

New Zealand.

ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

No. 2.

**AN ACT to consolidate and amend the
Statute Law against Offences relating
to the Coin. [4th September 1867.]**

WHEREAS it is expedient to consolidate and amend the statute law of the Colony against offences relating to the coin

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

1. In the interpretation of and for the purposes of this Act the expression “the Queen’s current gold or silver coin” shall include any gold or silver coin coined in any of Her Majesty’s mints or lawfully current by virtue of any Act or proclamation or otherwise in any part of Her Majesty’s dominions whether within the United Kingdom or otherwise and the expression “the Queen’s copper coin” shall include any copper coin and any coin of bronze or mixed metal coined in any of Her Majesty’s mints or lawfully current by virtue of any Act or proclamation or otherwise in any part of Her Majesty’s said dominions and the expression “false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen’s current gold or silver coin” shall include any of the current coin which shall have been gilt silvered washed coloured or cased over or in any manner altered so as to resemble or be apparently intended to resemble or pass for any of the Queen’s current coin of a higher denomination and the expression “the Queen’s current coin” shall include any coin coined in any of Her Majesty’s mints or lawfully current by virtue of any Act or proclamation or otherwise in any part of Her Majesty’s said dominions and whether made of gold silver copper bronze or mixed metal and where the having any matter in the custody or possession of any person is mentioned in this Act it shall include not only the having of it by himself in his personal custody or possession but also the knowingly and wilfully having it in the actual custody or possession of any other person and also the knowingly and wilfully having it in any dwelling-house or other building lodging apartment field or other place open or inclosed whether belonging to or occupied by himself or not and whether such matter shall be so had for his own use or benefit or for that of any other person.

2. Whosoever shall falsely make or counterfeit any coin resembling or apparently intended to resemble or pass for any of the Queen’s current gold or silver coin 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.

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Colouring counterfeit coin or any pieces of metal with intent to make them pass for gold or silver coin.

24 and 25 Vict. c. 99 s. 3.

Colouring or altering genuine coin with intent to make it pass for a higher coin.

3. Whosoever shall gild or silver or shall with any wash or materials capable of producing the colour or appearance of gold or of silver or by any means whatsoever wash case over or colour any coin whatsoever resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin or shall gild or silver or shall with any wash or materials capable of producing the colour or appearance of gold or of silver or by any means whatsoever wash case over or colour any piece of silver or copper or of coarse gold or coarse silver or of any metal or mixture of metals respectively being of a fit size and figure to be coined and with intent that the same shall be coined into false and counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin or shall gild or shall with any wash or materials capable of producing the colour or appearance of gold or by any means whatsoever wash case over or colour any of the Queen's current silver coin or file or in any manner alter such coin with intent to make the same resemble or pass for any of the Queen's current gold coin or shall gild or silver or shall with any wash or materials capable of producing the colour or appearance of gold or silver or by any means whatsoever wash case over or colour any of the Queen's current copper coin or file or in any manner alter such coin with intent to make the same resemble or pass for any of the Queen's current gold or silver coin 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.

Impairing the gold or silver coin with intent &c.

Ib. s. 4.

4. Whosoever shall impair diminish or lighten any of the Queen's current gold or silver coin with intent that the coin so impaired diminished or lightened may pass for the Queen's current gold or silver coin 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.

Unlawful possession of filings or clippings of gold or silver coin.

Ib. s. 5.

5. Whosoever shall unlawfully have in his custody or possession any filings or clippings or any gold or silver bullion or any gold or silver in dust solution or otherwise which shall have been produced or obtained by impairing diminishing or lightening any of the Queen's current gold or silver coin knowing the same to have been so produced or obtained 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.

Buying or selling &c. counterfeit gold or silver coin for lower value than its denomination.

Ib. s. 6.

6. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall buy sell receive pay or put off or offer to buy sell receive pay or put off any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin at or for a lower rate or value than the same imports or was apparently intended to import 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 and in any indictment for any such offence as in this section aforesaid it shall be sufficient to allege that the party accused did buy sell receive pay or put off or did

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offer to buy sell receive pay or put off the false or counterfeit coin at or for a lower rate or value than the same imports or was apparently intended to import without alleging at or for what rate price or value the same was bought sold received paid or put off or offered to be bought sold received paid or put off.

7. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall import or receive into the Colony from beyond the seas any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin knowing the same to be false or counterfeit 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.

Importing counterfeit coin from beyond seas.

24 and 25 Vict. c. 99 s. 7.

8. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall export or put on board any ship vessel or boat for the purpose of being exported from the Colony any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current coin knowing the same to be false or counterfeit shall be guilty of a misdemeanor and being convicted thereof shall 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.

Exporting counterfeit coin.

Ib. s. 8.

9. Whosoever shall tender utter or put off any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin knowing the same to be false or counterfeit shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding one year with or without hard labour and with or without solitary confinement.

Uttering counterfeit gold or silver coin.

Ib. s. 9.

10. Whosoever shall tender utter or put off any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin knowing the same to be false or counterfeit and shall at the time of such tendering uttering or putting off have in his custody or possession besides the false or counterfeit coin so tendered uttered or put off any other piece of false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin or shall either on the day of such tendering uttering or putting off or within the space of ten days then next ensuing tender utter or put off any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin knowing the same to be false or counterfeit shall be guilty of a misdemeanor and being convicted thereof shall 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.

Uttering accompanied by possession of other counterfeit coin or followed by a second uttering.

Ib. s. 10.

11. Whosoever shall have in his custody or possession three or more pieces of false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold or silver coin knowing the same to be false or counterfeit and with intent to utter or put off the same or any of them shall be guilty of a misdemeanor 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.

Having three or more pieces of counterfeit gold or silver coin in possession &c. with intent &c.

Ib. s. 11.

12. Whosoever having been convicted either before or after the passing of this Act of any such misdemeanor as in any of the last three

Every second offence of uttering

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&c. after a previous conviction shall be felony.

24 and 25 Vict. c. 99.
s. 12.

preceding sections mentioned or of any felony against this or any former Act relating to the coin shall afterwards commit any of the misdemeanors in any of the said sections 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 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.

Uttering foreign coin medals &c. as current coin with intent to defraud.

Ib. s. 13.

13. Whosoever shall with intent to defraud tender utter or put off as or for any of the Queen's current gold or silver coin any coin not being such current gold or silver coin or any medal or piece of metal or mixed metals resembling in size figure and colour the current coin as or for which the same shall be so tendered uttered or put off such coin medal or piece of metal or mixed metals so tendered uttered or put off being of less value than the current coin as or for which the same shall be so tendered uttered or put off shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding one year with or without hard labour and with or without solitary confinement.

Counterfeiting &c. copper coin.

Ib. s. 14.

14. Whosoever shall falsely make or counterfeit any coin resembling or apparently intended to resemble or pass for any of the Queen's current copper coin and whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall knowingly make or mend or begin or proceed to make or mend or buy or sell or have in his custody or possession any instrument tool or engine adapted and intended for the counterfeiting any of the Queen's current copper coin or shall buy sell receive pay or put off or offer to buy sell receive pay or put off any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current copper coin at or for a lower rate or value than the same imports or was apparently intended to import 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.

Uttering base copper coin.

Ib. s. 15.

15. Whosoever shall tender utter or put off any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current copper coin knowing the same to be false or counterfeit or shall have in his custody or possession three or more pieces of false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current copper coin knowing the same to be false or counterfeit and with intent to utter or put off the same or any of them shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding one year with or without hard labour and with or without solitary confinement.

Defacing the coin by stamping words thereon.

Ib. s. 16.

16. Whosoever shall deface any of the Queen's current gold silver or copper coin by stamping thereon any names or words whether such coin shall or shall not be thereby diminished or lightened shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding one year with or without hard labour.

