

Her Majesty, or being a constable or other person employed in the Police of any County, City or place whatsoever, shall steal any chattel, money, or valuable security, belonging to or in the possession or power of Her Majesty, or intrusted to, or received, or taken into possession by him, by virtue of his employment, shall be guilty of felony, and being convicted thereof, shall be imprisoned in the Provincial Penitentiary for any time not exceeding seven years, with hard labour.

9. Whosoever being employed in the public service of Her Majesty, or being a constable or other person employed in the Police of any County, City or place whatsoever, and intrusted by virtue of such employment with the receipt, custody or control of any chattel, money, or valuable security, shall embezzle any chattel, money or valuable security which shall be intrusted to, or received or taken into possession by him by virtue of his employment, or any part thereof, shall be deemed to have feloniously stolen the same from Her Majesty, and being convicted thereof, shall be imprisoned in the Provincial Penitentiary for any term not exceeding seven years, with hard labour; and every offender against this or the last preceding Section may be dealt with, indicted, tried and punished either in the County or place in which he shall be apprehended or be in custody, or in which he shall have committed the offence; and in every case of larceny or embezzlement in this and the last preceding Section mentioned, it shall be lawful in the warrant of commitment by the Justice of the Peace before whom the offender shall be charged, and in the indictment to be preferred against such offender, to lay the property of any such chattel, money, or valuable security, in Her Majesty.

10. For preventing difficulties in the prosecution of offenders in any case of embezzlement, it shall be lawful to charge in the indictment, and proceed against the offender, for any number of distinct acts of embezzlement, not exceeding three, which may have been committed by him against Her Majesty, or against the same master or employer, within the space of six months from the first to the last of such acts.

11. If upon the trial of any person indicted for embezzlement it shall be proved that he took the property in question in any such manner as to amount in law to larceny, he shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict, that such person is not guilty of embezzlement, but is guilty of larceny, or of larceny as a clerk or servant, or as a person employed in the public service, or in the police, as the case may be; and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such larceny: and if upon the trial of any person indicted for larceny, it shall be proved that he took the property in question in any such manner as to amount in law to embezzlement, he shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict, that such person is not guilty of larceny, but is guilty of embezzlement; and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such embezzlement; and no person so tried for embezzlement or larceny as aforesaid, shall be liable to be afterwards prosecuted for larceny or embezzlement upon the same facts.

12. Whosoever shall by any false pretence, cause or procure any money to be paid, or any chattel or valuable secu-

rity to be delivered to any other person for the use or benefit, or on account of the person making such false pretence, or of any other person, with intent to defraud, shall be guilty of a misdemeanor, and be imprisoned either in the Provincial Penitentiary with hard labour, or in the common gaol of the County where the offender may be tried, for any term not exceeding two years.

13. Any constable or peace officer may take into custody without warrant, any person whom he shall find lying or loitering in any highway, yard, or other place, during the night, and whom he shall have good cause to suspect of having committed or being about to commit any felony against this Act, and shall take such person as soon as reasonably may be before a Justice of the Peace, to be dealt with according to law.

CAP. VII.

An Act in addition to Chapter 137, Title xxxvii, of the Revised Statutes, 'Of the jurisdiction of Justices in Civil Suits.'

Section.

1. New execution may issue after discharge of defendant from imprisonment.

Section.

2. Part of sec. 1, cap. 137, Title xxxvii, repealed.

Passed 11th April, 1864.

WHEREAS doubts have arisen whether the judgment be not wholly satisfied in law in all cases in the Justices' Courts where the defendant under execution or *capias* is detained in prison, one day for every two shillings of the debt, under the provisions of the fortieth Section of Chapter 137, Title xxxvii, of the Revised Statutes, 'Of the jurisdiction of Justices in Civil Suits;' for remedy whereof,—

Be it enacted and declared by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That notwithstanding the discharge of the defendant under the provisions of the above recited Section, the judgment upon which such execution issued shall remain good against the property of the defendant, and a new execution may be issued against his property in like manner as if he had not been imprisoned, any thing in the above recited Act to the contrary thereof notwithstanding.

2. So much of the first Section of Chapter 137, Title xxxvii, 'Of the jurisdiction of Justices in Civil Suits,' as exempts from the jurisdiction of such Justices any action for a debt upon a specialty, is hereby repealed, so far as the same shall be for a sum certain, and Justices of the Peace shall have the like jurisdiction in every case of any debt on a specialty for a sum certain, as in other cases of debt where jurisdiction is given to them by the said recited Chapter.

CAP. VIII.

An Act relating to the issuing of Warrants by Justices of the Peace, and in aid of Police Officers and Constables in the execution of their duties.

Section.

1. Section 5, Chapter 156, Title xl, repealed; Constable may execute Warrant in any part of the Province. Proviso.

Section.

2. Constables, &c. in the execution of their duty may demand assistance persons at hand; penalty for refusal.

Passed 11th April, 1864.

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That the fifth Section of Chapter one hundred and fifty six, Title xl, of the Revised Statutes, 'Of proceedings before Indictment,' be and the same is hereby repealed, and in lieu

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