

ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

CAP. LXIII.

An Act for more effectually preventing the Embezzlement of Securities for Money and other Effects, left or depoſited for ſafe Cuſtody, or other ſpecial Purpoſe, in the Hands of Bankers, Merchants, Brokers, Attornies, or other Agents.

[9th *June* 1812.]

WHEREAS it is expedient that due Proviſion ſhould be made to prevent the Embezzlement of Government and other Securities for Money, Plate, Jewels, and other Perſonal Effects, depoſited for ſafe Cuſtody, or for any ſpecial Purpoſe, with Bankers, Merchants, Brokers, Attornies, and other Agents, entruſted by their Cuſtomers and Employers; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That if any Perſon or Perſons with whom (as Banker or Bankers, Merchant or Merchants, Broker or Brokers, Attorney or Attornies, or Agent or Agents of any Deſcription whatſoever) any Ordnance Debenture, Exchequer Bill, Navy, Victualling, or Tranſport Bill, or other Bill, Warrant, or Order for the Payment of Money, State Lottery Ticket or Certificate, Seaman's Ticket, Bank Receipt for Payment of any Loan, India Bond, or other Bond, or any Deed, Note, or other Security for Money, or for any Share or Intereſt in any National Stock or Fund of this or any other Country, or in the Stock or Fund of any Corporation, Company, or Society eſtabliſhed by Act of Parliament

Perſons ſubject to Puniſhment, for the Embezzlement of any Deed, Note, or other Security for Money entruſted to their Care.

or Royal Charter, or any Power of Attorney for the Sale or Transfer of any ſuch Stock or Fund, or any Share or Intereſt therein, or any Plate, Jewels, or other Perſonal Effects, ſhall have been depoſited, or ſhall be or remain for ſafe Cuſtody, or upon or for any ſpecial Purpoſe, without any Authority, either general, ſpecial, conditional, or diſcretionary, to ſell or pledge ſuch Debenture, Bill, Warrant, Order, State Lottery Ticket or Certificate, Seaman's Ticket, Bank Receipt, Bond, Deed, Note, or other Security, Plate, Jewels, or other Perſonal Effects, or to ſell, transfer, or pledge the Stock or Fund, or Share or Intereſt in the Stock or Fund to which ſuch Security or Power of Attorney ſhall relate, ſhall ſell, negociate, transfer, aſſign, pledge, embezzle, ſecrete, or in any Manner apply to his or their own Uſe or Benefit, any ſuch Debenture, Bill, Warrant, Order, State Lottery Ticket or Certificate, Seaman's Ticket, Bank Receipt, Bond, Deed, Note, or other Security, as herein-before mentioned, Plate, Jewels, or other Perſonal Effects, or the Stock or Fund, or Share or Intereſt in the Stock or Fund to which ſuch Security or Power of Attorney ſhall relate, in violation of good Faith, and contrary to the ſpecial Purpoſe, for which the Things herein-before mentioned, or any or either of them, ſhall have been depoſited, or ſhall have been or remained with or in the Hands of ſuch Perſon or Perſons, with Intent to defraud the Owner or Owners of any ſuch Inſtrument or Security, or the Perſon or Perſons depoſiting the ſame, or the Owner or Owners of the Stock or Fund, Share or Intereſt, to which ſuch Security or Power of Attorney ſhall relate, every Perſon ſo offending in any Part of the United Kingdom of *Great Britain* and *Ireland*, ſhall be deemed and taken to be guilty of a Miſdemeanor, and, being thereof convicted according to Law, ſhall be ſentenced to Tranſportation for any Term not exceeding Fourteen Years, or to receive ſuch other Puniſhment as may by Law be inflicted on a Perſon or Perſons guilty of a Miſdemeanor, and as the Court before which ſuch Offender or Offenders may be tried and convicted ſhall adjudge.

For preventing Bankers and others, from diſpoſing for their own Uſe, of Property depoſited with them.

II. And whereas it is uſual for Perſons having Dealings with Bankers, Merchants, Brokers, Attornies, and other Agents, to depoſit or place in the Hands of ſuch Bankers, Merchants, Brokers, Attornies, and other Agents, Sums of Money, Bills, Notes, Drafts, Cheques, or Orders for the Payment of Money, with Directions or Orders to inveſt the Monies ſo paid, or to which ſuch Bills, Notes, Drafts, Cheques, or Orders relate, or Part thereof, in the Purchaſe of Stocks or Funds, or in or upon Government or other Securities for Money, or to apply and diſpoſe thereof in other Ways or for other Purpoſes; and it is expedient to prevent Embezzlement and Malverſation in ſuch Caſes alſo; be it therefore enacted by the Authority aforeſaid, That if any ſuch Banker, Merchant, Broker, Attorney, or other Agent, in whoſe Hands any Sum or Sums of Money, Bill, Note, Draft, Cheque, or Order for the Payment of any Sum or Sums of Money ſhall be placed, with any Order or Orders in Writing, and ſigned by the Party or Parties who ſhall ſo depoſit or place the ſame, to inveſt ſuch Sum or Sums of Money or the Money to which ſuch Bill, Note, Draft, Cheque, or Order as aforeſaid ſhall relate, in the Purchaſe of any Stock or Fund, or in or upon Government or other Securities, or in any other Way or for any other Purpoſe ſpecified in ſuch Order or Orders, ſhall in any Manner apply to his or their own Uſe and Benefit, any ſuch Sum or Sums of Money, or any ſuch Bill,

