of such person, who shall convert to his own use any provisions, fruits, flour, meat, butter, cheese or any other property, or the proceeds of the same, shall be deemed guilty of a misdemeanor, and upon indictment and conviction in any court of this State having criminal jurisdiction shall be fined not more than one thousand dollars or be imprisoned not exceeding six months, or both, in the discretion of the court; and the failure to pay over the avails or proceeds received by any factor, commission merchant, consignee or person selling goods or produce on commission, less his proper charges, within five days after receiving the money or its equivalent from the purchaser or purchasers of said goods or produce and demand made therefor by the person entitled to receive the same, or his or her duly authorized agent, shall be *prima facie* evidence in any court of law in this State to establish the conversion of said goods or produce.

Fraud—Conversion of Money or Securities.

1867, ch. 386, sec. 2.

93. If any money or security for the payment of money shall be entrusted to any banker, broker, merchant, attorney or other agent, with any direction in writing to apply such money or any part thereof, or the proceeds or any part of the proceeds of such security for any purpose specified in such direction, and he shall, in violation of good faith and contrary to the purpose so specified, in anywise convert to his own use or benefit such money, security or proceeds, or any part thereof, respectively, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be imprisoned in the pentitentiary for a term of not more than ten years or less than three years, and be fined not more than five thousand nor less than one thousand dollars; and if any chattel or valuable security, or any power of attorney for the sale or transfer of any share or interest, or certificates of any share or interest in any stock of this or any other State or of the United States, or of any foreign State, or in any funds or capital stock of any body corporate, company or society, shall be entrusted to any banker, broker, merchant, attorney or other agent, for safe custody, or for any special purpose without any authority to sell, negotiate, transfer or pledge, and he shall, in violation of good