

Laws of Her Majesty's Province of Upper Canada, passed in the year 1849. Montreal: Stewart Derbshire & George Desbarats, 1849.

12 Victoria – Chapter 12

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. 25th April, 1849.

Whereas frauds have been committed by the giving of false receipts for merchandize by Warehousemen and others, and by parties having received advances on merchandize afterwards disposing of them to the injury of the parties making such advances: For the prevention of such frauds—Be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That if the Keeper of any Warehouse, or any Forwarder, Common Carrier, Agent, Clerk, or other person employed in or about any Warehouse, or if any other Factor or Agent, or any Clerk or other person employed in or about the business of such Factor or Agent, shall knowingly and wilfully 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, of in the Warehouse in of 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 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, although such person or persons may be then unknown; or if any person shall knowingly and wilfully accept or transmit of use any such false receipt or acknowledgment, the person giving and the person accepting such receipt or acknowledgment shall severally 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 Penitentiary, and kept at hard labour for any period of time not exceeding three years, nor less than one year.

II. And be it enacted, That if any owner of merchandize, or other person in whose 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 him of any negotiable security by the Consignee of such merchandize, for his own benefit and in violation of good faith, and without the consent of such Consignee being therefor first had and obtained, make any disposition of such merchandize different from and inconsistent with the agreement in that behalf between such owner or other person aforesaid and such Consignee at the time of or before such money being so advanced or such negotiable security being so given, with the intent to deceive, defraud or injure such Consignee, such owner or other person aforesaid, and each and every other persons knowingly and wilfully acting and assisting in making such disposition for the purpose of deceiving, defrauding or injuring such Consignee, shall

be deemed guilty of a misdemeanor, and upon conviction thereof, shall be liable to be, in the discretion of the Court before whom the conviction shall take place, imprisoned in the Provincial Penitentiary, and kept at hard labour for any period of time not more than 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 aforesaid of such merchandize, pay or tender to the Consignee the full amount of any advance made thereon.

III. And be it enacted, That all words in this Act importing the singular number only, shall be construed as including the plural number also, unless there be something in 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 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.