

# EMBEZZLEMENT.

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## CHAPTER 82.

[S. B. 101.]

### EMBEZZLEMENT.

AN ACT to Amend Section 7464 of the Revised Codes of North Dakota, 1899, Relating to Embezzlement.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] That section 7464 of the Revised Codes of North Dakota, of 1899, be amended to read as follows:

§ 7464. FRAUDULENT APPROPRIATION BY TRUSTEE.] If any person being a trustee, banker, merchant, broker, attorney, agent, assignee in trust, receiver, executor, administrator or collector, or being otherwise entrusted with, or having in his control, property for the use of any other person, or for any public or benevolent purpose, fraudulently appropriates it to any use or purpose not in the due and lawful execution of his trust, or secretes it with a fraudulent intent to appropriate it to such use or purpose, he is guilty of embezzlement; provided, however, that it shall be no defense to a prosecution under this section that the accused was entitled to a commission out of the money or property appropriated as compensation for collecting or receiving the same for, or on behalf of the owner thereof, or that the money or property appropriated was partly the property of another and partly the property of the party accused; provided, further, that it shall not be embezzlement for any bailee, servant, attorney, agent, clerk, trustee, or any other person mentioned in this section to retain his collection fee or charges on the collection made by him.

Approved March 7, 1901.