

22^o VICTORIÆ, 1858.

A BILL

For the prevention of Frauds by Trustees Directors of Companies and others in certain cases.

WHEREAS it is expedient to make better provision for the punish- Preamble.
ment of Frauds committed by Trustees Directors of Public Com-
panies and other persons entrusted with property in the cases hereinafter
mentioned Be it enacted by the Queen's Most Excellent Majesty by
5 and with the advice and consent of the Legislative Council and Legis-
lative Assembly of New South Wales in Parliament assembled and by
the authority of the same as follows :—

1. If any Trustee of property for the benefit either wholly or Trustees fraudu-
partially of some other person or for any public or charitable purpose shall lently disposing of
10 in any manner with intent to defraud mis-appropriate or destroy such Trust property.
property or any part thereof he shall be guilty of a misdemeanor.

2. Provided that where any Civil Proceeding has been taken in any No prosecution under
Court respecting such mis-appropriation or destruction no prosecution shall preceding section
be instituted or person be committed or held to bail for an offence against without leave of a
15 the preceding enactment without the leave of such Court or some Judge Judge.
thereof.

3. For the purposes of this Act the word "*Trustee*" shall mean a Interpretation of
Trustee (whether named or acting alone or jointly with any other or others) terms.
under some express trust created by deed will or instrument in writing and
20 shall include the heir and personal representative of any such Trustee and
shall also extend to all executors and administrators and all assignees in
Insolvency And the word "*property*" shall include every description
of real and personal property money and securities for money debts and
legacies and all deeds and instruments relating to any such property and
25 not only the original subject of the trust or the property entrusted for
safe custody or sale or transfer but also any property into which the same
may have been converted and the proceeds thereof respectively and every-
thing acquired by such proceeds.

Persons fraudulently disposing of property entrusted to their care.

4. If any person entrusted with property for safe custody shall in any manner with intent to defraud mis-appropriate or destroy such property or any part thereof he shall be guilty of a misdemeanor.

Persons under written power fraudulently disposing of property entrusted for sale.

5. If any person entrusted by any written instrument with the sale or transfer of property shall in any manner with intent to defraud 5 mis-appropriate or destroy such property or any part thereof he shall be guilty of a misdemeanor.

Directors &c. of public company fraudulently appropriating property :

6. If any director public officer manager or member of any body corporate or public company shall in any manner with intent to defraud mis-appropriate or destroy any of the property of such body corporate or 10 company (whether he be a member thereof or not) he shall be guilty of a misdemeanor.

Or keeping fraudulent accounts :

7. If any director public officer or manager of any body corporate or public company shall as such receive or possess himself of any of the property of such body corporate or company otherwise than in payment of 15 a just debt or demand and shall with intent to defraud omit to make a true entry thereof in the books or accounts of such body corporate or company or to direct such entry to be made he shall be guilty of a misdemeanor.

Or wilfully destroying books :

8. If any director public officer manager or member of any body 20 corporate or public company shall with intent to defraud destroy mutilate falsify or alter any book paper entry security or document belonging to such body corporate or company or make or concur in making any false entry or be guilty of or connive at any material omission in any such book paper security or document he shall be guilty of a misdemeanor. 25

Or publishing fraudulent statements.

9. If any director public officer or manager of any body corporate or public company shall make circulate or publish or concur in making circulating or publishing any written statement or account which he shall know to be false in any material particular with intent to deceive or defraud any person or with intent to induce any person to become a share- 30 holder or partner in or to entrust or advance property to such body corporate or company or to enter into any security for the benefit thereof he shall be guilty of a misdemeanor.

Receiving property.

10. If any person shall receive any property fraudulently mis-appropriated within the meaning of this Act knowing the same to have 35 been so mis-appropriated he shall be guilty of a misdemeanor.

Punishment of offences.

11. Every person guilty of a misdemeanor under this Act shall be liable to such punishment by hard labor on the roads or other public works for not more than five years or by imprisonment for not more than three years with or without hard labor or by fine with or without 40 imprisonment as the Court shall award.

12. Nothing in this Act shall enable any person to refuse to make a complete discovery by answer to any bill or claim in equity or to answer any question or interrogatory in any other civil proceeding but no answer to any such bill or claim or question or interrogatory shall be admissible in evidence against such person in any criminal prosecution other than a prosecution for perjury.

Persons not exempt from answering questions.

13. No proceeding or conviction under this Act shall affect any remedy at law or in equity which any party aggrieved might have had if this Act had not been passed but no conviction of any offender under this Act shall be received in evidence in any civil proceeding against him.

No civil remedy affected.

14. No person guilty of any offence under this Act shall be liable in respect only of the same act or acts to prosecution as a bailee under the Act lately passed in that behalf.

