

railway authorised by this Ordinance, and for the words "the contractor" and "the engineer," the words "the director of public works" shall be deemed to be substituted. In section 6 of "The Trinidad Railway Ordinance, 1873," as so incorporated, instead of the words "one hundred feet" the words "one hundred yards" shall be deemed to be substituted.

Assessment in  
respect of  
broken land.

4. Where upon any inquiry as to the compensation in respect of land required for the purposes of the railway authorised by this Ordinance or injuriously affected by the construction thereof, the jury is of opinion that the estate or piece of land whereof the land required or injuriously affected forms part, will, after the construction of the said railway, have a value not less than the value which before the construction of the said railway and without any consideration thereof the said estate or piece of land had, no compensation shall be awarded in respect of the part required or injuriously affected.

Passed in Council this first day of November, in the year of our Lord one thousand eight hundred and seventy-seven.

A. C. ROSS,  
*Clerk of the Council.*

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No. 15.—1877.

*20th December.*

AN ORDINANCE to amend the Law as to Offences  
against Property.

(L. S.) G. WILLIAM DES VŒUX.

*31st December, 1877.*

**B**E it enacted by His Excellency the Governor, with the advice and consent of the Legislative Council, as follows:—

1. This Ordinance may be cited as "The Offences Short title. against Property Ordinance, 1877."

2. In this Ordinance

The term "trustee" means a trustee on some express trust created by some deed, will or instrument in writing, and includes the heir or personal representative of any such trustee, and any other person upon or to whom the duty of such trust devolves or comes, and also an executor and administrator, and an official manager, assignee, liquidator or other like officer, acting under any present or future Ordinance relating to joint-stock companies, bankruptcy or insolvency:

Interpretation  
of terms.

"Trustee."

The term "valuable security" includes any order or other security whatsoever entitling, or evidencing the title of, any person or body corporate to any share or interest in any public stock or fund, whether of the United Kingdom, or of Great Britain, or of Ireland, or of India, or of any foreign state, or of any colony or dependency of the United Kingdom, or of any foreign state, or in any fund of any body corporate, company or society, whether within the United Kingdom, or India, or any foreign state, or any colony or dependency of the United Kingdom or of any foreign state, or to any deposit in any bank; and it also includes any document of title to lands or goods and any debenture, deed, bond, bill, note, warrant, order or other security whatsoever for money or for payment of money, whether of the United Kingdom, or of Great Britain, or of Ireland, or of India, or of any foreign state, or of any colony or dependency of the United Kingdom, or of any foreign state:

"Valuable  
security."

The term "property" includes every description of real and personal property, money, debts and legacies, and all deeds and instruments relating to or evidencing the title or right to any property, or giving a right to recover or receive any money or goods, and also includes not only such property as was originally in the possession or under

"Property."

the control of any party, but also any property into or for which the same may have been converted or exchanged, and any thing acquired by such conversion or exchange whether immediately or otherwise.

“Public  
Prosecutor.”

The term “public prosecutor” includes any person lawfully acting as public prosecutor.

Bailees  
fraudulently  
converting  
property to  
their own use  
guilty of  
larceny.

3. Whosoever being a bailee of any chattel, money or valuable security, fraudulently takes or converts the same to his own use or to the use of any person other than the owner thereof, although he does not break bulk or otherwise determine the bailment, shall be deemed to have feloniously stolen the same, and may be convicted and punished accordingly upon an ordinary indictment or information for larceny.

Trustees  
fraudulently  
disposing of  
property  
guilty of a  
misdemeanor.

4. Whosoever being a trustee of any property for the use or benefit, either wholly or partially, of some other person, or for any public or charitable purpose, does with intent to defraud, convert or appropriate the same or any part thereof to or for his own use or benefit, or to or for the use or benefit of any person other than such person as aforesaid, or for any purpose other than such public or charitable purpose as aforesaid, or otherwise dispose of or destroy such property, or any part thereof, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned, with or without hard labour, for any term not exceeding five years: Provided that no proceeding or prosecution for any offence included in this section shall be commenced without the sanction of the public prosecutor: Provided also, that where any civil proceeding has been taken against any person to whom the provisions of this section may apply, no person who has taken such civil proceeding shall commence any prosecution under this section without the sanction of the Court or Judge before whom such civil proceeding has been had or is pending.

Brokers, &c.,  
fraudulently  
selling, &c.,  
property  
intrusted to  
their care  
guilty of  
misdemeanor.

5. Whosoever being a bailee, merchant, broker, attorney or agent, and being intrusted either solely or jointly with any other person with the property of any other person for safe custody does with intent to defraud, sell, negotiate, transfer, pledge, or in any manner convert

or appropriate the same or any part thereof to or for his own use or benefit, or to or for the use or benefit of any person other than the person by whom he was so intrusted, shall be guilty of a misdemeanor, and on conviction thereof may be imprisoned, with or without hard labour, for any term not exceeding five years.

