

prate to his own use money, funds or evidences of debt, which he is by law bound to pay over, account for, or deliver to the treasurer of this State, or to any other person by law authorized to receive the same, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be sentenced to the penitentiary for not less than eighteen months nor more than ten years.

Escaping from Penitentiary.

P. G. L., (1860,) art. 30, sec. 51. 1809, ch. 138, sec. 2. 1837, ch. 320, sec. 18.

81. If any offender, sentenced to undergo a confinement in the penitentiary, shall escape, he shall, on conviction thereof, suffer such additional confinement and hard labor, agreeably to the laws of this State, as the criminal court of Baltimore shall adjudge and direct; and if any keeper, deputy, assistant keeper, or other person, shall aid or assist in the escape of any offender confined in the penitentiary, he shall, on conviction thereof by the criminal court of Baltimore, undergo such confinement in the said penitentiary as the said court may adjudge, not less than eighteen months nor more than ten years.

False Pretences.

P. G. L., (1860,) art. 30, sec. 52. 1835, ch. 319, secs. 1-2.

82. Any person who shall by any false pretence 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 formed, shall not be sufficient to authorize a conviction under this section.

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