

imprisoned for any term not exceeding fourteen years; and if any chattel or valuable security, or any Power of Attorney, for the sale or transfer of any share or interest in any public stock or fund, whether of this Province, or of the Kingdom of Great Britain, or of Ireland, or of any Foreign State, or in any Fund of any Body Corporate, Company or Society, shall be entrusted to any Banker, Merchant, Broker, Attorney or other Agent, for safe custody, or for any specified purpose, without any authority to sell, negotiate, transfer or pledge, and he shall, in violation of good faith, and contrary to the object or purpose for which such chattel, security or Power of Attorney, shall have been entrusted to him, sell, negotiate, transfer, pledge, or in any manner convert to his own use or benefit, such chattel or security, or the proceeds of the same, or any part thereof, or the share or interest in the stock or fund to which such Power of Attorney shall relate, or any part thereof, every such offender shall be guilty of a Misdemeanor, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding fourteen years.

Nothing herein relating to Agents to affect Trustees or Mortgagees or Bankers, &c. receiving money on securities, &c.

XLI. *Provided always, and be it enacted,* That nothing hereinbefore contained, relating to Agents, shall effect any Trustee in or under any instrument whatever, or any Mortgagee of any Property, Real or Personal, in respect of any act done by such Trustees or Mortgagee, in relation to the property comprised in, or affected by, any such trust or Mortgage, nor shall restrain any Banker, Merchant, Broker, Attorney or other Agent, from receiving any money which shall be or become actually due and payable upon, or by virtue of, any valuable security, according to the tenor and effect thereof, in such manner as he might have done if this Act had not been passed, nor from selling, transferring or otherwise disposing of, any securities or effects in his possession, upon which he shall have any lien, claim or demand, entitling him by Law so to do, unless such sale, transfer or other disposal, shall extend to a greater number or part of such securities or effects than shall be requisite for satisfying such lien, claim or demand.

Factors pledging for their own use Goods, &c. entrusted to them

XLII. *And be it enacted,* That if any Factor or Agent entrusted, for the purpose of Sale, with Goods or Merchandize, or entrusted with any Bill of Lading, Warehouse Keeper or Wharfinger's Certificate or Warrant, or order for delivery of Goods or Merchandize, shall for his own benefit, and in violation of good faith, deposit or pledge 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, every such offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding fourteen years; but 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 shall not be 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 Agent or Factor.

Not to affect any remedy the party aggrieved now has

XLIII. *Provided always, and be it enacted,* That nothing in this Act contained, nor any proceedings, conviction or judgment, to be had, or taken thereupon, against any Banker, Merchant, Factor, Broker, Attorney or other Agent as aforesaid, shall prevent, lessen or impeach, any remedy at Law or in Equity, which any party aggrieved by any such offence might, or would have had, if this Act had not been passed; but nevertheless the conviction of any such offender shall not be received in evidence in any Action at Law or Suit in Equity against him; and no Banker, Merchant, Broker, Factor, Attorney or other Agent as aforesaid, shall be liable to be convicted by any evidence whatever as an offender against this Act, in respect of any act done by him, if he shall, at any time previously to his being indicted for such offence, have disclosed such act on oath, in consequence of any compulsory process of any Court of Law or Equity, in any Action, Suit or Proceeding, which shall have been bona fide instituted by any party aggrieved.

And whereas, a failure of justice frequently arises from the subtle distinction between Larceny and Fraud—for remedy whereof:

Obtaining money on false pretences

XLIV. *Be it enacted,* That if any person shall, by any false pretence, obtain from any other person any chattel; money or valuable security, with intent to cheat or defraud any person of the same, every such offender shall be guilty of a Misdemeanor, and, being convicted thereof,