

False Pretenses.

1888, art. 27, sec. 82. 1860, art. 30, sec. 52. 1835, ch. 319, secs. 1, 2.

112. Any person who shall by any false pretense obtain from any other person any chattel, money or valuable security, with intent to defraud any person of the same, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be punished by fine and imprisonment, or by confinement in the penitentiary for not less than two years nor more than ten years, as the court shall award; provided always, that if upon the trial of any person indicted for such misdemeanor it shall be proved that he obtained the property in question in any such manner as to amount in law to larceny or robbery, he shall not by reason thereof be entitled to be acquitted of such misdemeanor; and no person tried upon such misdemeanor shall be afterwards liable to be prosecuted for larceny or robbery upon the same facts; and provided also, that a mere promise for future payment, though not intended to be performed, shall not be sufficient to authorize a conviction under this section.

State v. Scribner, 2 G. & J. 253. *Stansbury v. Fogle*, 37 Md. 388. *State v. Blizzard*, 70 Md. 385.

Ibid. sec. 83. 1860, art. 30, sec. 53. 1835, ch. 319, sec. 3.

113. When any person shall be convicted of any statutory felony or misdemeanor, for the false or fraudulent obtention or embezzlement, secreting or making way with goods, chattels, valuable effects, money or securities, the court before whom any such conviction shall be had may award restitution to the real owner thereof; provided, however, that no *bona fide* holder thereof shall be obliged to surrender up the same.

Isaacs v. State, 23 Md. 410.

1888, art. 27, sec. 84. 1888, ch. 280.

114. Every person who by any false pretense shall obtain from any club, association, society or company for improving the breed of cattle, horses, sheep, swine and other domestic animals a certificate of registration of any animal in the herd register or other register of any such club, association, society or company, or a transfer of any such registration, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten nor more than one hundred dollars.

1892, ch. 142, sec. 84 A.

115. Any person who shall by any false and fraudulent representation in writing, signed by him as to his own or his