Tender of coin so defaced not to be a legal tender and penalty for uttering the same.

Ib. s. 17.

17. No tender of payment in money made in any gold silver or copper coin so defaced by stamping as in the last preceding section mentioned shall be allowed to be a legal tender and whosoever shall tender utter or put off any coin so defaced shall on conviction thereof

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before two Justices be liable to forfeit and pay any sum not exceeding forty shillings Provided that it shall not be lawful for any person to proceed for any such last-mentioned penalty without the consent of Her Majesty's Attorney-General for New Zealand.

18. Whosoever shall make or counterfeit any kind of coin not being the Queen's current gold or silver coin but resembling or apparently intended to resemble or pass for any gold or silver coin of any foreign prince state or country 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.

Counterfeiting foreign gold and silver coin.

24 and 25 Vict. c. 99 s. 18.

19. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall bring or receive into the Colony any such false or counterfeit coin resembling or apparently intended to resemble or pass for any gold or silver coin of any foreign prince state or country knowing the same to be false or counterfeit 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.

Bringing such counterfeit coin into the Colony.

Ib. s. 19.

20. Whosoever shall tender utter or put off any such false or counterfeit coin resembling or apparently intended to resemble or pass for any gold or silver coin of any foreign prince state or country knowing the same to be false or counterfeit shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court to be imprisoned for any term not exceeding six months with or without hard labour.

Penalty for uttering such counterfeit coin.

Ib. s. 20.

21. Whosoever having been so convicted as in the last preceding section mentioned shall afterwards commit the like offence of tendering uttering or putting off any such false or counterfeit coin as aforesaid knowing the same to be false or counterfeit shall be guilty of a misdemeanor and being convicted thereof shall 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 whosoever having been so convicted of a second offence shall afterwards commit the like offence of tendering uttering or putting off any such false or counterfeit coin as aforesaid knowing the same to be false or counterfeit 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.

Second offence of uttering counterfeit foreign coin.

Ib. s. 21.

Third offence.

22. Whosoever shall falsely make or counterfeit any kind of coin not being the Queen's current coin but resembling or apparently intended to resemble or pass for any copper coin of any foreign prince state or country or any other coin of any foreign prince state or country made of any metal or mixed metals of less value than the silver coin of such foreign prince state or country shall be guilty of a misdemeanor and being convicted thereof shall be liable at the discretion of the Court for the first offence to be imprisoned for any term not exceeding one year and for the second offence 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.

Persons counterfeiting foreign coin other than gold and silver coin.

Ib. s. 22.

23. Whosoever without lawful authority or excuse (the proof

Penalty on persons

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having more than five pieces of such counterfeit foreign coin in their possession.

24 and 25 Vict. c. 99 s. 23.

whereof shall lie on the party accused) shall have in his custody or possession any greater number of pieces than five pieces of false or counterfeit coin resembling or apparently intended to resemble or pass for any gold or silver coin of any foreign prince state or country or any such copper or other coin as in the last preceding section mentioned shall on conviction thereof before any Justice of the Peace forfeit and lose all such false and counterfeit coin which shall be cut in pieces and destroyed by order of such Justice and shall for every such offence forfeit and pay any sum of money not exceeding forty shillings nor less than ten shillings for every such piece of false and counterfeit coin which shall be found in the custody or possession of such person and in case any such penalty shall not be forthwith paid it shall be lawful for any such Justice to commit the person who shall have been adjudged to pay the same to some public gaol there to be kept to hard labour for the space of three months or until such penalty be paid.

Making mending or having possession of any coining tools felony.

Ib. s. 24.

24. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall knowingly make or mend or begin or proceed to make or mend or buy or sell or have in his custody or possession any puncheon counter puncheon matrix stamp die pattern or mould in or upon which there shall be made or impressed or which will make or impress or which shall be adapted and intended to make or impress the figure stamp or apparent resemblance of both or either of the sides of any of the Queen's current gold or silver coin or of any coin of any foreign prince state or country or any part or parts of both or either of such sides or shall make or mend or begin or proceed to make or mend or shall buy or sell or have in his custody or possession any edger edging or other tool collar instrument or engine adapted and intended for the marking of coin round the edges with letters grainings or other marks or figures apparently resembling those on the edges of any such coin as in this section aforesaid knowing the same to be so adapted and intended as aforesaid or shall make or mend or begin or proceed to make or mend or shall buy or sell or have in his custody or possession any press for coinage or any cutting engine for cutting by force of a screw or of any other contrivance round blanks out of gold silver or other metal or mixture of metals or any other machine knowing such press to be a press for coinage or knowing such engine or machine to have been used or to be intended to be used for or in order to the false making or counterfeiting of any such coin as in this section 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 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.

Conveying tools or moneys out of the Mint without authority felony.

Ib. s. 25.

25. Whosoever without lawful authority or excuse (the proof whereof shall lie on the party accused) shall knowingly convey out of any of Her Majesty's mints which may at any time hereafter be established in the Colony any puncheon counter puncheon matrix stamp die pattern mould edger edging or other tool collar instrument press or engine used or employed in or about the coining of coin or any useful part of any of the several matters aforesaid or any coin bullion metal or mixture of metals 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.

Coin suspected to be diminished or counterfeit may be

26. Where any coin shall be tendered as the Queen's current gold or silver coin to any person who shall suspect the same to be

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diminished otherwise than by reasonable wearing or to be counterfeit it shall be lawful for such person to cut break bend or deface such coin and if any coin so cut broken bent or defaced shall appear to be diminished otherwise than by reasonable wearing or to be counterfeit the person tendering the same shall bear the loss thereof but if the same shall be of due weight and shall appear to be lawful coin the person cutting breaking bending or defacing the same is hereby required to receive the same at the rate it was coined for and if any dispute shall arise whether the coin so cut broken bent or defaced be diminished in manner aforesaid or counterfeit it shall be heard and finally determined in a summary manner by any Justice of the Peace who is hereby empowered to examine upon oath as well the parties as any other person in order to the decision of such dispute and the Colonial Treasurer and his deputies and clerks and all receivers and collectors of every branch of Her Majesty's revenue in New Zealand are hereby required to cut break or deface or cause to be cut broken or defaced every piece of counterfeit or unlawfully diminished gold or silver coin which shall be tendered to them in payment of any part of Her Majesty's revenue.

27. If any person shall find or discover in any place whatever or in the custody or possession of any person having the same without lawful authority or excuse any false or counterfeit coin resembling or apparently intended to resemble or pass for any of the Queen's current gold silver or copper coin or any coin of any foreign prince state or country or any instrument tool or engine whatsoever adapted and intended for the counterfeiting of any such coin or any filings or clippings or any gold or silver bullion or any gold or silver in dust solution or otherwise which shall have been produced or obtained by diminishing or lightening any of the Queen's current gold or silver coin it shall be lawful for the person so finding or discovering and he is hereby required to seize the same and to carry the same forthwith before some Justice of the Peace and where it shall be proved on the oath of a credible witness before any Justice of the Peace that there is reasonable cause to suspect that any person has been concerned in counterfeiting the Queen's current gold silver or copper coin or any such foreign or other coin as in this Act before mentioned or has in his custody or possession any such false or counterfeit coin or any instrument tool or engine whatsoever adapted and intended for the making or counterfeiting of any such coin or any other machine used or intended to be used for making or counterfeiting any such coin or any such filings clippings or bullion or any such gold or silver in dust solution or otherwise as aforesaid it shall be lawful for any Justice of the Peace by warrant under his hand to cause any place whatsoever belonging to or in the occupation or under the control of such suspected person to be searched either in the day or in the night and if any such false or counterfeit coin or any such instrument tool or engine or any such machine or any such filings clippings or bullion or any such gold or silver in dust solution or otherwise as aforesaid shall be found in any place so searched to cause the same to be seized and carried forthwith before some Justice of the Peace and whensoever any such false or counterfeit coin or any such instrument tool or engine or any such machine or any such filings clippings or bullion or any such gold or silver in dust solution or otherwise as aforesaid shall in any case whatsoever be seized and carried before a Justice of the Peace he shall if necessary cause the same to be secured for the purpose of being produced in evidence against any person who may be prosecuted for any offence against this Act and all such false and counterfeit coin and all instruments tools and engines adapted and intended for the

