

prised 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 said section 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.

1904, art. 27, sec. 132. 1888, art. 27, sec. 95. 1867, ch. 386, sec. 4.

146. If any factor or agent entrusted for the purpose of sale with any goods or merchandise, or entrusted 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.

Ibid. sec. 133. 1888, art. 27, sec. 96. 1867, ch. 386, sec. 5.

147. Nothing in the three preceding sections contained, nor any proceeding, conviction or judgment to be had or taken thereupon against any banker, broker, merchant, factor, attorney or other agent as aforesaid, shall prevent, lessen or impair any remedy at law or in equity, which any party aggrieved by any such offense might or would have had if the said three sections had not been passed; but nevertheless the conviction of any such offender shall not be received in evidence in any action at law or suit in equity against him; and no banker, broker, merchant, factor, attorney or other agent as aforesaid shall be liable to be convicted by any evidence whatever as an offender against these sections in respect of any act done by him, if he shall at any