

faith and contrary to the object or purpose for which such chattel or security or power of attorney shall have been entrusted 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 mentioned.

1867, ch. 386, sec. 3.

94. Nothing contained in the preceding section 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 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.

Ibid. sec. 4.

95. 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,