

iron, copper, brass, or other metal, or any utensil or fixture, whether made of metal or other material, respectively, fixed in or to any Building whatsoever, or any thing made of metal, fixed in any Land, being private property, or for a fence to any Dwelling House, Garden or Area, or in any Square, Street, or other place, dedicated to public use or ornament, every such offender shall be guilty of Felony, and, being convicted thereof, shall be liable to be punished in the same manner as in the case of Simple Larceny; and in case of any such thing fixed in any Square, Street, or other like place, it shall not be necessary to allege the same to be the property of any person.

And for the punishment of depredations committed by Tenants and Lodgers :

XXXVI. *Be it enacted*, That if any person shall steal any chattel or fixture, let, to be used by him or her, in or with any House or Lodging, (whether the Contract shall have been entered into by him or her, or by her husband, or by any person on behalf of him or her, or her husband,) every such offender shall be guilty of Felony, and, being convicted thereof, shall be liable to be punished in the same manner as in the case of Simple Larceny; and in every such case of stealing any chattel, it shall be lawful to prefer an indictment in the common form, as for Larceny; and in every such case of stealing any fixture, to prefer an indictment in the same form as if the offender were not a Tenant or Lodger, and in either case to lay the property in the owner or person letting to him.

Depredations
by Tenants

And for the punishment of depredations committed by Clerks and Servants, in cases not punishable capitally :

XXXVII. *Be it enacted*, That if any Clerk or Servant shall steal any chattel, money or valuable security belonging to, or in the possession or power of, his master, every such offender, being convicted thereof, shall be liable to be imprisoned for any term not exceeding seven years.

Depredations
by Clerks and
Servants

And for the punishment of embezzlement committed by Clerks and Servants :

XXXVIII. *Be it declared and enacted*, That if any Clerk or Servant, or any person employed for the purpose, or in the capacity of a Clerk or Servant, shall, by virtue of such employment, receive or take into his possession, any chattel, money or valuable security, for, or in the name, or on the account of his Master, and shall fraudulently embezzle the same, or any part 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 imprisoned for any term, not exceeding seven years.

Embezzle-
ments by
Clerks and
Servants

And for preventing of difficulties that have been experienced in the prosecution of the last mentioned offenders :

XXXIX. *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.

Mode of pro-
ceeding a-
gainst persons
for embezzle-
ment

And for the punishment of embezzlements committed by Agents entrusted with property :

XL. *Be it enacted*, That if any money, or security for the payment of money, shall be entrusted to any Banker, Merchant, Broker, Attorney or other Agent, with any direction in writing, to apply such money, or any part thereof, or the proceeds, or any part of the proceeds, of such security, for any purpose specified in such direction, and he shall, in violation of good faith, and contrary to the purpose, so specified, in anywise convert to his own use or benefit such money, security or proceeds, or any part thereof, respectively, every such offender shall be guilty of a Misdemeanor, and, being convicted thereof, shall be liable to be imprisoned

Embezzlement
by Agents

*See back of
1842 for the
for the
of the*