

so found, any sum not exceeding eight dollars. 4, 5 V. c. 25, s. 33.

39. If any person steals, destroys, or damages with intent to steal, any tree, sapling, shrub, bush, plant, root, fruit, or vegetable production growing in any garden, orchard, nursery-ground, hot-house, green house, or conservatory, such offender being convicted thereof 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; and if any person so convicted afterwards commits any of the said offences, such offender shall be guilty of felony, and shall be punished in the same manner as in the case of Simple Larceny. 4, 5 V. c. 25, s. 34.

Stealing plants, &c., in gardens.

Punishment.

40. If any person steals, destroys or damages with intent to steal, any cultivated root or plant used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land open or enclosed, not being a garden, orchard or nursery-ground, such offender, being convicted thereof before a Justice of the Peace, shall forfeit and pay, over and above the value of the article so stolen, or the amount of the injury done, such sum of money, not exceeding four dollars, as to the Justice may seem meet, and in default of payment thereof, together with the costs, if ordered, shall be committed to the House of Correction for any term not exceeding one month, unless payment be sooner made. 4, 5 V. c. 25, s. 35.

Stealing vegetables not being in a garden, &c.

Punishment.

16. OFFENCES BY CLERKS, SERVANTS, TRUSTEES, BANKERS, AGENTS.

Larceny by clerks and servants.

41. If any clerk or servant steals any chattel, money, or valuable security belonging to or in the possession or power of his master, such offender shall be imprisoned in the Penitentiary for any term not exceeding fourteen years, nor less than two years, or be imprisoned in any other Prison or place of confinement for any term less than two years. 4, 5 V. c. 25, s. 38.

Larceny by clerks and servants.

42. If any clerk or servant, or any person employed for the purpose or in the capacity of a clerk or servant, by virtue of such employment, receives or takes into his possession any chattel, money or valuable security for, or in the name or on the account of his master, and fraudulently embezzles the same or any part thereof, such offender shall be deemed to have feloniously stolen the same from his master, although such chattel, money or security was not received into the possession of such master otherwise than by the actual possession of his clerk, servant or other person so employed; and such offender shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned. 4, 5 V. c. 25, s. 39.

Embezzlement of goods, &c., received for master.

Felony.

Punishment.