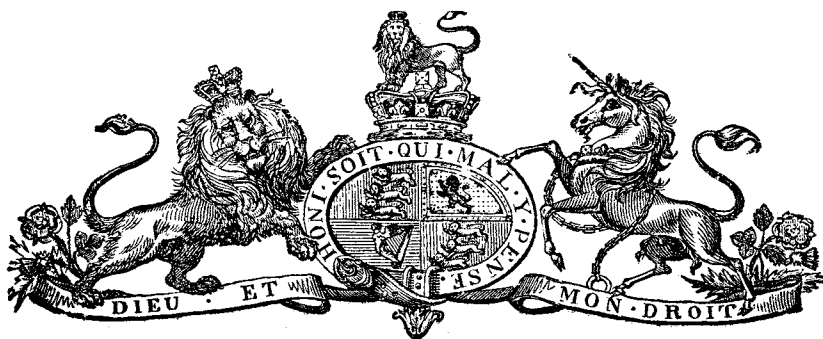


T A S M A N I A.



1859.

ANNO VICESIMO-TERTIO

VICTORIÆ REGINÆ,

No. 4.



AN ACT to extend the Provisions of *The Petty Larceny Act.* [14 September, 1859.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 The Provisions of *The Petty Larceny Act* shall extend and apply to all persons who, subsequently to the passing of this Act, are charged with having committed or having attempted to commit, or with having been an Aider, Abettor, Counsellor, or Promoter in the commission of any of the offences following in respect of Property of a value not exceeding Five Pounds; that is to say,

19 Vict. No. 5
extended to other
offences than
Simple Larceny.

Larceny as a Clerk or Servant:

Larceny from the Person:

Receiving any Property knowing the same to have been feloniously or unlawfully stolen, taken, obtained, or converted:

Pawning any Property belonging to any other person without the consent or authority of the owner:

Obtaining any Property by false pretences with intent to cheat or defraud.

2 The punishment which may be inflicted by virtue of Section 1 of the said recited Act upon conviction of any of the offences in the said

Extends punish-
ment under 19
Vict. No. 5, s. 1.

Section, or herein-before mentioned, is hereby extended to imprisonment with hard labour for any term not exceeding One Year for the first offence, and not exceeding Two Years for the second or any subsequent offence.

Persons accused may have Counsel.

3 In every case of Summary Proceeding under the said recited Act the person accused shall be allowed to make his full answer and defence, and to have all witnesses examined and cross-examined, by Counsel or Attorney.

Forfeited Recognizances to be proceeded upon under 12 Vict. No. 13.

4 If any person suffered to go at large upon entering into such Recognizance as the Justice or Justices are authorised under the said recited Act to take on the remand of a party accused for further examination, or for trial before any Two or more Justices in Petty Sessions assembled, or if any person bound by Recognizance to attend and give evidence in any Summary Proceeding under the said recited Act does not afterwards appear pursuant to such Recognizance, then the Justices before whom he ought to have appeared, or One of them, shall certify, under his or their hands, on the back of the Recognizance, the fact of such non-appearance, and transmit such Recognizance to the Clerk or Deputy Clerk of the Peace for the District within which such Recognizance has been taken if any Court of General Sessions of the Peace is holden therein, or, if there is none such, to the Clerk or Deputy Clerk of the Peace for the nearest District within which any such Court is holden, to be proceeded on as a forfeited Recognizance under the provisions of the Act of Council of the 12th *Victoria*, No. 13, in like manner as any forfeited Recognizance to be of good behaviour is thereby directed to be proceeded upon, and the Certificate endorsed on any such forfeited Recognizance shall be deemed sufficient *prima facie* evidence of such non-appearance.

Justices may order payment of expenses.

5 Where any Charge is summarily adjudicated upon under the said recited Act, it shall be lawful for the Justices by whom such Charge has been adjudicated upon, upon the request of any person who has preferred the Charge or appeared to prosecute or give evidence against the person charged, if such Justices think fit so to do, to grant a Certificate to such person of the amount of compensation which such Justices may deem reasonable for his expenses, trouble, and loss of time therein, such compensation to be computed at a rate not exceeding the rate of compensation for the time being allowed by the Supreme Court for the attendance of Witnesses before such Court in Criminal Cases: Provided, that no such Certificate shall be granted in any case in which the party applying for the same has not been obliged to go or travel Five Miles or upwards from his usual place of abode for the purpose of attending before such Justices.

Clerk of the Peace to pay certified expenses.

6 Upon production of any such Certificate to the Clerk of the Peace at *Hobart Town* or *Launceston* it shall be lawful for such Clerk of the Peace, out of the moneys received by him for that purpose, to pay to the person named in such Certificate, or authorised by indorsement thereon to receive the same, the sum of money in such Certificate mentioned, and the same shall be allowed in the accounts of such Clerk of the Peace accordingly.

Interpretation. "Property."

7 In the interpretation of the said recited Act and this Act, the term "Property" shall be construed to include everything included under the words "Chattel, Money, or valuable Security" as used in the Act of the

Imperial Parliament of the 8th *George* the 4th, Chapter 29; and in the case of any "valuable Security" the value of the Share, Interest, or Deposit to which the Security may relate, or of the Money due thereon or secured thereby, and remaining unsatisfied, or of the Goods or other valuable Thing mentioned in the Warrant or Order, shall be deemed to be the value of such Security.

8 The said recited Act and this Act shall be read and construed together as one and the same Act. 19 Vict. No. 5, and this Act to be read together.

9 In referring to this Act it shall be sufficient to use the expression Short title. *The Petty Larceny Extension Act.*

