ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

CAP. XXX.

An Act for consolidating and amending the Laws in *England* relative to malicious Injuries to Property. [21st *June* 1827.]

WHEREAS various Statutes now in force in that Part of the United Kingdom called *England*, relative to malicious Injuries to Property, are by an Act of the present Session of Parliament repealed, from and after the last Day of *June* in the present Year, except as to Offences committed before or upon that Day; and it is expedient that the Provisions contained in those Statutes should be amended and consolidated into this Act, to take effect at the same Time as the said repealing Act: 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 this Act shall commence on the First Day of *July* in the present Year. Commencement of Act.

II. And be it enacted, That if any Person shall unlawfully and maliciously set fire to any Church or Chapel, or to any Chapel for the Religious Worship of Persons dissenting from the United Church of *England* and *Ireland*, duly registered or recorded, or shall unlawfully and maliciously set fire to any House, Stable, Coach-house, Outhouse, Warehouse, Office, Shop, Mill, Malthouse, Hop Oast, Barn, or Granary, or to any Building or Erection used in carrying on any Trade Setting fire to a Church, Chapel, House, or certain Buildings.

Trade or Manufacture, or any Branch thereof, whether the same or any of them respectively shall then be in the Possession of the Offender, or in the Possession of any other Person, with Intent thereby to injure or defraud any Person, every such Offender shall be guilty of Felony, and, being convicted thereof, shall suffer Death as a Felon.

Destroying Silk, Woollen, Linen, or Cotton Goods in the Loom, &c., or any Machinery belonging to those Manufactures, &c.

III. And be it enacted, That if any Person shall unlawfully and maliciously cut, break, or destroy, or damage with Intent to destroy or to render useless, any Goods or Article of Silk, Woollen, Linen, or Cotton, or of any one or more of those Materials mixed with each other, or mixed with any other Material, or any Framework-knitted Piece, Stocking, Hose, or Lace respectively, being in the Loom or Frame, or on any Machine or Engine, or on the Rack or Tenters, or in any Stage, Process, or Progress of Manufacture; or shall unlawfully and maliciously cut, break, or destroy, or damage with Intent to destroy or to render useless, any Warp or Shute of Silk, Woollen, Linen, or Cotton, or of any one or more of those Materials mixed with each other, or mixed with any other Material, or any Loom, Frame, Machine, Engine, Rack, Tackle, or Implement, whether fixed or moveable, prepared for or employed in carding, spinning, throwing, weaving, fulling, shearing, or otherwise manufacturing or preparing any such Goods or Articles; or shall by Force enter into any House, Shop, Building, or Place, with Intent to commit any of the Offences aforesaid, every such Offender shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years; and, if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Destroying Threshing Machines, or Machinery in any other Manufacture than the foregoing.

IV. And be it enacted, That if any Person shall unlawfully and maliciously cut, break, or destroy, or damage with Intent to destroy or to render useless, any Threshing Machine, or any Machine or Engine, whether fixed or moveable, prepared for or employed in any Manufacture whatsoever, (except the Manufacture of Silk, Woollen, Linen, or Cotton Goods, or Goods of any one or more of those Materials mixed with each other, or mixed with any other Material, or any Framework-knitted Piece, Stocking, Hose, or Lace,) every such Offender shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years; and, if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Setting fire to a Coal Mine.

V. And be it enacted, That if any Person shall unlawfully and maliciously set fire to any Mine of Coal or Cannel Coal, every such Offender shall be guilty of Felony, and, being convicted thereof, shall suffer Death as a Felon.

VI. And

VI. And be it enacted, That if any Person shall unlawfully and maliciously cause any Water to be conveyed into any Mine, or into any subterraneous Passage communicating therewith, with Intent thereby to destroy or damage such Mine, or to hinder or delay the working thereof, or shall, with the like Intent, unlawfully and maliciously pull down, fill up, or obstruct any Airway, Waterway, Drain, Pit, Level, or Shaft of or belonging to any Mine, every such Offender shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years; and, if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment: Provided always, that this Provision shall not extend to any Damage committed under Ground by any Owner of any adjoining Mine in working the same, or by any Person duly employed in such working.

Drowning any Mine, or filling up any Shaft, &c. with Intent to destroy the Mine.

Proviso.

