

consent, shall neglect or refuse to pay over to such owner or owners thereof, the consideration received therefor, with intent to defraud the said owner or owners, or any of them, he shall be deemed guilty of a misdemeanor, and on conviction thereof in any court of this State having criminal jurisdiction, shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars, or by imprisonment in the jail of the county or city in which such conviction is had for not less than six months nor more than twelve months, or by both fine and imprisonment, at the discretion of the court. The provisions of this section shall be applicable to cases where the person employed as aforesaid, and committing or doing any of the acts prohibited, and made punishable in this section as aforesaid, is or may be part owner of such cargo, or may be in any manner interested therein, such person being punishable, if committing or doing any of the acts prohibited and made punishable herein, in the same manner as if such person had no part ownership or interest in said cargo, or any part thereof.

1884, ch. 499.

79. In all prosecutions under the foregoing section, when any money has been received by such person employed as therein described, in consideration of such cargo, and there has been such a neglect or failure as therein described, to pay over to the owner or owners, or part owners, of such cargo, the money so received or the proper portion thereof due and owing to such owner or owners, or part owner or part owners, it shall not be necessary in the indictment to describe the particular kind or denomination of such money so received and so neglected or refused to be paid over, but it shall be sufficient to allege in the indictment, and to prove on the trial of the same, the amount of the money so received, and so neglected or refused to be paid over, as the lawful money of the United States.

P. G. L., (1860,) art. 30, sec. 50. 1854, ch. 196.

80. Any person holding office in this State, whether elected or appointed by the governor, by the corporate authorities of Baltimore, or by any other authority legally authorized to make such appointments, who shall fraudulently embezzle or appro-