

without any authority to sell, negotiate, transfer, or pledge, and he shall, in violation of good faith and contrary to the object or purpose for which such chattel, or security, or power of attorney shall have been intrusted to him, sell, negotiate, transfer, pledge, or in any manner convert to his own use or benefit such chattel or security, or the proceeds of the same, or any part thereof, or the share, or the interest in the stock or fund to which such power of attorney shall relate, or any part thereof, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable to the punishments which the court may award as hereinbefore last mentioned.

**60.** Nothing hereinbefore contained, relating to agents, shall affect any trustee in or under any instrument whatever, or any mortgagee of any property, real or personal, in respect of any act done by such trustee or mortgagee in relation to the property comprised in or affected by any such trust or mortgage, nor shall restrain any banker, broker, merchant, attorney, or other agent, from receiving any money which shall be or actually becomes due and payable upon or by virtue of any valuable security, according to the tenor and effect thereof, in such manner as he might have done if this act had not been passed, nor from selling, transferring, or otherwise disposing of any securities or effects in his possession, upon which he shall have any lien, claim, or demand, entitling him by law so to do, unless such sale, transfer, or other disposal, shall extend to a greater number or part of such securities or effects than shall be requisite for satisfying such lien, claim, or demand.

1867, c 386  
Not to affect  
trustees or  
mortgagees

Not to restrain  
brokers, etc.,  
from selling,  
etc., securities  
under lien or  
claim

**61.** If any factor or agent, intrusted, for the purpose of sale, with any goods or merchandise, or intrusted with any bill of lading, warehouse-keeper, or wharfinger certificates or warrant, or order for delivery of goods or merchandise, shall, for his own benefit, or in violation of good faith, deposit or pledge any such goods or merchandise, or any of the said documents as a security for any money or negotiable instrument, borrowed or received by such factor or agent at or before the time of making such deposit or pledge, or intended to be thereafter borrowed or received, every such offender shall be guilty of a misdemeanor, and, being convicted thereof, shall be imprisoned in the penitentiary for a term of not more than ten years nor less than three years, and be fined not more than five thousand nor less than one thousand dollars; but no such factor or agent shall be liable to any prosecution for depositing or pledging any such goods or merchandise, or any of the said documents, in case the same shall not be made a security for or subject to the payment of any greater sum of money than the amount which, at the time of such deposit or pledge, was justly due and owing to such factor or agent from his principal, together with the amount of any bill or bills of exchange drawn by or on account of such principal, and accepted by such factor or agent.

1867, c 386  
Fraudulent  
hypothecon  
by factors.

In what cases  
hypothecon  
by them legal