

No. 224.

4th Session, 6th Parliament, 24 Victoria, 1861

BILL.

**An Act for better protecting Manufacturers
and Tradesmen entrusting materials to
Workmen to be made up.**

Received and read, first time, Thursday,
25th April, 1861.

Second reading, Monday, 29th April, 1861.

Mr. JOBIN.

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An Act for better protecting Manufacturers and Tradesmen entrusting materials to Workmen to be made up.

FOR the better protection of Manufacturers and others entrusting materials to Workmen to be made up : Her Majesty, &c., enacts as follows : Preamble:

- 5 **1.** If any workman or other person to whom any materials or goods have been entrusted for the purpose of being manufactured or made up, or of undergoing any operation or process, sells or exchanges the same, or any part thereof, or converts the same, or any part thereof, to his own use, or to that of any person other than the person entrusting the same as aforesaid, such person so selling, exchanging, or converting the same, or any person knowingly buying or receiving the same in exchange or otherwise, shall, on summary conviction thereof before any one or more Justices of the Peace, or before any Recorder's Court, be punishable by imprisonment at hard labour for not less than three, nor more than twelve months, in the discretion of the Court, or of the Justice or Justices before whom the conviction is had and shall moreover be civilly liable for all damages occasioned by such offence ; and any person so buying or receiving any material as aforesaid, may be convicted and punished, although the principal offender has not been convicted or prosecuted. Punishment of persons receiving materials to be made up and selling them, etc.
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- 20 **2.** Nothing in the foregoing section shall prevent any such offender as aforesaid from being indicted, convicted, and punished for larceny, under the fifty-fifth section of chapter ninety-two of the Consolidated Statutes of Canada, or as a receiver of stolen goods under any provision of the said Act ; but it shall be no defence to a prosecution under the foregoing section that the offence amounts to larceny, or to a receiving of stolen goods ; Provided that no person shall be tried more than once for the same offence. Not to prevent effect of cap. 92 of Con. Stat. of Canada.
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- 30 **3.** Any such goods or materials as aforesaid, or the value thereof, may be claimed and recovered by the person to whom they belong, by civil action in any form allowed by the law of that section of the Province in which the action is brought, against any third party in whose possession they are found, or against the person to whom they were so entrusted as aforesaid, if such person withholds them when lawfully demanded by their owner. Such materials, etc., may be recovered by civil action.