Bailees under Act lately passed.

15. No prosecution under this Act shall be instituted in any Court of General or Quarter Sessions.

Offences not triable at Sessions.

16. If any director, public officer, manager or member of any body corporate or public company shall with intent to defraud destroy, mutilate, falsify or alter any book, paper, entry, security or document belonging to such body corporate or company or make or concur in making any false entry or be guilty of or connive at any material omission in any such book, paper, security or document he shall be guilty of a misdemeanour.

17. If any director, public officer or manager of any body corporate or public company shall make, circulate or publish or concur in making, circulating or publishing any written statement or account which he shall know to be false in any material particular with intent to deceive or defraud any person or with intent to induce any person to become a shareholder or partner in or to entrust or advance property to such body corporate or company or to enter into any security for the benefit thereof he shall be guilty of a misdemeanour.

18. If any person shall receive any property fraudulently misappropriated within the meaning of this Act knowing the same to have been so misappropriated he shall be guilty of a misdemeanour.

19. Every person guilty of a misdemeanour under this Act shall be liable to such punishment by hard labor on the roads or other public works for not more than five years or by imprisonment for not more than three years with or without hard labor or by fine with or without imprisonment as the Court shall award.

12. Nothing in this Act shall prevent any person to refuse to make a complete discovery by answer to any bill or claim in equity or to answer any question or interrogatory in any civil proceeding but no answer or discovery shall be required of a party in any civil proceeding unless the same shall be required by the court in which such proceeding is held.

ARTICLE

13. The provisions of this Act shall not be construed to affect the validity of any judgment or decree rendered by any court of law or equity in any case pending at the date of the passage of this Act, nor shall it be construed to affect the validity of any judgment or decree rendered by any court of law or equity in any case pending at the date of the passage of this Act, nor shall it be construed to affect the validity of any judgment or decree rendered by any court of law or equity in any case pending at the date of the passage of this Act.

14. The provisions of this Act shall not be construed to affect the validity of any judgment or decree rendered by any court of law or equity in any case pending at the date of the passage of this Act, nor shall it be construed to affect the validity of any judgment or decree rendered by any court of law or equity in any case pending at the date of the passage of this Act, nor shall it be construed to affect the validity of any judgment or decree rendered by any court of law or equity in any case pending at the date of the passage of this Act.

A BILL

For the prevention of Frauds by Trustees Directors of Companies and others in certain cases.

(As amended in Select Committee.)

WHEREAS it is expedient to make better provision for the punish- Preamble.
ment of Frauds committed by Trustees Directors of Public Com-
panies and other persons entrusted with property in the cases hereinafter
mentioned Be it enacted by the Queen's Most Excellent Majesty by
5 and with the advice and consent of the Legislative Council and Legis-
lative Assembly of New South Wales in Parliament assembled and by
the authority of the same as follows :—

1. If any Trustee of property for the benefit either wholly or Trustees fraudu-
partially of some other person or for any public or charitable purpose shall lently disposing of
Trust property.
10 in any manner with intent to defraud mis-appropriate or destroy such
property or any part thereof he shall be guilty of a misdemeanor.

2. Provided that where any Civil Proceeding is pending in any No prosecution under
preceding section
without leave of a
Judge.
Court respecting such mis-appropriation or destruction no prosecution shall
be instituted or person be committed or held to bail for an offence against
15 the preceding enactment without the leave of such Court or some Judge
thereof.

3. For the purposes of this Act the word "*Trustee*" shall mean a Interpretation of
terms.
Trustee (whether named or acting alone or jointly with any other or others)
under some express trust created by deed will or other instrument in writing
20 and shall include every person on whom such trust shall devolve by opera-
tion of law or otherwise and shall extend to executors and administrators
and assignees in Insolvency And the word "*property*" shall include
every description of real and personal property money and securities for
money debts and legacies and all deeds and instruments relating to
25 any such property and not only the original subject of the trust or the
property entrusted for safe custody or sale or transfer but also any property
into which the same may have been converted and the proceeds thereof
respectively.

Persons under written power fraudulently disposing of property entrusted for sale.

4. If any person entrusted by any written instrument with the sale or transfer of property shall in any manner with intent to defraud mis-appropriate or destroy such property or any part thereof he shall be guilty of a misdemeanor.

Directors &c. of public company fraudulently appropriating property:

5. If any director public officer manager or member of any body corporate or public company shall in any manner with intent to defraud mis-appropriate or destroy any of the property of such body corporate or company (whether he be a member thereof or not) he shall be guilty of a misdemeanor.