Bill, Note, Draft, Cheque, or Order for the Payment of any Sum or Sums of Money as herein-before mentioned, in violation of good Faith and contrary to the ſpecial Purpoſe ſpecified in the Direction or Order in Writing herein-before mentioned, with Intent to defraud the Owner or Owners of any ſuch Sum or Sums of Money, or Order for the Payment of any Sum or Sums of Money; every Perſon ſo offending in any Part of the United Kingdom, ſhall in like Manner be deemed and taken to be guilty of a Miſdemeanor, and being convicted thereof according to Law, ſhall incur and ſuffer ſuch Puniſhment as is herein-before mentioned.

Act not to prevent Perſons receiving Money due on Securities.

III. Provided always, and be it further enacted by the Authority aforeſaid, That nothing herein contained ſhall extend, or be conſtrued to extend, to prevent any of the Perſons herein-before mentioned from receiving any Money which ſhall be or become actually due and payable upon or by virtue of any of the Inſtruments or Securities herein-before mentioned, according to the Tenor and Effect thereof, in ſuch Manner as he or they might have done, if this Act had not been made.

Act not to extend to Partners not being privy to the Offence.

IV. Provided alſo, and be it further enacted by the Authority aforeſaid, That the Penalty by this Act annexed to the Commiſſion of any Offence intended to be guarded againſt by this Act, ſhall not extend or be conſtrued to extend to any Partner or Partners, or other Perſon or Perſons of or belonging to any Partnerſhip, Society, or Firm, except only ſuch Partner or Partners, Perſon or Perſons, as ſhall actually commit or be acceſſary or privy to the Commiſſion of ſuch Offence; any Thing herein contained to the contrary in anywiſe notwithſtanding.

Act not to leſſen any Remedy at Law or Equity regarding the Party aggrieved.

V. Provided alſo, and be it further enacted by the Authority aforeſaid, That nothing in this Act contained, nor any Proceeding, Conviction, or Judgment to be had or taken thereupon, ſhall hinder, prevent, leſſen, or impeach any Remedy at Law or in Equity, which any Party or Parties aggrieved by any Offence againſt this Act might or would have had, or have been entitled to if this Act had not been made, nor any Proceeding, Conviction, or Judgment had been had or taken thereupon; but nevertheleſs the Conviction of any Offender againſt this Act ſhall not be received in Evidence in any Action at Law, or Suit in Equity, againſt ſuch Offender; and further, that no Perſon ſhall be liable to be convicted by any Evidence whatever, as an Offender againſt this Act, in reſpect of any Act, Matter, or Thing done by him, if he ſhall at any Time previouſly to his being indicted for ſuch Offence, have diſcloſed ſuch Act, Matter, or Thing, on Oath, under or in conſequence of any compulſory Proceſs of any Court of Law or Equity, in any Action, Suit, or Proceeding, in or to which he ſhall have been a Party, and which ſhall have been *bonâ fide* inſtituted by the Party aggrieved by the Act, Matter, or Thing, which ſhall have been committed by ſuch Offender aforeſaid.

Not to affect Truſtees or Mortgagees.

VI. Provided always, and it is hereby expreſsly enacted and declared, That nothing in this Act contained ſhall extend to or affect any Perſon or Perſons being a Truſtee or Truſtees in or under any Marriage Settlement, Will, or other Deed or Inſtrument, or being a Mortgagee or Mort-

gagees of any Property whatſoever, whether Real or Perſonal, in reſpect of any Act or Acts done by any ſuch Perſon or Perſons in relation to the Property comprized in or affected by any ſuch Truſt or Mortgage as aforeſaid.

Puniſhment of Perſons offending againſt the Act in Scotland.

VII. Provided always, and be it enacted, That every Perſon who ſhall commit, in *Scotland*, any Offence againſt this Act, which by the Proviſions thereof is conſtituted a Miſdemeanor, ſhall be liable to be puniſhed by Fine and Impriſonment, or by either of them, or by Tranſportation for any Term not exceeding Fourteen Years, as the Judge or Judges before whom ſuch Offender ſhall be tried and convicted may direct.

Act not to reſtrain Bankers from diſpoſing of Securities on which they have a Lien.

VIII. Provided always, and it is hereby enacted, That nothing herein contained ſhall extend to reſtrain any Banker, Merchant, Broker, Attorney, or other Agent, from ſelling, negociating, transferring, or otherwiſe diſpoſing of any Securities, Property, or other Effects as aforeſaid, in their Cuſtody or Poſſeſſion, upon which they ſhall have any Lien, Claim, or Demand, which by Law entitles them to ſell or diſpoſe thereof, unleſs ſuch Sale, Transfer, or other Diſpoſal ſhall extend to a greater Number or to a greater Part of ſuch Securities, Property, or other Effects as aforeſaid than ſhall be requiſite or neceſſary for the Purpoſe of paying or ſatisfying ſuch Lien, Claim, or Demand; any Thing herein-before contained to the contrary thereof in anywiſe notwithſtanding.

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