

tain from any other person any Chattel, Money, or valuable Security, with intent to cheat or defraud any person of the same, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof shall be liable to suffer such punishment, by Fine or Imprisonment, or both, as the Court shall award—the Imprisonment to be either with or without hard labour, and with or without solitary confinement, as the Court shall see fit, and not in any case to exceed the term of Two Years: 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, he shall not, by reason thereof, be entitled to be acquitted of such Misdemeanor; and no person tried for such Misdemeanor shall be liable to be afterwards prosecuted for Larceny upon the same facts.

No acquittal on the ground that the case proved amounts to Larceny.

XXXV. And with regard to Receivers of stolen Property—Be it enacted, That if any person shall receive any Chattel, Money, valuable Security, or other Property whatsoever, the stealing or taking whereof shall amount to a Felony, either at Common Law or by virtue of this Act, (such person knowing the same to have been feloniously stolen or taken,) every such Receiver shall be guilty of Felony, and may be indicted and convicted, either as an Accessary after the fact, or for a substantive Felony; and in the latter case, whether the principal Felon shall or shall not have been previously convicted, or shall or shall not be amenable to Justice; and any Court that has power to try the principal Felon may also try the Receiver, howsoever indicted; and every such Receiver, howsoever convicted, shall be liable to be punished in the manner prescribed for Felony in the said Act for improving the Administration of Justice in Criminal Cases: Provided always, that no person, howsoever tried

Where the original offence is Felony, the receivers of stolen property may be tried either as accessaries after the act, or for a substantive Felony.