cut by any person to whom it is tendered.

24 and 25 Vict. c. 99 s. 26.

Who shall bear the loss.

Provision for the discovery and seizure of counterfeit coin and coining tools for securing them as evidence and for ultimately disposing of them.

Ib. s. 27.

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making or counterfeiting of coin and all such machines and all such filings clippings and bullion and all such gold and silver in dust solution or otherwise as aforesaid after they shall have been produced in evidence or when they shall have been seized and shall not be required to be produced in evidence shall forthwith be delivered up to the Colonial Treasurer or to any person authorized by him to receive the same.

Venue.

24 and 25 Vict. c. 99
s. 28.

28. Where any person shall tender utter or put off any false or counterfeit coin in one district or jurisdiction and shall also tender utter or put off any other false or counterfeit coin in any other district or jurisdiction either on the day of such first mentioned tendering uttering or putting off or within the space of ten days next ensuing or where two or more persons acting in concert in different districts or jurisdictions shall commit any offence against this Act every such offender may be dealt with indicted tried and punished and the offence laid and charged to have been committed in any one of the said districts or jurisdictions in the same manner in all respects as if the offence had been actually and wholly committed within such one district or jurisdiction.

What shall be
sufficient proof of
coin being counterfeit.

Ib. s. 29.

29. Where upon the trial of any person charged with any offence against this Act it shall be necessary to prove that any coin produced in evidence against such person is false or counterfeit it shall not be necessary to prove the same to be false and counterfeit by the evidence of any moneyer or other officer of Her Majesty's Mint but it shall be sufficient to prove the same to be false or counterfeit by the evidence of any other credible witness.

Where the counter-
feiting coin shall be
complete.

Ib. s. 30.

30. Every offence of falsely making or counterfeiting any coin or of buying selling receiving paying tendering uttering or putting off or of offering to buy sell receive pay utter or put off any false or counterfeit coin against the provisions of this Act shall be deemed to be complete although the coin so made or counterfeited or bought sold received paid tendered uttered or put off or offered to be bought sold received paid uttered or put off shall not be in a fit state to be uttered or the counterfeiting thereof shall not be finished or perfected.

Any person may
apprehend any person
committing any
indictable offence
against this Act.

Ib. s. 31.

31. It shall be lawful for any person whatsoever to apprehend any person who shall be found committing any indictable or other offence against this Act and to convey or deliver him to some peace officer constable or officer of police in order to his being conveyed as soon as reasonably may be before a Justice of the Peace to be dealt with according to law.

No *certiorari* &c.

Ib. s. 32.

32. No conviction for any offence punishable on summary conviction under this Act shall be quashed for want of form or be removed by *certiorari* into the Supreme Court and no warrant of commitment shall be held void by reason of any defect therein provided it be therein alleged that the party has been convicted and there be a valid conviction to sustain the same.

Proceedings against
persons acting under
this Act when to be
taken.

Ib. s. 33.

33. All actions and prosecutions to be commenced against any person for anything done in pursuance of this Act shall be commenced within six months after the fact committed and not otherwise and notice in writing of such action and of the cause thereof shall be given to the defendant one month at least before the commencement of the action and in any such action the defendant may plead the general issue or general denial and give this Act and the special matter in evidence at any trial to be had thereupon and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought or if a sufficient sum of money shall have been paid into Court after such action brought by or on behalf of the defendant and if a verdict shall pass for the defendant or the plaintiff shall become nonsuit or discontinue any such

Notice of action.
General denial or
issue.

