

46. If any factor or agent, intrusted for the purpose of sale with any goods or merchandize, or intrusted with any bill of lading, warehouse keeper's or wharfinger's certificate or warrant, or order for delivery of goods or merchandize, deposits or pledges for his own benefit and in violation of good faith, any such goods or merchandize, or any of the said documents as a security for any money, or negotiable instrument borrowed or received by such factor or agent, at or before the time of making such deposit or pledge, or intended to be thereafter borrowed or received, such offender shall be guilty of a misdemeanor, and shall be imprisoned in the Penitentiary for any term not less than two years, or be imprisoned in any other Prison or place of confinement, for any term less than two years, or suffer such other punishment by fine or imprisonment, or by both, as the Court may award. 4, 5 V. c. 25, s. 43.

Factors pledg-
ing goods, &c.,
entrusted to
them to sell.

Misdemeanor.

Punishment.

47. No such factor or agent shall be liable to any prosecution for depositing or pledging any such goods or merchandize, or any of the said documents, in case the same were not made a security for or subject to the payment of any greater sum of money than the amount which at the time of such deposit or pledge was justly due and owing to such factor or agent from his principal, together with the amount of any bill or bills of exchange drawn by or on account of such principal, and accepted by such factor or agent. 4, 5 V. c. 25, s. 43.

Not if owner is
indebted to the
Factor, &c.

48. Nothing in this Act contained, nor any proceeding, conviction or judgment to be had or taken thereupon against any banker, merchant, broker, factor, attorney, or other agent as aforesaid, shall prevent, lessen or impeach any remedy at law or in equity, which any party aggrieved by such offence would have had if this Act had not been passed. 4, 5 V. c. 25, s. 44.

Other remedies
of person ag-
grieved not to
be affected.

49. The conviction of any such offender shall not be received in evidence in any action at law or suit in equity against him. 4, 5 V. c. 25, s. 44.

Convictions not
admissible in
evidence.

50. No banker, merchant, broker, factor, attorney, or other agent as aforesaid, shall be convicted by any evidence whatever as an offender against this Act, in respect of any act done by him, if he, at any time previously to his being indicted for such offence, disclosed such act on oath, in consequence of the compulsory process of any Court of law or equity in any action, suit or proceeding *bona fide* instituted by any party aggrieved, or if he disclosed the same in an examination or deposition before any Commissioner of bankrupt. 4, 5 V. c. 25, s. 44.

Nor disclosures
made by the
Agent, &c.,
under the com-
pulsion of an
oath.

51. If any person being a trustee of any property for the benefit, either wholly or partially, of some other person, or for any public or charitable purpose, does, with intent to defraud, convert or appropriate the same, or any part thereof, to or for his

Trustees frau-
dulently appro-
priating, &c.