

CAP. II.

An Act to make better provision for the punishment of frauds committed by Trustees, Bankers and other persons intrusted with property.

[Assented to 30th June, 1858.]

Preamble.

WHEREAS it is expedient to make better provision for the punishment of frauds committed by trustees, bankers, and other persons intrusted with property: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Trustees fraudulently disposing of property, guilty of a misdemeanor.

1. 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, shall, with intent to defraud, convert or appropriate the same, or any part thereof, to or for his own use or purposes, or shall, with intent as aforesaid, otherwise dispose of or destroy such property or any part thereof, he shall be guilty of a misdemeanor.

Bankers, &c., fraudulently selling, &c., property intrusted to their care, guilty of misdemeanor.

2. If any person, being a banker, merchant, broker, attorney or agent, and being intrusted for safe custody with the property of any other person, shall, with intent to defraud, sell, negotiate, transfer, pledge, or in any manner convert or appropriate to or for his own use such property, or any part thereof, he shall be guilty of a misdemeanor.

Persons holding powers of Attorney fraudulently selling property, guilty of a misdemeanor.

3. If any person intrusted with any power of attorney for the sale or transfer of any property, shall fraudulently sell or transfer, or otherwise convert such property or any part thereof to his own use or benefit, he shall be guilty of a misdemeanor.

Bailees fraudulently converting property to their own use, guilty of larceny.

4. If any person, being a bailee of any property, shall fraudulently take or convert the same to his own use, or the use of any person other than the owner thereof, although he shall not break bulk, or otherwise determine the bailment, he shall be guilty of larceny.

Directors, &c., of any body corporate or public Company, fraudulently appropriating property,—

5. If any person, being a director, member, or public officer of any body corporate or public company, shall fraudulently take or apply, for his own use, any of the money or other property of such body corporate or public company, he shall be guilty of a misdemeanor.

Or keeping fraudulent accounts,—

6. If any person, being a director, public officer, or manager of any body corporate or public company, shall as such receive or possess himself of any of the money or other property of such body corporate or public company, otherwise than in payment of a just debt or demand, and shall, with intent