

the lands of any other person whatsoever, even although such boundary or bounded trees should stand within the person's own land so cutting down and destroying the same, under the penalty of one hundred dollars for every such offense.

The act of 1722, ch. 8, refers to boundaries established by authority or which have acquired a known character and reputation, and not to boundaries established by private persons of their own accord. Penal acts are strictly construed. *Ruth v. State*, 20 Md. 436.

An. Code, sec. 24. 1904, sec. 23. 1888, sec. 21. 1722, ch. 8, sec. 3.

27. If any person shall, without lawful authority, either at random or for his own pleasure, bound any tree or trees in the woods or upon his own lands, or shall bound any tree or trees, or set up other boundaries for his own or others' land, in lieu and place of any original boundary or bounded tree that is any way decayed or destroyed, without first giving notice to all persons concerned in such boundaries, of the time and place proposed for setting up or making such new boundaries, or upon the failure of the persons concerned in such lands (upon notice, or when notice cannot be given), being present at the time and place appointed, shall not take with him four substantial freeholders of his neighborhood at the least, that may be present at the bounding such tree or trees, or setting up such other boundary, shall forfeit and pay for each offense the sum of one hundred dollars.

An. Code, sec. 25. 1904, sec. 24. 1900, ch. 66, sec. 21A.

28. Any person or persons who shall enter upon or cross over the land, premises or private property of any person or persons in this State after having been duly notified by the owner or his agent not to do so shall be deemed guilty of a misdemeanor, and on conviction thereof before some justice of the peace in the county or city where such trespass may have been committed be fined by said justice of the peace not less than one, nor more than one hundred dollars, and shall stand committed to the jail of county or city until such fine and costs are paid; provided, however, that the person or persons so convicted shall have the right to appeal from the judgment of said justice of the peace to the circuit court for the county or criminal court of Baltimore where such trespass was committed, at any time within ten days after such judgment was rendered; and, provided, further, that nothing in this section shall be construed to include within its provisions the entry upon or crossing over any land when such entry or crossing is done under a *bona fide* claim of right or ownership of said land, it being the intention of this section only to prohibit any wanton trespass upon the private land of others.

For a suit for malicious prosecution growing out of an arrest under this section, see *Bishop v. Frantz*, 125 Md. 188, 195.

An. Code, sec. 26. 1904, sec. 25. 1888, sec. 22. 1722, ch. 8, secs. 3, 4.

29. The penalties incurred under sections 26 and 27 shall be recovered by indictment, which shall contain as particular a description of the place, and to whose lands the boundaries relate which have been set up or destroyed, as possible, and one-half of such penalty shall go to the informer.