VII. And be it enacted, That if any Person shall unlawfully and maliciously pull down or destroy, or damage with Intent to destroy or to render useless, any Steam Engine or other Engine for sinking, draining, or working any Mine, or any Staith, Building, or Erection used in conducting the Business of any Mine, or any Bridge, Waggonway, or Trunk for conveying Minerals from any Mine, whether such Engine, Staith, Building, Erection, Bridge, Waggonway, or Trunk be completed or in an unfinished State, every such Offender shall be guilty of Felony, and, being convicted thereof, shall be liable to any of the Punishments which the Court may award, as herein before last mentioned.

Destroying any Engine, Erection, &c. used in any Mine.

VIII. And be it enacted, That if any Persons, riotously and tumultuously assembled together to the Disturbance of the Public Peace, shall unlawfully and with Force demolish, pull down, or destroy, or begin to demolish, pull down, or destroy, any Church or Chapel, or any Chapel for the Religious Worship of Persons dissenting from the United Church of *England* and *Ireland*, duly registered or recorded, or any House, Stable, Coach-house, Outhouse, Warehouse, Office, Shop, Mill, Malthouse, Hop Oast, Barn, or Granary, or any Building or Erection used in carrying on any Trade or Manufacture, or any Branch thereof, or any Machinery, whether fixed or moveable, prepared for or employed in any Manufacture, or in any Branch thereof, or any Steam Engine or other Engine for sinking, draining, or working any Mine, or any Staith, Building, or Erection used in conducting the Business of any Mine, or any Bridge, Waggonway, or Trunk for conveying Minerals from any Mine, every such Offender shall be guilty of Felony, and, being convicted thereof, shall suffer Death as a Felon.

Rioters demolishing, &c. a Church, Chapel, House, or certain Buildings, or any Machinery in any Manufactory or Mine.

IX. And be it enacted, That if any Person shall unlawfully and maliciously set fire to, or in anywise destroy any Ship or Vessel, whether the same be complete or in an unfinished State, or shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any Ship or Vessel, with Intent thereby to prejudice any Owner or Part Owner of such Ship or Vessel, or of any Goods on board the same,

Setting fire to or destroying a Ship.

or

or any Person that hath underwritten or shall underwrite any Policy of Insurance upon such Ship or Vessel, or on the Freight thereof, or upon any Goods on board the same, every such Offender shall be guilty of Felony, and, being convicted thereof, shall suffer Death as a Felon.

Damaging a Ship, otherwise than by Fire.

X. And be it enacted, That if any Person shall unlawfully and maliciously damage, otherwise than by Fire, any Ship or Vessel, whether complete or in an unfinished State, with Intent to destroy the same, or to render the same useless, every such Offender shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years; and, if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Exhibiting false Signals to a Ship, &c.; destroying a shipwrecked Vessel or Cargo, &c.

XI. And be it enacted, That if any Person shall exhibit any false Light or Signal, with Intent to bring any Ship or Vessel into Danger, or shall unlawfully and maliciously do any thing tending to the immediate Loss or Destruction of any Ship or Vessel in Distress, or destroy any Part of any Ship or Vessel which shall be in Distress, or wrecked, stranded, or cast on Shore, or any Goods, Merchandize, or Articles of any Kind belonging to such Ship or Vessel, or shall by Force prevent or impede any Person endeavouring to save his Life from such Ship or Vessel, (whether he shall be on board or shall have quitted the same,) every such Offender shall be guilty of Felony, and, being convicted thereof, shall suffer Death as a Felon.

Destroying any Sea Bank, &c. or Works on any River or Canal.

XII. And be it enacted, That if any Person shall unlawfully and maliciously break down or cut down any Sea Bank or Sea Wall, or the Bank or Wall of any River, Canal, or Marsh, whereby any Lands shall be overflowed or damaged, or shall be in danger of being so, or shall unlawfully and maliciously throw down, level, or otherwise destroy any Lock, Sluice, Floodgate, or other Work on any navigable River or Canal, every such Offender shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years; and, if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment; and if any Person shall unlawfully and maliciously cut off, draw up, or remove any Piles, Chalk, or other Materials fixed in the Ground and used for securing any Sea Bank or Sea Wall or the Bank or Wall of any River, Canal, or Marsh, or shall unlawfully and maliciously open or draw up any Floodgate, or do any other Injury or Mischief to any navigable River or Canal, with Intent and so as thereby to obstruct or prevent the carrying on, completing, or maintaining the Navigation thereof, every such Offender shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any

Removing the Piles of any Sea Bank, &c. or doing any Damage to obstruct the Navigation of a River or Canal.

