

military or naval stores, ship, or vessel belonging to this State, the United States, or any one of them, shall suffer death by hanging, or be sentenced to the penitentiary for a period not less than three nor more than ten years. Punishment.

**32.** If any person shall maliciously set on fire any fence or fencing, or any straw, stack or stacks or ricks of straw, or any hay or mowed grass, or other grass, or any tobacco, he shall, on conviction thereof, be sentenced to the penitentiary for not less than two nor more than four years. Id s 7,  
1744, c 5, s 2,  
1751, c 7,  
1845, c 361  
Setting on fire  
fences, hay, etc  
2 Md 376  
Punishment.

**33.** Every person, his aiders, abettors or counsellors, who shall be convicted of the crime of wilfully burning any mill, distillery, manufactory, barn, meat-house, tobacco-house, stable, warehouse, or other out-house not parcel of any dwelling house, being empty or having therein any tobacco, wheat, rye, oats, Indian corn, barley, flax, hemp, hay, or other country produce, horse or horses, cattle or goods, wares and merchandise, or of burning any stack, rick, mow, or barrack of hay, fodder, flax, hemp, tan bark, wheat or other grain, shall, at the discretion of the court, suffer death, or be sentenced to the penitentiary for not less than three nor more than twelve years. Id s 8  
1744, c. 5  
1809, c 138, s 5.  
Burning any  
out-house not  
parcel of dwell-  
ing-house.  
6 Md 400;  
10 Md 431.  
Burning stack  
of hay, etc  
Punishment.

**34.** Any person who shall maliciously and wilfully attempt to burn any dwelling-house, whether inhabited or not, or any mill, factory, barn, stable, storehouse, or other out-house, or any stack of grain, hay, straw, or fodder, upon conviction thereof, shall be sentenced to the penitentiary for not less than eighteen months nor more than ten years. Id s. 9  
1809, c 138, s. 5  
Attempting to  
burn any dwell-  
ing, out-house,  
or stack  
Punishment.

#### BURGLARY.

**35.** Every person convicted of the crime of burglary, or as accessory thereto before the fact, shall restore the thing taken to the owner thereof, or shall pay him the full value thereof, and be sentenced to the penitentiary, not less than three nor more than ten years. Art. 30, s 21  
1809, c 1-8, s 5.  
Conviction of  
burglary, or  
being accessory  
thereto  
Punishment.

**36.** Every person, his aiders, abettors, and counsellors, who shall be convicted of the crime of breaking a dwelling-house in the daytime, with intent to commit murder or felony therein, or breaking a storehouse, warehouse, or other out-house, in the day or night, with an intent to commit murder or felony therein, shall be sentenced to the penitentiary for not less than two nor more than ten years. Id s 22  
1809, c 138, s 5  
Breaking into  
house with in-  
tent to commit  
murder or  
felony.  
Punishment.

**37.** Every person convicted of the crime of breaking into any shop, storehouse, tobacco-house, or warehouse, although the same be not contiguous to or used with any mansion-house, and stealing from thence any money, goods, or chattels, to the value of one dollar or upwards, or as being accessory thereto, shall restore the thing taken to the owner thereof, or shall pay him the full value thereof, and be sentenced to the penitentiary for not less than two nor more than twelve years. Id s 23  
1737, c 2, s 2  
1809, c 138, s. 5  
Breaking into  
store, or being  
accessory  
thereto.  
with intent to  
steal  
Punishment.