

ing therein; or shall be discovered pulling or gathering any such *Fruit, Plants, Pulse, Roots, or Vegetables*; or digging any *Roots* therein, although none be from thence removed; or shall be found therein in the Night Time; or shall take away from any Field or Inclosure, lawfully fenced any *Fruits, Roots, or Vegetables*, growing or being therein; or shall be discovered pulling or gathering any *Fruit, Plants, Roots or Pulse*, or digging or taking any *Roots* therein, although none be from thence removed, without the Consent of the Proprietor or Occupier of such Grounds; or shall break down, destroy, injure or carry away any *Fruit Tree or Trees* being therein, without such Consent as aforesaid, together with the Aiders or Abettors, Receivers and Buyers of such *Fruits, Fruit-Trees, Roots or Vegetables*, knowing the same to be stolen, shall be deemed guilty of Felony, and for the first Offence, after Conviction thereof in due form of Law, be sentenced to suffer *One Month's* Imprisonment, and pay a Fine of *Forty Shillings*; or in Default thereof shall suffer *One Month's* further Imprisonment; and on Conviction for the second and all succeeding Offences shall suffer *two Month's* Imprisonment and pay a Fine of *Four Pounds*; or in Default thereof, shall suffer *two Month's* further Imprisonment. And if any of the said Offences shall be committed in the Night Time, the Offender or Offenders, upon due conviction thereof, shall receive for the first Offence not less than *Fifty* nor more than *One Hundred Lashes*, and for the Second and all succeeding Offences, not less than *one Hundred* nor more than *One Hundred and Fifty Lashes*, over and above the Punishment hereby inflicted for the like Offences committed in the Day-Time.

And whereas a wanton and pernicious Practice has lately prevailed of throwing down *Fences*, to the great Injury of the Proprietors or Occupiers of the Lands thereby enclosed: in order to prevent a repetition thereof in future,

II. *Be it further enacted by the authority aforesaid*, That from and after the Tenth Day of March in this present Year, all and every Person and Persons whatsoever, who shall throw or pull down the Fence or Fences of any other Person or Persons whatsoever in this Island, or any Part of such Fence or Fences, and thereof being duly convicted before any Two of his Majesty's Justices of the Peace for this Island, shall for the first Offence, forfeit and pay a Sum not less than Forty Shillings, nor more than Five Pounds; or in Default thereof, shall suffer One Month's Imprisonment, and for the second and all succeeding Offences, on due Conviction thereof in Manner aforesaid, shall forfeit and pay a Sum not less than Five Pounds; or in Default thereof suffer Two Months Imprisonment, besides being subject to make good to the injured Party, all such Damages as he, she, or they may have sustained.

And Whereas by an Act made and passed in the twentieth Year of his present Majesty's Reign, intituled "An Act for preventing Trespasses by unruly Horses, Cattle, and Sheep, and for preventing the Running of Hogs at large through the Town of Charlotte-Town," no Provision is made for the Protection of Pasture, Grass or Meadow Ground, unless specific Damages can be appraised, which from the Nature of the Thing must be very often impracticable.

III. *Be it therefore enacted*, That from and after the Tenth Day of March in this present Year, that if any *Horses, Neat Cattle, or Sheep*, shall break

therein, if in the night, or taking such Produce from other inclosed Grounds, &c. without the Consent of the Owners;

or taking or injuring Fruit Trees therein, without such Consent, together with the Aiders and Abettors, &c. declared guilty of Felony.

Penalty.

Punishment inflicted for Offences committed in the Night Time.

Preamble.

Persons throwing down Fences, upon conviction before two Justices, to forfeit not less than 10s. nor more than £5.

In Default to suffer one Month's Imprisonment.

Penalty on the second and all succeeding Offences.

Preamble.

Cattle breaking into any Grounds lawfully

or