

Felony. offender shall be guilty of felony, and shall 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. 4, 5 V. c. 25, s. 36.

Stealing furniture or fixtures by tenants. **35.** If any person steals any chattel or fixture let to be used by him or her, in or with any house or lodging, whether the contract be entered into by him or her, or by her husband, or by any person on behalf of him or her, or her husband, such offender shall be guilty of felony, and shall be punished in the same manner as in the case of simple Larceny; and in every such case of stealing any chattel, an indictment may be preferred in the common form as for Larceny, and in every such case of stealing any fixture, an indictment may be preferred in the same form as if the offender were not a tenant or lodger, and in either case the property may be laid in the owner or person letting to hire. 4, 5 V. c. 25, s. 37.

15. STEALING TREES, SHRUBS, VEGETABLES, &c.

Stealing trees, shrubs, &c., of twenty cents value. **36.** If any person steals, cuts, breaks, roots up, or otherwise destroys or damages with intent to steal, the whole or any part of any tree, sapling, or shrub, or any underwood, wheresoever the same may be growing, the stealing of such article or articles, or the injury done being to the amount of twenty cents at the least, such offender being convicted before a Justice of the Peace, shall forfeit and pay over and above the value of the article or articles stolen, or the amount of the injury done, such a sum of money, not exceeding twenty dollars, as to the Justice may seem meet. 4, 5 V. c. 25, s. 31.

Stealing fences. **37.** If any person steals, or cuts, breaks or throws down with intent to steal, any part of any live or dead fence, or any wooden post, pale, or rail, set up or used as a fence, or any stile or gate, or any part thereof, respectively, such offender, being convicted before a Justice of the Peace, shall forfeit and pay, over and above the value of the article or articles so stolen, or the amount of the injury done, such sum of money, not exceeding twenty dollars, as to the Justice may seem meet. 4, 5 V. c. 25, s. 32.

Unlawful possession of trees, fences, &c., of forty cents value, found on search. **38.** If the whole or any part of any tree, sapling or shrub, or any underwood, or any part of any live or dead fence, or any post, pale, rail, stile or gate, or any part thereof, being of the value of forty cents at the least, is by virtue of a search warrant, to be granted as hereinafter mentioned, found in the possession of any person, or on the premises of any person with his knowledge, and if such person, being carried before a Justice of the Peace, does not satisfy the Justice that he came lawfully by the same, he shall on conviction by the Justice, forfeit and pay, over and above the value of the article or articles