

ing one hundred dollars, and confined in jail not less than two nor more than twelve months.

§ 6. If any person intentionally or negligently set any woods on fire, whereby damage is done to the lands or property of another, he shall be amerced at the discretion of a jury.

Carrying away or injuring property unlawfully, but not with felonious intent.

§ 7. If any person unlawfully, but not with felonious intention, take, carry away, deface, destroy, or injure any property, real or personal, or other thing of value not his own, or willfully and knowingly, without a felonious intention, break down, destroy, injure, or remove any monument erected to designate the boundaries of this state, or any county, city, or town thereof, or the boundaries of any tract or lot of land, or any tree marked, or post or stone planted for that purpose, he shall be fined not less than ten nor more than two hundred dollars.

Killing, disfiguring, or maiming horses, cows, &c.

§ 8. If any person shall willfully kill, disfigure, or maim any horse, cow, mule, jack, or jennet, not his own, without the consent of the owner, he shall be fined not less than ten nor more than one hundred dollars, or imprisoned not less than one nor more than six months. If a slave be guilty of either of the offenses above described, he shall be punished by any number of stripes not exceeding thirty-nine.

Destroying or injuring fruit trees

§ 9. If any person shall willfully and unlawfully cut down or destroy, by belting, topping, or otherwise, any fruit or shade tree of another, or quarry stone on the land, pull down or open the fence or gate, destroy or injure the vegetables, trees, or shrubbery in a garden of any other person, he shall be fined not less than five nor more than five hundred dollars.

Pulling down or injuring churches, school houses, &c.

§ 10. If any person willfully and unlawfully pull down or injure a church, court house, school house, or other public building, he shall be fined not less than five nor more than five hundred dollars.

When offender a slave.

§ 11. If a slave commit either of the offenses described in the three next preceding sections, he shall be punished with stripes, not exceeding thirty-nine.

ARTICLE XXVI.

Surty for the peacc.

Recognizance for not longer than one year.
M. & B. 1444.

§ 1. No person shall be required to enter into a recognizance to keep the peace or be of good behavior, for a longer period than one year, at any one time.

§ 2. In applications to bind persons to keep the peace and be of good behavior, the court, justice of the peace, or other officer to whom such application is made, shall hear testimony, if offered by either party, to enable him to decide whether the application is vexatious, malicious, with or without good cause.

Testimony to be heard on application.

CHAPTER XXIX.

CURRENCY.

Unlawful to tender or pass, as the representative of money, any bill, note, &c., unless that of a legal incorporated Bank.

The Attorney for the Commonwealth may, by petition in equity, restrain persons who are about to engage in issuing notes in violation of law.

A certificate of deposit, or of stock, in such form as to pass by delivery, within the prohibition of this chapter.

Corporations not expressly allowed, forbid to loan money, deal in exchange, &c.

§ 1. It shall not be lawful to make, offer to pay, or pass, or offer to pass any note, bill, order, or other thing passing by delivery, as a circulating medium in lieu of or as the representative of money, unless it be the note or bill of some banking institution, legally incorporated, in the United States.

Notes of incorporated banks only to be offered &c

M. & B. 235.

If a note, bill, order, or other such thing, be of the denomination of two dollars, or under that amount, it shall be presumed to have been made, paid, or passed in violation of this section, unless the contrary be proved.

§ 2. Every party to any such note, bill, order, or other thing, and every person passing the same, shall be liable to the holder for the amount thereof, with treble costs, and ten per cent. on the amount, by way of damages.

Penalty on such note or bill, and person passing the same, liable to the holder.

§ 3. Every person who shall make, pass, circulate, or in any way aid in making, passing, or circulating any such note, bill, or order, or other thing, shall be imprisoned not more than six months, or fined not less than ten dollars and not more than five hundred dollars, or both so fined and imprisoned.

Penalty on person making, passing, or circulating such bills. &c.

§ 4. One-fourth of the fines recovered by indictment under this chapter, shall be for the benefit of the attorney for the commonwealth.