

clerk not to be acquitted, if the offence turn out to be larceny, &c.

amount in law to larceny, he shall not, by reason thereof, be entitled to be acquitted; but the jury shall be at liberty to return, as their verdict, that such person is not guilty of embezzlement, but is guilty of simple larceny, or of larceny as a clerk, servant, or person employed for the purpose, or in the capacity of a clerk or servant, as the case may be; and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such larceny; and if upon the trial of any person indicted for larceny it shall be proved that he took the property in question in any such manner as to amount in law, to embezzlement, he shall not, by reason thereof, be entitled to be acquitted; but the jury shall be at liberty to return, as their verdict, that such person is not guilty of larceny, but is guilty of embezzlement; and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such embezzlement; and no person so tried for embezzlement or larceny shall be liable to be afterwards prosecuted for larceny or embezzlement upon the same facts.

Persons jointly and separately guilty of receiving, to be convicted.

XIII. If upon the trial of two or more persons indicted for jointly receiving any property, it shall be proved that one or more of such persons separately received any part of such property, it shall be lawful for the jury to convict upon such indictment such of the persons as shall be proved to have received any part of such property.

Separate accessories, &c., may be included in same indictment, &c.

XIV. And whereas it frequently happens that the principal in a felony is not in custody or amenable to justice, although several accessories to such felony or receivers at different times of stolen property, the subject of such felony may be in custody, or amenable to justice: For the prevention of several trials, be it enacted: That any number of accessories or receivers may be charged with substantive felonies in the same indictment, notwithstanding the principal felon shall not be included in such indictment, or shall not be in custody or amenable to justice.

Several counts may be inserted in same indictment.

XV. It shall be lawful to insert several counts in the same indictment against the same person, for any number of distinct acts of stealing, not exceeding three, which may have been committed by him against the same person, within the space of six months from the first to the last of such acts, and to proceed thereon for all or any of them.

Where a single taking is charged, &c.

XVI. If, upon the trial of any indictment for larceny, it shall appear that the property alleged in such indictment to have been stolen at one time, was taken at different times, the prosecutor shall not, by reason thereof, be required to elect upon which taking he will proceed, unless it shall appear that