

Chapter 110.

Published May 15th, 1858.

AN ACT to amend chapter 52 of the General Laws of 1858, relative to international exchanges.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Amendment
to chapter 52,
general laws
1858.

SECTION 1. Section second of chapter fifty-two of the General Laws of 1858, is hereby so amended as to authorize the Governor, if he should judge best, to deposit with the State Agricultural Society such books of the Vattermare exchanges as relate more particularly to agriculture.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved May 15th, 1858.

Chapter 111.

Published May 26th, 1858.

AN ACT to make better provision for the punishment of frauds committed by Bankers, Trustees and other persons entrusted with property.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

What deemed
a misdemeanor.

SECTION 1. That if any person being a trustee of any property for the benefit, either wholly or partially, of some other person, or for any public or charitable purpose, shall, with intent to defraud, convert or appropriate the same, or any part thereof, to, or for his own use or purpose, or to the use or benefit of any other person, or shall, with intent aforesaid, otherwise dispose of, or destroy such property, or any part thereof, he shall be guilty of a misdemeanor.

Same.

SEC. 2. That if any person being a banker, broker, attorney, merchant or agent, and being entrusted for sale or custody, with the property of any other person,

shall, with intent to defraud, sell, negotiate, transfer, pledge, or in any manner convert or appropriate to, or for his own use, or to the use of any other person, such property, or any part thereof, he shall be guilty of a misdemeanor.

SEC. 3. That if any person entrusted with any power of attorney for the sale or transfer of any property, shall fraudulently sell or transfer or otherwise convert such property or any part thereof, to his own use or benefit, he shall be guilty of misdemeanor. What deemed a misdemeanor.

SEC. 4. That if any person being an officer, director, or member of any body corporate or public company, shall fraudulently take, convert, or apply to his own use or the use of any other, any of the money or other property of such body corporate or company, he shall be guilty of a misdemeanor. Same.

SEC. 5. That if any person being a director, officer, or manager of any body corporate or public company, shall, as such, receive or possess himself of any money or other property of such body corporate or public company, otherwise than in payment to him of a just debt or demand, and shall, with intent to defraud, omit to make, or to cause or direct to be made a full and true entry thereof in the books and accounts of such body corporate or public company, he shall be guilty of a misdemeanor. Same.

SEC. 6. That if any director, manager, officer, or member of any body corporate or public company, shall, with intent to defraud, destroy, alter, mutilate, or falsify any of the books, papers, writings or securities belonging to the body corporate or public company of which he is a director, manager, officer or member, or shall make or concur in the making of any false entry, or any material omission in any book of accounts or other document, he shall be guilty of a misdemeanor. Same.

SEC. 7. That if any director, manager, officer or member of any body corporate or public company, shall make, circulate or publish, or concur in making, circulating or publishing any written or printed statement or account which he shall know to be false in any particular, with intent to deceive or defraud any member, shareholder, or creditor of such body corporate or public company, or with intent to induce any person to become a shareholder or partner therein, or to en-

trust or advance any money or property to such body corporate or public company, or to enter into any security for the benefit thereof, he shall be guilty of a misdemeanor.

What deemed a misdemeanor.

SEC. 8. That if any person shall receive any money, chattel or valuable security, which shall have been so fraudulently disposed of as to render the party disposing thereof guilty of a misdemeanor under this act, knowing the same to have been so fraudulently disposed of, he shall be guilty of a misdemeanor, and may be indicted and convicted thereof, whether the party guilty of the principal misdemeanor shall or shall not have been previously convicted.

Punishment.

SEC. 9. That every person found guilty of a misdemeanor under this act, shall be sentenced to an imprisonment of not more than one year, or be fined in any amount not exceeding one thousand dollars, in the discretion of the court.

Not to affect aggrievances, &c.

SEC. 10. That nothing contained in this act shall effect any remedy at law or in equity which any party aggrieved might have had if this act had not been passed; and nothing in this act contained shall effect 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.

Trustee--what it means.

SEC. 11. That the word trustee shall in this act mean a trustee on some express trust created by deed, will, or instrument in writing, and shall also include the heir and personal representative of any such trustee, and all executors, administrators and assignees. The word property shall include 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 shall also include not only such property as may have been the original subject of a trust, but any property into which the same may have been converted, and the proceeds thereof respectively, or anything acquired by such proceeds; and the converting or appropriating to his own use, or the use of another, by an officer, director or member of a body corporate or public society, of any property belonging to or entrusted to the care of the same, shall be deemed fraudulent within

Property—what it means.

the meaning of this act, unless authority to make such appropriation or conversion be shown, and a correct statement thereof appear to have been made at the time, in the regular book or books of account kept by or under the direction of such officer, director or member.

SEC. 12. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved May 15th, 1858.

Chapter 112.

Published May 26th, 1858.

AN ACT concerning suits in equity commenced before the Code of Procedure took effect.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. In all cases where any bill in equity had been filed, in any of the courts in this State, before chapter 120 of the Session Laws of 1858 took effect, and was in force, wherein the subpœna had not been served on all of the defendants in such bill, at the time said chapter took effect, and in which process has not as yet been served on all of the defendants, the complainant, in such bill, may, at any time, cause subpœnas to be issued out of such court, and to be served on the defendants, not served in the same manner, and with the like effect as if the same had been served before said chapter one hundred and twenty took effect, and the proceedings prescribed by chapter eighty-four of the Revised Statutes, may be had and taken, to compel the appearance of parties, and to give the court jurisdiction over the person of any defendant therein, with like force and effect as if said chapter one hundred and twenty were not in force; anything therein contained to the contrary thereof notwithstanding; and as to all such actions, said chapter eighty-four is hereby declared to be, and to have been in full force since the passage of said chapter one hundred and twenty, and shall continue in force, and be applicable to all cases

To cause subpœnas to be served on all the defendants—how served and with what effect.