

demeanor, and, being convicted thereof, shall be liable, at the discretion of the Court, to suffer such punishment, by fine or imprisonment, or by both, as the Court shall award; and if any person shall steal, or shall cut, break, root up, or otherwise destroy or damage, with intent to steal the whole or any part of any Tree, Sapling or Shrub, or any Underwood, respectively, growing elsewhere than in any of the situations hereinbefore mentioned, every such offender, (in case the value of the article or articles stolen, or the amount of the injury done, shall exceed the sum of Five Pounds,) 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.

Stealing or
destroying
Trees where-
ever growing

XXX. *And be it enacted*, That if any person shall steal or cut down, break, root up, or otherwise destroy or damage, with intent to steal the whole or any part of any Tree, Sapling or Shrub, or any Underwood, wherever the same may be respectively growing, the stealing of such article or articles, or the injury done, being to the amount of a Shilling at the least, every 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 sum of money, not exceeding Five Pounds, as to the Justice shall seem meet; and also, if such Justice, in his discretion, shall think fit, be liable to be imprisoned for any term not exceeding one month.

Stealing fence

XXXI. *And be it enacted*, That if any person shall steal, or shall cut, break or throw 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, every such offender, being convicted before a Justice of the Peace, shall, for such offence, be liable, at the discretion of such Justice, to be imprisoned for any term not exceeding one month, or 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 Five Pounds, as to the Justice shall seem meet.

Tree or part
of fence un-
lawfully in
possession of
any person

XXXII. *And be it enacted*, That 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 Two Shillings at the least, shall, by virtue of a Search Warrant, to be granted as hereinafter mentioned, be found in the possession of any person, or on the premises of any person, with his knowledge; and such person, being carried before a Justice of the Peace, shall 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 so found, any sum, not exceeding Two Pounds.

Stealing plants
or vegetables
from Gardens,
&c.

XXXIII. *And be it enacted*, That if any person shall steal, or shall destroy or damage, with intent to steal, any plant, root, fruit, or vegetable production, growing in any Garden, Orchard, Nursery Ground, Hot-house, Green-house or Conservatory, every such offender, being convicted thereof, before a Justice of the Peace, shall be liable, at the discretion of the Justice, either to be committed to the Common Jail or House of Correction, thereto be imprisoned only, or to be imprisoned or kept to hard labour for any term, not exceeding One Calendar Month, or else 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 Five Pounds, as to the Justice shall seem meet.

Stealing
plants, &c. not
growing in
Gardens, &c.

XXXIV. *And be it enacted*, That if any person shall steal, or shall destroy or damage, with intent to steal any cultivated root or plant, used for the food of man or beast, or for medicines, or for distilling, or for dying, or for or in course of any manufacture, and growing in any land, open or inclosed, not being a Garden, Orchard or Nursery Ground, every such offender, being convicted before a Justice of the Peace, shall be liable, at the discretion of the Justice, either to be committed to the Common Jail or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding One Calendar Month, or else 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 Shillings, as to the Justice shall seem meet, and, in default of payment thereof, together with the costs, (if ordered) shall be committed as aforesaid, for any term, not exceeding One Calendar Month, unless payment be sooner made.

Stealing pro-
perty belong-
ing to Build-
ings

XXXV. *And be it enacted*, That if any person shall steal or rip, cut or break, with an intent to steal any glass or wood work belonging to any Building whatsoever, or any lead, iron,