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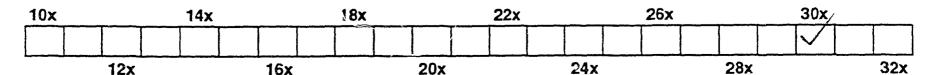
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2nd Session, 3rd Parliament, 12 Victoria, 1849

BILL.

An Act for the Punishment of Waiehousemen and others giving False Receipts for Merchandize, and of Persons receiving Advances upon Goods, and afterwards fraudulently disposing of the same.

Received and Read a first time, Monday, 22nd January, 1849.

Second Reading, Monday, 29th January, 1849

Mr. Holmes.

PRINTLD BY TOVITL AND GIBSON.

BILL.

An Act for the Punishment of Warehousemen and others giving False Receipts for Merchandize, and of Persons receiving Advances upon Goods, and afterwards fraudulently disposing of the same.

HEREAS frauds have been commit- Preamble. ted by the giving of false receipts for merchandize by Warehousemen and others, and by parties having received advances on 5 merchandize afterwards disposing of them to the injury of the parties making such advances: For the prevention of such frauds, be it enacted; &c.

And it is hereby enacted by the authority 10 of the same, That if the Keeper of any Persons giving Warehouse, or any Agent, Clerk, or other false reperson employed in or about any Wareeights for goods or house, or if any other Factor or Agent, or making use of such false ready. Clerk or other person employed in or ceipts to be about the business of such Factor or Agent, misdemenuor. shall give to any person a writing purporting to be a receipt for, or an acknowledgment of any goods or other property having been received in his Warehouse, or in the 20 Warehouse in or about which he shall be employed, or in any other manner received by him or by the person in or about whose business he shall be employed, before the goods or other property named in such 25 receipt or acknowledgment shall have been actually delivered to him as aforesaid, with intent to mislead, deceive, injure or defraud any person or persons whomsoever, or if any person shall accept or transmit or use any

Punishment for such offence

person giving and the person accepting such receipt or acknowledgment shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be liable in the discretion of the Court to be imprisoned in the Provincial 5 Penitentiary and kept at hard labour, for any period of time not exceeding three vears, nor less than one year.

Persons fraudulently disposing of goods after having recerved advances upon them to be guilty of a misdemeanor

II. And be it enacted, That if any owner of Merchandize, or other person in whose 10 name Merchandize shall be shipped or delivered to the Keeper of any Warehouse, or other Factor, or Agent, or Carrier, to be shipped or carried, shall, after the advancement to him of any money, or the giving to 15 him of any negotiable security by the Consignee of such Merchandize, and without the consent of such Consignee being therefor first had and obtained, make any disposition of such Merchandize different from 20 and inconsistent with that agreed upon between such owner or other person aforesaid and such Consignee at the time of such money being so advanced or such negotiable security being so given, with the intent to 25 deceive, defraud or injure such Consignee, such owner or other person aforesaid, and each and every other persons conniving with him for the purpose of deceiving, defrauding or injuring such Consignee, shall be 30 deemed guity of a misdemeanor, and upon conviction thereof, shall be hable to be, in the discretion of the Court before whom the conviction shall take place, imprisoned in the Provincial Penitentiary and kept at hard 35 labour, for any period of time not more than Proviso as to three years, nor less than one year: Provided, however, that no person shall be subject to prosecution under this section, who shall, before making such disposition as 40 aforesaid of such Merchandize, pay or tender to the Consignee the full amount of any advance made thereon.

Punishment for such offence

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Ill And be it enacted, That all words in Interpretation this Act importing the singular number only, clause shall be construed as including the plural number also, unless there be something in 5 the context inconsistent with such construction; and if any offence against this Act be committed by the doing of anything in the name of any firm, company or co-partnership of persons, the person by whom such thing 10 shall be actually done, or who shall have connived at the doing thereof, shall be deemed guilty of such offence, and not any other person.