ANNO PRIMO

GEORGII IV. REGIS.

C A P. LVI.

An Act for the summary Punishment, in certain Cases, of Persons wilfully or maliciously damaging or committing Trespasses on public or private Property. [15th *July* 1820.]

WHEREAS it is expedient that a more summary Mode than now by Law exists, of repressing and obtaining Satisfaction for Damages to Buildings, Fences, Land, Growing Crops, and other Real and Personal Property, whether of a private or public Nature, by wilful and malicious Trespassers and other Wrongdoers, should be provided; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, if any Person or Persons shall wilfully or maliciously do or commit any Damage, Injury, or Spoil, to or upon any Building, Fence, Hedge, Gate, Stile, Guide Post, Mile Stone, Tree, Wood, Underwood, Orchard, Garden, Nursery Ground, Crops, Vegetables, Plants, Land, or other Matter or Thing growing or being thereon, or to or upon Real or Personal Property, of any Nature or Kind soever, and shall be thereof convicted within Four Calendar Months next after the committing of such Injury, before any Justice of the Peace for the County, Riding, Division, City, Town, or Place where such Offence shall have been committed, either by the Confession of the Party offending, or by the Oath of one or more credible Witness or Witnesses, or of the Party aggrieved in the Premises, which Oath such Justice is hereby empowered to administer, every Person so offending, and being thereof convicted as aforesaid, shall forfeit and pay to the Person or Persons aggrieved, such a Sum of Money as shall appear to such Justice to be a reasonable Satisfaction and Compensation for the Da-

Justices to award Satisfaction for wilful Damages done to Buildings, &c. or to or upon Property of any Kind.

mage

Limiting the Sum to 5l.

Application of the Money awarded.

mage or Injury or Spoil so committed, not exceeding in any Case the Sum of Five Pounds, which said Sum of Money shall be paid to the Person or Persons aggrieved; but in case such Conviction shall take place on the sole Evidence of the Party aggrieved, then and in such Case such Satisfaction and Compensation shall be paid to the Overseer or Overseers of the Poor of the Parish, Township, or Place where the Offence was committed, or if the Conviction shall take place in *Ireland*, then such Satisfaction and Compensation shall be paid to the Governor of the Fever Hospital or Infirmary of the County, City, Town, or Place where the Offence shall have been committed, to be by him or them applied for the Relief and Maintenance of the Poor thereof, or of the Establishment of such Fever Hospital or Infirmary; and in Default of Payment of the Sum of Money in which the Offender or Offenders shall have been so convicted as aforesaid, immediately, or within such Time as the Justice shall appoint at the Time of Conviction, together with all Costs, Charges, and Expences attending the Conviction, such Justice shall and may commit such Offender or Offenders to the Common Gaol or House of Correction, there to be kept to hard Labour, for any Time not exceeding Three Calendar Months, unless such Penalty, Costs, and Charges shall be sooner paid and satisfied: Provided always, that if any such Damage, Injury, or Spoil shall have been done or committed as aforesaid, to or upon any Church, Chapel, Bridge, Building, Common Way, or other Property whatsoever, whether Real or Personal, of a public Nature, or wherein any public Right is concerned, it shall or may be lawful to and for any such Justice to proceed against and convict the Offender or Offenders, within the Time aforesaid, and in the Manner aforesaid, in any Sum not exceeding Five Pounds, as to such Justice shall seem just and reasonable, at the Instance and upon the Information of any Person prosecuting such Offender or Offenders, and to order and direct One Moiety of the Sum to be paid for such Offence to be paid to the Person so prosecuting, and the other Moiety to and for the Use of the Poor of the Parish, Township, or Place where the Offence shall have been committed; and in Default of Payment of the Sum in which any such Offender or Offenders shall have been so convicted as aforesaid, together with all Costs, Charges, and Expences attending such Conviction as aforesaid, such Justice shall and may commit such Offender or Offenders to the Common Gaol or House of Correction, there to be kept to hard Labour for any Time not exceeding Three Calendar Months, unless such Penalty, Costs, and Charges, shall be sooner paid and satisfied.

In Default of Payment Offenders to be committed.

In case of public Property, one Moiety to the Informer, the other to the Poor of the Parish.

Punishment of Male Offenders under Sixteen Years of Age.

II. Provided always, and be it enacted, That if any Male Person or Persons under the Age of Sixteen Years shall offend against any of the Provisions of this Act, it shall be lawful for the Justice before whom he or they shall have been convicted, in Default of Payment of the Sum of Money awarded against him or them by the said Justice, together with all Costs, Charges, and Expences attending such Conviction, immediately, or within such Time as the Justice shall appoint at the Time of Conviction, to commit such Offender or Offenders to the House of Correction, there to be corrected and imprisoned, and kept to hard Labour, for any Term not exceeding Six Weeks.

III. And,

Offenders may be apprehended and taken before a Justice without any Warrant.