Or keeping fraudulent accounts:

6. If any director public officer or manager of any body corporate or public company shall as such receive or possess himself of any of the property of such body corporate or company otherwise than in payment of a just debt or demand and shall with intent to defraud omit to make a true entry thereof in the books or accounts of such body corporate or company or to direct such entry to be made he shall be guilty of a misdemeanor.

Or wilfully destroying books:

7. If any director public officer manager or member of any body corporate or public company shall with intent to defraud destroy mutilate falsify or alter any book paper entry security or document belonging to such body corporate or company or make or concur in making any false entry or be guilty of or concur in any material omission in any such book paper security or document he shall be guilty of a misdemeanor.

Or publishing fraudulent statements.

8. If any director public officer or manager of any body corporate or public company shall make circulate or publish or concur in making circulating or publishing any written statement or account which he shall know to be false in any material particular with intent to deceive or defraud any person or with intent to induce any person to become a shareholder or partner in or to entrust or advance property to such body corporate or company or to enter into any security for the benefit thereof he shall be guilty of a misdemeanor.

Receiving property.

9. If any person shall receive any property fraudulently mis-appropriated within the meaning of this Act knowing the same to have been so mis-appropriated he shall be guilty of a misdemeanor.

Punishment of offences.

10. Every person guilty of a misdemeanor under this Act shall be liable to such punishment by hard labor on the roads or other public works for not more than five years or by imprisonment for not more than three years with or without hard labor or by fine with or without imprisonment as the Court shall award.

11. Nothing in this Act shall enable any person to refuse to make a complete discovery by answer to any question or interrogatory in any civil proceeding but no such answer shall be admissible in evidence against such person in any criminal prosecution other than a prosecution for 5 perjury.

Persons not exempt from answering questions.

12. No proceeding or conviction under this Act shall affect any remedy at law or in equity which any party aggrieved might have had if this Act had not been passed but no conviction of any offender under this Act shall be received in evidence in any civil proceeding against him.

No civil remedy affected.

10 13. No prosecution under this Act shall be instituted in any Court of General or Quarter Sessions.

Offences not triable at Sessions.

THE HISTORY OF THE UNITED STATES

The first part of the history of the United States is the period of discovery and settlement. It begins with the arrival of Christopher Columbus in 1492 and continues through the early years of the 17th century. This period is characterized by the exploration of the continent and the establishment of the first permanent European colonies.

The second part of the history is the period of the American Revolution. It begins with the outbreak of the war in 1775 and ends with the signing of the Constitution in 1787. This period is marked by the struggle for independence from British rule and the formation of a new nation.

The third part of the history is the period of the early republic. It begins with the signing of the Constitution in 1787 and continues through the early years of the 19th century. This period is characterized by the development of the federal government and the expansion of the territory.

The fourth part of the history is the period of the Civil War. It begins with the outbreak of the war in 1861 and ends with the signing of the Emancipation Proclamation in 1863. This period is marked by the struggle for the preservation of the Union and the abolition of slavery.

The fifth part of the history is the period of Reconstruction. It begins with the end of the Civil War in 1865 and continues through the early years of the 19th century. This period is characterized by the efforts to rebuild the South and to integrate the freed slaves into society.

The sixth part of the history is the period of the Gilded Age. It begins with the end of Reconstruction in 1877 and continues through the early years of the 20th century. This period is marked by rapid industrialization and the rise of a new class of wealthy Americans.

The seventh part of the history is the period of the Progressive Era. It begins with the start of the 20th century and continues through the early years of the 1900s. This period is characterized by the efforts to reform society and to address the problems of the Gilded Age.

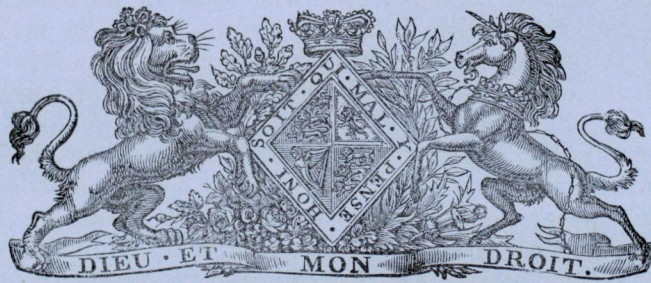
The eighth part of the history is the period of the World Wars. It begins with the outbreak of World War I in 1914 and continues through the end of World War II in 1945. This period is marked by the United States' emergence as a world superpower.

This PUBLIC BILL, having been this day passed by the LEGISLATIVE COUNCIL, is ready for presentation to the LEGISLATIVE ASSEMBLY, for its concurrence.

Legislative Council Chamber,
Sydney, 22nd September, 1858. }

WM. MACPHERSON,
Clerk of the Legislative Council.

New South Wales.