Term not exceeding Two Years; and, if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Injury to a public Bridge.

XIII. And be it enacted, That if any Person shall unlawfully and maliciously pull down or in anywise destroy any public Bridge, or do any Injury with Intent and so as thereby to render such Bridge or any Part thereof dangerous or impassable, every such Offender shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years; and, if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Destroying a Turnpike Gate, Toll House, &c.

XIV. And be it enacted, That if any Person shall unlawfully and maliciously throw down, level, or otherwise destroy, in whole or in part, any Turnpike Gate, or any Wall, Chain, Rail, Post, Bar, or other Fence belonging to any Turnpike Gate, or set up or erected to prevent Passengers passing by without paying any Toll directed to be paid by any Act or Acts of Parliament relating thereto, or any House, Building, or Weighing Engine erected for the better Collection, Ascertainment, or Security of any such Toll, every such Offender shall be guilty of a Misdemeanor, and, being convicted thereof, shall be punished accordingly.

Breaking down the Dam of a Fishery, &c. or Mill Dam.

XV. And be it enacted, That if any Person shall unlawfully and maliciously break down or otherwise destroy the Dam of any Fishpond, or of any Water which shall be private Property, or in which there shall be any private Right of Fishery, with Intent thereby to take or destroy any of the Fish in such Pond or Water, or so as thereby to cause the Loss or Destruction of any of the Fish, or shall unlawfully and maliciously put any Lime or other noxious Material in any such Pond or Water, with Intent thereby to destroy any of the Fish therein, or shall unlawfully and maliciously break down or otherwise destroy the Dam of any Millpond, every such Offender shall be guilty of a Misdemeanor, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years; and, if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Killing or maiming Cattle.

XVI. And be it enacted, That if any Person shall unlawfully and maliciously kill, maim, or wound any Cattle, every such Offender shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years; and, if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Setting fire to a Stack of Corn, Grain, Straw, Hay, &c.

XVII. And be it enacted, That if any Person shall unlawfully and maliciously set fire to any Stack of Corn, Grain, Pulse, Straw, Hay, or Wood, every such Offender shall be guilty of Felony, and, being convicted thereof, shall suffer Death as a Felon; and if any Person shall unlawfully and maliciously set fire to any Crop of Corn, Grain, or Pulse, whether standing or cut down, or to any Part of a Wood, Coppice, or Plantation of Trees, or to any Heath, Gorze, Furze, or Fern, wheresoever the same may be growing, every such Offender shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years; and, if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

The like to certain Crops, Plantations, and Heath.

Destroying Hopbinds.

XVIII. And be it enacted, That if any Person shall unlawfully and maliciously cut or otherwise destroy any Hopbinds growing on Poles in any Plantation of Hops, every such Offender shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years; and, if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Destroying or damaging Trees, Shrubs, &c. growing in certain Situations, shall be Felony, if the Value exceeds 1*l.*

XIX. And be it enacted, That if any Person shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the Whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, respectively growing in any Park, Pleasure Ground, Garden, Orchard, or Avenue, or in any Ground adjoining or belonging to any Dwelling House, every such Offender (in case the Amount of the Injury done shall exceed the Sum of One Pound) shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years; and, if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such Imprisonment; and if any Person shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the Whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, respectively growing elsewhere than in any of the Situations herein-before mentioned, every such Offender (in case the Amount of the Injury done shall exceed the Sum of Five Pounds) shall be guilty of Felony, and, being convicted thereof, shall be liable to any of the Punishments which the Court may award for the Felony herein-before last mentioned.