III. And, for the more easy bringing of Offenders against this Act to Justice, be it further enacted, That it shall and may be lawful to and for any Constable or other Peace Officer, and to and for the Owner or Owners of any Property so damaged, injured, or spoiled, and to and for his, her, or their Servant or Servants, or other Person or Persons acting by or under his, her, or their Authority, and to and for such Person or Persons as he, she, or they may call to his, her, or their Assistance, without any Warrant or other Authority than by this Act, to seize, apprehend, and detain any Person or Persons who shall have actually committed, or be in the Act of committing, any Offence or Offences against any of the Provisions of this Act, and to take him, her, or them before any Justice of the Peace for the County, City, or Place where the Offence or Offences shall be committed; and such Justice is hereby empowered and required to proceed and act, with respect to such Offender or Offenders, in Manner by this Act directed.

Form of Conviction.

IV. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That every Justice of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any Form of Words to the same Effect, as the Case shall happen; *videlicet*,

'BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted by and before me One of His Majesty's Justices of the Peace for the County of [*or*, Riding, Division, City, Town, or Place, *as the Case may be*] for that the said [*here state the Offence, and the Time and Place when and where the same was committed*] contrary to the Statute made in the First Year of the Reign of King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*] and I the said Justice do hereby adjudge and determine that the said shall for his said Offence forfeit and pay the Sum of lawful Money of *Great Britain* [*or*, of *Ireland*, if the same Offence shall be there committed] and do order that the same shall forthwith be paid by him [*here direct the Payment according to the Act.*] Given under my Hand and Seal the Day and Year first above written.'

Power of Appeal to the Quarter Sessions.

V. And be it further enacted, That it shall and may be lawful to and for any Person or Persons so convicted by any Justice of the Peace, as before mentioned, of any Offence or Offences against this Act, to appeal to the Justices of the Peace assembled at the General Quarter Sessions or General Sessions to be holden for the County, Riding, Division, City, Town or Place where such Conviction shall be made, next after Seven Days from the Time of such Conviction, on giving immediate Notice of such Appeal and of the Matters thereof, and finding sufficient Security, to the Satisfaction of such Justice, for prosecuting the said Appeal with Effect, and abiding the Determination of the Court therein; and such Justices, in such General Quarter Sessions or General Sessions, shall hear and determine the Matter of such Appeal, and may either confirm or quash and annul the said Conviction, and award such Costs to either Party, as to them the said Justices shall seem just and

and reasonable; and the Decision of the said Justices therein shall be final, binding, and conclusive; and no Proceedings to be had or taken in pursuance of this Act, shall be quashed or vacated for Want of Form only, or be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere, any Law or Statute to the contrary thereof in anywise notwithstanding; and if upon the Hearing of any such Appeal, the Judgment of the Justice before whom any Appellant shall have been convicted, shall be confirmed, such Appellant shall forthwith pay the Penalty and Costs awarded to be paid by such Appellant, or in Default thereof, shall be immediately committed by the said Court to the Common Gaol or House of Correction, there to remain for any Time not exceeding Six Calendar Months, unless such Penalty and Costs shall be sooner paid.

Not to affect any Act as to Punishment for Trespass, nor to extend to Persons claiming a Right, &c.

VI. And be it further enacted, That nothing in this Act contained shall repeal or affect any Act or Acts now in force, whereby any Person or Persons may be subject to Punishment for wilful and malicious Acts of Trespass to any Property, either public or private, or shall extend to any Case of wilful or malicious Mischief or Trespass to private Property, in which the Damage claimed shall exceed the Sum of Five Pounds, or to any Case wherein it shall appear to the Satisfaction of the Justice or Justices before whom the Complaint is made, that the Party trespassing acted under a fair and reasonable Supposition that he had a Right to do the Act to the Property in respect whereof the Trespass was committed or alleged to have been committed, or to do or commit the Act complained of; or shall have committed such Trespass in hunting, or being a qualified Person, and having duly obtained his Certificate authorizing him to kill Game, shall have committed the Injury complained of in the Pursuit of any Kind of Game.

Convictions under this Act to bar all other Suits for the same Offence.

VII. Provided always, and be it enacted, That in case any Person or Persons shall be convicted of any Offence against this Act, before any Justice of the Peace, on the Complaint or Information of any Person or Persons, or public or private Property having been so injured, damaged, or spoiled, and shall have paid the Penalty, Costs, and Charges under such Conviction, or shall have suffered the Imprisonment awarded for Non-payment thereof, then and in every such Case such Conviction shall and may be pleaded in bar of any Action, Suit, or Information that shall be commenced, instituted, or prosecuted for such and the same Offence in any Court whatsoever.

Act to extend only to England and Ireland.

VIII. And be it further enacted, That this Act shall be in force in *England* and *Ireland*, and not in any other Part of the United Kingdom.

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