ANNO VICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. .

An Act for the prevention of Frauds by Trustees Directors of Companies and others in certain cases.

WHEREAS it is expedient to make better provision for the punishment of Frauds committed by Trustees Directors of Public Companies and other persons entrusted with property in the cases hereinafter mentioned Be it enacted by the Queen's Most Excellent Majesty by 5 and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :—

1. If any Trustee of property for the benefit either wholly or partially of some other person or for any public or charitable purpose shall 10 in any manner with intent to defraud mis-appropriate or destroy such property or any part thereof he shall be guilty of a misdemeanor.

2. Provided that where any Civil Proceeding is pending in any Court respecting such mis-appropriation or destruction no prosecution shall be instituted or person be committed or held to bail for an offence against 15 the preceding enactment without the leave of such Court or some Judge thereof.

3. For the purposes of this Act the word "Trustee" shall mean a Trustee (whether named or acting alone or jointly with any other or others) under some express trust created by deed will or other instrument in writing 20 and shall include every person on whom such trust may devolve by operation of law or otherwise and shall extend to executors and administrators and assignees in Insolvency And the word "property" shall include every description of real and personal property money and securities for money debts and legacies and all deeds and instruments relating to 25 any such property and not only the original subject of the trust or the property entrusted for safe custody or for sale or transfer but also any property into which the same may have been converted and the proceeds thereof respectively.

Trustees' and Directors' Frauds Prevention Act.—1858.

4. If any person entrusted by any written instrument with the sale or transfer of property shall in any manner with intent to defraud mis-appropriate or destroy such property or any part thereof he shall be guilty of a misdemeanor. Persons under written power fraudulently disposing of property entrusted for sale.
5. If any director public officer manager or member of any body corporate or public company shall in any manner with intent to defraud mis-appropriate or destroy any of the property of such body corporate or company (whether he be a member thereof or not) he shall be guilty of a misdemeanor. Directors &c. of public company fraudulently appropriating property :
10. 6. If any director public officer or manager of any body corporate or public company shall as such receive or possess himself of any of the property of such body corporate or company otherwise than in payment of a just debt or demand and shall with intent to defraud omit to make a true entry thereof in the books or accounts of such body corporate or company or to direct such entry to be made he shall be guilty of a misdemeanor. Or keeping fraudulent accounts :
20. 7. If any director public officer manager or member of any body corporate or public company shall with intent to defraud destroy mutilate falsify or alter any book paper entry security or document belonging to such body corporate or company or make or concur in making any false entry or be guilty of or concur in any material omission in any such book paper security or document he shall be guilty of a misdemeanor. Or wilfully destroying books :
25. 8. If any director public officer or manager of any body corporate or public company shall make circulate or publish or concur in making circulating or publishing any written statement or account which he shall know to be false in any material particular with intent to deceive or defraud any person or with intent to induce any person to become a shareholder or partner in or to entrust or advance property to such body corporate or company or to enter into any security for the benefit thereof he shall be guilty of a misdemeanor. Or publishing fraudulent statements.
30. 9. If any person shall receive any property fraudulently mis-appropriated within the meaning of this Act knowing the same to have been so mis-appropriated he shall be guilty of a misdemeanor. Receiving property.
35. 10. Every person guilty of a misdemeanor under this Act shall be liable to such punishment by hard labor on the roads or other public works for not more than five years or by imprisonment for not more than three years with or without hard labor or by fine with or without imprisonment as the Court shall award. Punishment of offences.
40. 11. Nothing in this Act shall enable any person to refuse to make a complete discovery by answer to any question or interrogatory in any civil proceeding but no such answer shall be admissible in evidence against such person in any criminal prosecution other than a prosecution for perjury. Persons not exempt from answering questions.
45. 12. No proceeding or conviction under this Act shall affect any remedy at law or in equity which any party aggrieved might have had if this Act had not been passed but no conviction of any offender under this Act shall be received in evidence in any civil proceeding against him. No civil remedy affected.
50. 13. No prosecution under this Act shall be instituted in any Court of General or Quarter Sessions. Offences not triable at Sessions.
55. 14. In prosecutions under this Act it shall be sufficient to allege an intent to deceive or defraud without specifying the persons or person or body corporate or company intended to be deceived or defrauded : and in prosecutions under the eighth section to allege an intent to induce persons to become shareholders or partners or to entrust or advance property or to enter into security as mentioned in that section without specifying any particular persons or person or any particular property or security : and in prosecutions under the first section it shall be sufficient to state that the party charged was a trustee of the property misappropriated or destroyed without specifying in what manner he was trustee and to specify one of the persons or purposes if more than one for whom or which the party charged was such trustee. Form of Indictment.
- 60.