

fiduciary capacity, or secrete it with a fraudulent intent to appropriate it to such use or purpose, he shall be deemed guilty of embezzlement, and shall be punished upon conviction by imprisonment in the penitentiary for not less than one year nor more than five years.

1888, art. 27, sec. 76. 1862, ch. 114.

105. If any person engaged in transporting coal, iron, lumber or other articles of merchandise, or any property whatever, on any highway, river, railroad or canal, within this State, shall sell, dispose of, give away, use or pledge the same or any part thereof, without the consent of the owner or owners thereof, such person shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail of the county in which the offense is committed, for a term not more than one year, or by both such fine and imprisonment, at the discretion of the court.

Ibid., sec. 77. 1862, ch. 114.

106. If any person shall purchase or fraudulently receive, without the consent of the owner or owners of such property, any coal, iron, lumber or other articles of merchandise, or any property whatever, consigned to any person in this State, or any other State, or the District of Columbia, knowing the same to be so consigned, from any captain of a canal boat, or any other person engaged in transporting the said property, such purchaser shall be liable to pay such owner or owners double the value of the property so purchased, to be recovered by civil action, before any justice of the peace, or in any court having jurisdiction thereof; and the said action may be brought in the name of either the consignor or consignee.

Ibid. sec. 78. 1884, ch. 499.

107. If any person employed in the management or navigation of any vessel on any river, canal, bay or other waters exclusively within this State, in any capacity whatever, shall sell, give away, pledge or in any manner dispose of the cargo thereof, belonging to the owner or owners of such vessel or vessels, or any article or commodity thereon, without the consent of the owner or owners thereof, with intent to defraud the owner or owners, or any of them, or, if having sold the same, or any part thereof, with such consent, shall neglect or refuse to pay over to such owner or owners thereof, the consideration