6. Whosoever being intrusted, either solely or jointly with any other person, with any power of attorney for the sale or transfer of any property, fraudulently sells or transfers, or otherwise converts the same or any part thereof to his own use or benefit, or to the use or benefit of any person other than the person by whom he was so intrusted, shall be guilty of a misdemeanor, and on conviction thereof may be imprisoned, with or without hard labour, for any term not exceeding five years.

Persons  
under powers  
of attorney  
fraudulently  
selling  
property  
guilty of  
misdemeanor.

7. If any person, being a member of any co-partnership, or being one of two or more beneficial owners of any money, goods or effects, bills, notes, securities or other property, steals or embezzles any such money, goods or effects, bills, notes, securities or other property of or belonging to any such co-partnership, or to such joint beneficial owners, every such person shall be liable to be dealt with, tried, convicted and punished for the same as if such person had not been or was not a member of such co-partnership, or one of such beneficial owners.

Member of  
co-partner-  
ship guilty of  
converting to  
his own use, &c.  
property of  
co-partner-  
ship, liable to  
be tried as if  
not such  
member.

8. Any person who, having contracted with another to make any thing or execute any work, obtains from that other any money to be laid out in providing material, tools or other things necessary or suitable for the making of the thing or the execution of the work, and who, in breach of good faith and contrary to the terms of his contract, converts such money or any part thereof to his own use or to the use of any person other than the person from whom he obtained such money, shall be guilty of an offence punishable on summary conviction, and on conviction thereof before any Stipendiary Justice of the Peace may be imprisoned, with or without hard labour, for any term not exceeding three months, and also be ordered to pay to the party aggrieved any sum not exceeding twenty pounds by way of compensa-

Persons  
receiving  
money under  
contract for  
certain  
purposes, and  
converting  
same to their  
own use, may  
be punished  
on summary  
conviction

tion, and to be further imprisoned for the term of one month, with or without hard labour, unless such sum be sooner paid: Provided always that it shall be lawful for Her Majesty, or for the Governor on behalf of Her Majesty, to remit the whole or any part of any imprisonment awarded under this section, notwithstanding that such imprisonment is in default of payment of money payable to a subject.

No person to be exempt from answering questions in any Court, but no person making a disclosure in any compulsory proceeding to be liable to prosecution.

9. Nothing hereinbefore contained shall enable or entitle any person to refuse to make a full and complete discovery by answer to any bill in equity, or to answer any question or interrogatory in any civil proceeding in any Court, or upon the hearing of any matter in bankruptcy; And no person shall be liable to be convicted of any of the offences hereinbefore mentioned by any evidence whatever in respect of any act done by him if he at any time previously to his being charged with such offence has first disclosed such act on oath, in consequence of any compulsory process of any Court of Law or Equity in any action, suit or proceeding, *bona fide* instituted by any party aggrieved, or if he has first disclosed the same in any compulsory examination or deposition before any Court upon the hearing of any matter in bankruptcy.

No remedy at law or in equity shall be affected.

10. Nothing hereinbefore contained, nor any proceeding, conviction or judgment to be had or taken thereon against any person under this Ordinance shall prevent, lessen or impeach any remedy at law or in equity which any party aggrieved by any offence against this Ordinance might have had if this Ordinance had not been passed: but no conviction of any such offender shall be received in evidence in any action at law or suit in equity against him, and nothing in this Ordinance contained shall affect or prejudice any agreement entered into or security given by any trustee having for its object the restoration or repayment of any trust property misappropriated.

Burglary by breaking out.

11. Whosoever enters the dwelling-house of another with intent to commit any felony therein, or being in such dwelling-house commits any felony therein, and in

either case breaks out of the said dwelling-house in the night, shall be deemed guilty of burglary.

12. Whosoever is convicted of burglary shall be liable to be imprisoned with or without hard labour for any term not exceeding fifteen years. Punishment for burglary.

13. Whosoever enters any dwelling-house in the night with intent to commit any felony therein shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned with or without hard labour for any term not exceeding ten years. Entering a dwelling-house in the night with intent to commit any felony.

14. Whosoever breaks and enters any dwelling-house or any building within the curtilage thereof, or any church, chapel, meeting house or other place of Divine worship, or any school-house, store, shop, warehouse, counting-house, or any building used for the manufacture or safe custody of any produce or material, with intent to commit any felony therein, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned with or without hard labour for any term not exceeding ten years. House-breaking, &c., with intent to commit any felony.

15. The 14th section of Ordinance No. 11 of 1842, intituled "An Ordinance for assimilating the Laws of the Colony relative to Larceny and other Offences connected therewith to the Laws of England in like cases" is hereby repealed: Provided that every offence, wholly or partly committed against the said section before this Ordinance comes into operation, shall be dealt with, inquired of, tried, determined and punished in the same manner as if the said section were not repealed. Repeal of Ordinance 11 of 1842, s. 14.

Passed in Council this twentieth day of December, in the year of our Lord one thousand eight hundred and seventy-seven.

A. C. ROSS,  
*Clerk of the Council.*