

thereof, every such Offender shall be deemed to have feloniously stolen the same from his Master, although such Chattel, Money or Security was not received into the possession of such Master, otherwise than by the actual possession of his Clerk, Servant, or other person so employed; and every such Offender being convicted thereof, shall be liable to be punished in the manner herein-before last mentioned.

Distinct acts of Embezzlement may be charged in the same Indictment.

As to allegation and proof of the property embezzled.

XXXIII. And for preventing the difficulties that have been experienced in the prosecution of the last mentioned Offenders—Be it enacted, That it shall be lawful to charge in the Indictment and proceed against the Offender for any number of distinct acts of Embezzlement, not exceeding three, which may have been committed by him against the same Master within the space of Six Calendar Months from the first to the last of such Acts; and in every such Indictment, except where the offence shall relate to any Chattel, it shall be sufficient to allege the Embezzlement to be of Money, without specifying any particular coin or valuable Security; 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, although the particular species of coin or valuable security of which such amount was composed shall not be proved; or if he shall be proved to have embezzled any piece of coin or valuable security, or any portion of the value thereof, although such piece of coin or valuable security may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same, and such part shall have been returned accordingly.

Obtaining money &c. by false pretences, a misdemeanor.

XXXIV. And whereas a failure of justice frequently arises from the subtle distinction between Larceny and Fraud—For remedy thereof, be it enacted, That if any person shall, by any false pretence, ob-