

An. Code, 1924, sec. 325. 1912, sec. 292. 1904, sec. 268. 1888, sec. 163. 1888, ch. 396.

**395.** Any person or persons who shall purchase, receive or accept any such goods, materials or merchandise as are described in the preceding section, for their own use, or advance money or other property upon the security thereof, knowing them to be stolen or misappropriated, as set out in the preceding section, shall be deemed guilty of receiving stolen goods, and shall be punished in the manner provided for a misdemeanor in this article.

Cited but not construed in *Stansbury v. Luttrell*, 152 Md. 565. (See notes to secs. 387 and 614.)

### Larceny—Horses.

An. Code, 1924, sec. 326. 1912, sec. 293. 1904, sec. 269. 1888, sec. 164. 1744, ch. 20, sec. 1. 1799, ch. 61, sec. 1. 1809, ch. 138, sec. 6. 1918, ch. 422, sec. 293.

**396.** Every person convicted of feloniously stealing, taking and carrying away any horse, mare, gelding, colt, ass or mule, or motor vehicle as defined in the laws of this State relating to such or as an accessory thereto before or after the fact shall restore the horse, mare, animal or motor vehicle stolen, to the owner thereof, or shall pay to him the full value thereof, and shall be sentenced to the penitentiary for not less than two nor more than fourteen years.

An. Code, 1924, sec. 327. 1912, sec. 294. 1904, sec. 270. 1888, sec. 165. 1880, ch. 164. 1892, ch. 88. 1918, ch. 422, sec. 294.

**397.** Any person or persons, his or their aiders or abettors who shall enter, or being upon the premises of any other person, body corporate or politic in the State, shall, against the will and consent of said person or persons, body corporate or politic or their agents, willfully take and carry away any horse, mare, colt, gelding, mule, ass, sheep, hog, ox or cow, or any carriage, wagon, buggy, cart or any other vehicle, including motor vehicle as defined in the laws of this State relating to such, or property whatsoever, or take and carry away out of the custody or use of any person or persons, body corporate or politic, or his or their agents, any of the above enumerated property at whatsoever place the same may be found, shall upon conviction thereof in any of the courts of this State having criminal jurisdiction be adjudged guilty of a misdemeanor, and shall restore the property so taken and carried away, or, if unable so to do, shall pay to the owner or owners the full value thereof, and be fined not less than fifty nor more than one hundred dollars, or be imprisoned in the county or city jail or the penitentiary, or the house of correction, for not less than six months nor more than four years, or be both fined and imprisoned as aforesaid, in the discretion of the Court, although it may appear from the evidence that such person or persons, his or their aiders and abettors, took and carried away the property or any portion of the same enumerated in this Section, for his or their present use, and not with the intent of appropriating or converting the same.

Indictment and conviction under this section—see notes to sec. 680. *Symington III v. State*, 133 Md. 453.

This section referred to in illustrating that the sub-division under which a statute is codified is immaterial. See notes to sec. 34. *Bowser v. State*, 136 Md. 345.

This section referred to in construing sec. 89—see notes thereto. *Pritchett v. State*, 140 Md. 315.