

testament or codicil, shall be punished in the same manner as robbery or larceny of goods and chattels.

The offenses created by this section and sec. 470 were unknown to common law. Certainty is required in criminal pleading. Where there is no valid indictment, traverser may be re-arrested, re-indicted and tried again—see notes to sec. 470. *Kearney v. State*, 48 Md. 23.

A "silver certificate" issued by the United States held not to be a promissory note within meaning of this section. Certainty is required in criminal pleading. *Stewart v. State*, 62 Md. 413. And see *Smith v. State*, 67 Md. 169.

An indictment under this section need not charge that the bank note is the note of a particular bank. *Foster v. State*, 71 Md. 554.

Indictment for larceny of bank notes charging the offense in the language of this section, is sufficient. Conclusion of indictment where an offense is created by one statute and punishment prescribed by another. Bank notes are considered as money, and the sum which they promise upon their face to pay determines their value as respects the graduating of the offense of larceny. *State v. Cassell*, 2 H. & G. 303.

See notes to sec. 318.

### Larceny—Buoys.

An. Code, sec. 288. 1904, sec. 264. 1888, sec. 159. 1817, ch. 86.

**321.** Every person, his aiders and abettors, who shall be convicted before any court exercising criminal jurisdiction at the place where the offender may be arrested or may reside of the crime of stealing, cutting away or in any manner wilfully injuring any of the buoys, their mooring chains and stones, which are now moored, or may hereafter be moored, in the Patapsco river or the Chesapeake bay, by the direction of the insurance companies of the city of Baltimore, shall be sentenced to the penitentiary for a period of not less than eighteen months nor more than seven years, at the discretion of the court.

### Larceny—Corn and Willows, Melons, Fruits, Vegetables.

An. Code, sec. 289. 1904, sec. 265. 1888, sec. 160. 1837, ch. 361. 1849, ch. 484. 1892, ch. 678.

**322.** The taking and carrying away by any person of corn from the stalk of the quantity of a peck or more, or the taking and carrying away of willows from the stump of the weight of five pounds or more, or the taking and carrying away of melons from the vine, fruits from the trees or roots and vegetables from the soil, with a malicious intent to convert the same to his own use shall be deemed a misdemeanor, and any person guilty of the same shall upon conviction be fined not more than fifty dollars, or be sentenced to imprisonment in the house of correction for not more than twelve months, or be both fined and imprisoned in the discretion of the court.

### Larceny—Dogs.

An. Code, sec. 290. 1904, sec. 266. 1888, sec. 161. 1882, ch. 110.

**323.** Every person convicted of feloniously taking and carrying away any dog or bitch, or as accessory thereto before or after the fact shall be deemed guilty of the crime of larceny, and shall restore the dog or bitch to the owner thereof, or shall pay to him the value thereof, and shall be sentenced to confinement in jail for not more than three months.