

evidence of debt or other valuable security or effects belonging to such bank, every such offender, his adviser, procurer, aider or abettor shall be deemed guilty of felony, and on conviction thereof shall be sentenced to the penitentiary for not less than five nor more than fifteen years.

1888, art. 26, sec. 75. 1860, art. 30, sec. 49. 1820, ch. 162, sec. 2.

1880, ch. 458. 1886, ch. 310

103. Whosoever being a cashier, servant, agent or clerk to any person, or to any body corporate, or being employed for the purpose or in the capacity of a cashier, servant, agent or clerk by any person or body corporate, shall fraudulently embezzle any money, goods, bill, note, bond, check, evidence of debt, or other valuable security or effects which, or any part whereof, shall be delivered to or received, or taken into possession by him, for or in the name or on the account of his master or employer, shall be deemed to have feloniously stolen the same from his master or employer, although such money, goods, bill, note, bond, check, evidence of debt or other valuable security or effects was not received into the possession of such master or employer, otherwise than by the actual possession of his cashier, servant, agent, clerk or other person so employed, and, being convicted thereof, shall be punished by imprisonment in the jail or the house of correction for not more than three years, or in the penitentiary for not more than fifteen years; in every indictment for a violation of this section when the offense shall relate to coin or notes circulating as money it shall be sufficient to allege the embezzlement to be of money without specifying any particular coin or notes circulating as money; and such allegation, so far as regards the description of the property, shall be sustained if the offender shall be proved to have embezzled any amount of coin or notes circulating as money, although the particular species of coin or notes circulating as money, of which such amount was composed, shall not be proved.

State v Tracey, 73 Md. 447. *State v. Denton*, 74 Md. 517. *Denton v. State*, 77 Md. 528.

1900, ch 22, sec. 75 A.

104. If any executor, administrator, guardian, committee, trustee, receiver or any other fiduciary shall fraudulently and wilfully appropriate to any use and purpose not in the due and lawful execution of his trust, any money or any other thing of value which may come into his hands as such executor, administrator, guardian, committee, trustee, receiver, or in any other