



ANNO SECUNDO

# EDWARDI VII REGIS.

A.D. 1902.

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## No. 791.

An Act to amend "The Criminal Law Consolidation Act, 1876."

[Assented to, November 13th, 1902.]

**B**E it Enacted by the Governor, with the advice and consent of the Parliament of South Australia, as follows :

1. (1) Whosoever—

(a) Being entrusted, whether the instructions are written, verbal, or implied, either solely or jointly with any other person with any property in order that he may retain in safe custody, or apply, pay, or deliver for any purpose or to any person the property or any part thereof, or any proceeds thereof ; or

Fraudulent mis-appropriation of money.  
(1 Ed. VII., ch. 10, sec. 1.)

(b) Having, either solely or jointly with any other person, received any property for or on account of any other person :

fraudulently converts to his own use or benefit, or the use or benefit of any other person, the property or any part thereof, or any proceeds thereof, or fraudulently destroys the said property or any part thereof, or any proceeds of such property or part thereof, shall be guilty of a misdemeanor, and be liable on conviction to imprisonment, with or without hard labor, for a term not exceeding seven years.

(2) Nothing in this section shall apply to or affect any trustee on any express trust created by a deed or will, or any mortgagee of any property, real or personal, in respect of any act done by the trustee or mortgagee in relation to the property comprised in or affected by any such trust or mortgage.

2. (1) Sections

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*The Criminal Law Amendment Act.—1902.*

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Repeal of sections  
199 and 200 of  
Criminal Law  
Consolidation Act.

Ib. 2.

**2.** (1) Sections 199 and 200 of “The Criminal Law Consolidation Act, 1876,” are hereby repealed.

(2) This Act shall take effect as part of “The Criminal Law Consolidation Act, 1876,” and section 1 of this Act shall be deemed to be substituted for sections 199 and 200 of that Act, and references in any Act of the South Australian Parliament to those sections shall be construed as references to section 1 of this Act.

Felony committed  
after previous  
conviction.

**3.** The provisions of sections 379 and 380 of “The Criminal Law Consolidation Act, 1876,” shall extend to any previous conviction for felony committed within any of the States of the Commonwealth of Australia.

Short title.

**4.** This Act may be cited as “The Criminal Law Amendment Act, 1902.”

In the name and on behalf of His Majesty, I hereby assent to  
this Bill.

S. J. WAY, Lieutenant-Governor.