

An. Code, 1924, sec. 209. 1912, sec. 183. 1904, sec. 165. 1888, sec. 110. 1805, ch. 82, sec. 2.

246. It shall be the duty of every justice of the peace before whom any information may be lodged and proof made of any violation of the preceding section to issue his warrant to any constable of the county in which the same shall be committed commanding him to bring such offender before him, or any other justice of the peace for said county who shall recognize him in the sum of two thousand dollars, with good and sufficient security; or in case of neglect or refusal, then to commit such offender to prison to take his trial at the next term of the circuit court for the county.

Fraud by Mortgagors of Personal Property.

An. Code, 1924, sec. 210. 1912, sec. 184. 1904, sec. 166. 1888, sec. 111. 1884, ch. 202. 1888, ch. 193. 1894, ch. 315. 1920, ch. 210, sec. 184. 1937, ch. 63.

247. Any mortgagor of personal property in possession of the same, or any purchaser of personal property under a recorded conditional, written contract, in possession of said property, or any execution debtor in possession of personal property levied on and taken in execution, or any vendor of personal property under a recorded bill of sale, in possession of said property, who, in the case of mortgaged personal property, without the consent of the mortgagee or his assigns, first had and obtained in writing, or who, in the case of the purchaser of personal property under a recorded, conditional, written contract, without the consent first had and obtained in writing of the conditional vendor in said contract, or his assigns, or who, in the case of personal property levied on and taken in execution, without the consent of the execution creditor, his assigns or lawfully authorized agents, first had and obtained in writing, or who, in the case of the vendor of personal property under a recorded bill of sale, without the consent first had and obtained in writing of the vendee in said contract or his assigns, and with intent to defraud the mortgagee, or with intent to defraud the said vendor of personal property in a recorded, conditional, written contract, or his assigns, or with intent to defraud the execution creditor or his assigns, and defeat his or their lien under said execution, or with intent to defraud the vendee, shall remove any of the personal property so mortgaged or purchased under said recorded, conditional, written contract, or levied on and taken in execution as aforesaid; or so sold under said recorded bill of sale, as the case may be, beyond the limits of the city or county where it is located when so mortgaged or purchased under said recorded, conditional, written contract, or levied on and taken in execution, or so sold under said recorded bill of sale, or who, with intent as aforesaid, removes, secretes, hypothecates, destroys or sells the same shall be deemed guilty of a misdemeanor, and on indictment therefor and conviction thereof shall be imprisoned in the city or county jail not more than six months, or shall be fined not more than five hundred dollars; or both, in the discretion of the court; but nothing herein contained shall be construed to relieve the sheriff or other officer holding said execution from his responsibility to the execution creditor for the safe keeping of any personal property by him levied on and taken in execution as aforesaid.

For a suit for malicious prosecution growing out of arrest under this section, and involving defense that warrant upon which plaintiff was arrested was of no effect, and hence defendant was not liable, see *Smith v. Brown*, 119 Md. 244.

For a suit for malicious prosecution growing out of an indictment under this section, see *Hooper v. Vernon*, 74 Md. 137.

As to "Bills of Sale and Chattel Mortgages," see art. 21, sec. 45, *et seq.*

As to fraudulent conveyances, see art. 39B.