

rection, there to be kept to hard labour for such term not exceeding three months as the convicting Justice may think fit.

Suspected persons in possession of any wood, &c. not satisfactorily accounting for it.

25. 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, wire, rail, stile or gate, or any part thereof, being of the value of twenty-five cents at the least, is found in the possession of any person, or on the premises of any person with his knowledge, and such person, being taken or summoned 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 above the value of the article or articles so found, any sum not exceeding ten dollars. 5-10

Stealing, &c., any fruit, &c., punishable on summary conviction for first offence.

26. Whosoever steals, or destroys or damages with intent to steal, any plant, root, fruit, or vegetable production growing in any garden, orchard, pleasure ground, nursery ground, hot-house, green-house or conservatory, shall, on conviction thereof before a Justice of the Peace, at the discretion of the Justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding one 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 dollars, as to the Justice may seem meet; And whosoever having been convicted of any such offence, either against this or any former Act or law, afterwards commits any of the offences in this section before-mentioned, is guilty of felony, and shall be liable to be punished in the same manner as in the case of simple larceny. 15-20-25

Second offence.

Stealing, &c., vegetable productions not growing in gardens, &c.

27. Whosoever steals, or 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, pleasure ground, or nursery ground, shall, on conviction thereof before a Justice of the Peace, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding one 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 dollars, as to the Justice seems meet, and in default of payment thereof, together with the costs, (if ordered) shall be committed as aforesaid for any term not exceeding one month, unless payment be sooner made; and whosoever having been convicted of any such offence, either against this or any former Act or law, afterwards commits any of the said offences in this section before mentioned, and is convicted thereof in like manner, shall be committed to the common gaol or house of correction, there to be kept to hard labour, for such term not exceeding three months as the convicting Justice thinks fit. 30-35-40-45

Second offence.

As to larceny from mines, or of ores or minerals.

Ores of metal, coal, &c.

28. Whosoever steals, or severs with intent to steal, the ore of any metal, or any quartz, lapis calaminaris, manganese, or mundick, or any piece of gold, silver or other metal, or any wad, black cawke, or black lead, or any coal, or cannel coal, or any marble, stone or other mineral, from any mine, bed or vein thereof respectively, is guilty of felony, and shall be liable to be imprisoned in any gaol or place of confinement other than a Penitentiary, for any term less than two years, with or without hard labour, and with or without solitary confinement. 50

Miners removing ore with intent to defraud.

29. Whosoever being employed in or about any mine, quarry or digging, takes, removes, or conceals any ore of any metal, or any quartz, lapis calaminaris, manganese, mundick, or any piece of gold, silver or 55