Tender of amends &c.

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action after issue joined or if upon demurrer or otherwise judgment shall be given against the plaintiff in every such case the defendant shall recover his full costs as between solicitor and client and have the like remedy for the same as any defendant has by law in other cases and though a verdict shall be given for the plaintiff in any such action such plaintiff shall not have costs against the defendant unless the Judge before whom the trial shall be shall certify his approbation of the action.

34. 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 be liable to be imprisoned for any term not exceeding two years with or without hard labour.

Punishment of the principal in the second degree and accessories.

24 and 25 Vict. c. 99 s. 35.

35. Where any person shall have been convicted of any offence against this Act or any former Act relating to the coin and shall afterwards be indicted for any offence against this Act committed subsequent to such conviction it shall be sufficient in any such indictment after charging such subsequent offence to state the substance and effect only (omitting the formal part) of the indictment and conviction for the previous offence and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for the previous offence purporting to be signed by the Registrar or Deputy Registrar or Clerk of the Court or other officer having or purporting to have the custody of the records of the Court where the offender was first convicted or by the deputy of such clerk or officer shall upon proof of the identity of the person of the offender be sufficient evidence of the previous conviction without proof of the signature or official character or authority of the person appearing to have signed the same or of his custody or right to the custody of the records of the Court and the proceedings upon any indictment for committing any offence after a previous conviction or convictions shall be as follows (that is to say) the offender shall in the first instance be arraigned upon so much only of the indictment as charges the subsequent offence and if he plead not guilty or if the Court order a plea of not guilty to be entered on his behalf the jury shall be charged in the first instance to inquire concerning such subsequent offence only and if they find him guilty or if on arraignment he plead guilty he shall then and not before be asked whether he had been previously convicted as alleged in the indictment and if he answer that he had been so previously convicted the Court may proceed to sentence him accordingly but if he deny that he had been so previously convicted or stand mute of malice or will not answer directly to such question the jury shall then be charged to inquire concerning such previous conviction or convictions and in such case it shall not be necessary to swear the jury again but the oath already taken by them shall for all purposes be deemed to extend to such last mentioned inquiry Provided that if upon the trial of any person for any such subsequent offence such person shall give evidence of his good character it shall be lawful for the prosecutor in answer thereto to give evidence of the conviction of such person for the previous offence or offences before such verdict of guilty shall be returned and the jury shall inquire concerning such previous conviction or convictions at the same time that they inquire concerning such subsequent offence.

What shall be sufficient evidence of conviction for a previous offence.

Ib. s. 37.

When the previous conviction is to be proved on the trial.

36. Whenever any person shall be convicted of any indictable misdemeanor punishable under this Act the Court may if it shall think fit in addition to or in lieu of any of the punishments by this Act

Fine and sureties for keeping the peace in what cases.

Ib. s. 38.

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authorized fine the offender and 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 case of any felony punishable under this Act the Court may if it shall think fit require the offender to enter into his own recognizances and to find sureties both or either for keeping the peace in addition to any punishment 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.

24 and 25 Vict. c. 99
s. 39.

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

Solitary confinement.

Ib. s. 40.

38. 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.

Summary proceedings
in New Zealand may
be under "The Jus-
tices of the Peace
Act 1866."

39. Every offence hereby made punishable on summary conviction may be prosecuted in the manner directed by "The Justices of the Peace Act 1866" or in such other manner as may be directed by any Act that may be passed for like purposes and all provisions contained in the said Act or in any such Act shall be applicable to such prosecutions in the same manner as if they were incorporated in this Act.

Commencement of
Act.

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

Short Title.

41. The Short Title of this Act shall be "The Coinage Offences Act 1867."

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