The like to Trees, Shrubs, &c. growing elsewhere, shall be Felony, if the Value exceeds 5*l.*

Destroying or damaging Trees, Shrubs, &c. wheresoever growing, and

XX. And be it enacted, That if any Person shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the Whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, wheresoever the same may be respectively growing, the Injury done being to the Amount of One Shilling

at the least, every such Offender, being convicted before a Justice of the Peace, shall for the First Offence forfeit and pay, over and above the Amount of the Injury done, such Sum of Money, not exceeding Five Pounds, as to the Justice shall seem meet; and if any Person so convicted shall afterwards be guilty of any of the said Offences, and shall be convicted thereof in like Manner, every such Offender shall for such Second Offence be committed to the Common Gaol or House of Correction, there to be kept to hard Labour for such Term, not exceeding Twelve Calendar Months, as the convicting Justice shall think fit; and if such Second Conviction shall take place before Two Justices, they may further order the Offender, if a Male, to be once or twice publicly or privately whipped, after the Expiration of Four Days from the Time of such Conviction; and if any Person so twice convicted shall afterwards commit any of the said Offences, such Offender shall be deemed guilty of Felony, and, being convicted thereof, shall be liable to any of the Punishments which the Court may award for the Felony herein-before last mentioned.

of any Value above 1s., punishable on summary Conviction for First and Second Offence; Third Offence, Felony. See *post*, s. 32 & 33.

XXI. And be it enacted, That if any Person shall unlawfully and maliciously destroy, or damage with Intent to destroy, any Plant, Root, Fruit, or Vegetable Production, growing in any Garden, Orchard, Nursery Ground, Hothouse, Greenhouse, or Conservatory, every such Offender, being convicted thereof before a Justice of the Peace, shall, at the Discretion of the Justice, either be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, for any Term not exceeding Six Calendar Months, or else shall forfeit and pay, over and above the Amount of the Injury done, such Sum of Money, not exceeding Twenty Pounds, as to the Justice shall seem meet; and if any Person so convicted shall afterwards commit any of the said Offences, such Offender shall be deemed guilty of Felony, and, being convicted thereof, shall be liable to any of the Punishments which the Court may award for the Felony herein-before last mentioned.

Destroying, &c. any Fruit or Vegetable Production in a Garden, &c. punishable on summary Conviction for First Offence; Second Offence, Felony. See *post*, s. 32 & 33.

XXII. And be it enacted, That if any Person shall unlawfully and maliciously destroy, or damage with Intent to destroy, any cultivated Root or Plant used for the Food of Man or Beast, or for Medicine, or for distilling, or for dyeing, or for or in the Course of any Manufacture, and growing in any Land, open or inclosed, not being a Garden, Orchard, or Nursery Ground, every such Offender, being convicted thereof before a Justice of the Peace, shall, at the Discretion of the Justice, either be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, for any Term not exceeding One Calendar Month, or else shall forfeit and pay, over and above the Amount of the Injury done, such Sum of Money, not exceeding Twenty Shillings, as to the Justice shall seem meet, and in default of Payment thereof, together with the Costs, if ordered, shall be committed as aforesaid for any Term not exceeding One Calendar Month, unless Payment be sooner made; and if any Person so convicted shall afterwards be guilty of any of the said Offences, and

Destroying, &c. Vegetable Productions not growing in Gardens, &c. See *post*, s. 32 & 33.

and shall be convicted thereof in like Manner, every such Offender shall be committed to the Common Gaol or House of Correction, there to be kept to hard Labour for such Term, not exceeding Six Calendar Months, as the convicting Justice shall think fit; and if such subsequent Conviction shall take place before Two Justices, they may further order the Offender, if a Male, to be once or twice publicly or privately whipped, after the Expiration of Four Days from the Time of such Conviction.

Destroying, &c. any Fence, Wall, Stile, or Gate.

See *post*, s. 32 & 33.

XXIII. And be it enacted, That if any Person shall unlawfully and maliciously cut, break, throw down, or in anywise destroy any Fence of any Description whatsoever, or any Wall, Stile, or Gate, or any Part thereof respectively, every such Offender, being convicted before a Justice of the Peace, shall for the First Offence forfeit and pay, over and above the Amount of the Injury done, such Sum of Money, not exceeding Five Pounds, as to the Justice shall seem meet; and if any Person so convicted shall afterwards be guilty of any of the said Offences, and shall be convicted thereof in like Manner, every such Offender shall be committed to the Common Gaol or House of Correction, there to be kept to hard Labour for such Term, not exceeding Twelve Calendar Months, as the convicting Justice shall think fit; and if such subsequent Conviction shall take place before Two Justices, they may further order the Offender, if a Male, to be once or twice publicly or privately whipped, after the Expiration of Four Days from the Time of such Conviction.

Persons committing Damage to any Property, in any Case not previously provided for, may be compelled by a Justice to pay Compensation not exceeding 5*l*.

Application of the Money awarded.

See *post*, s. 32.

XXIV. And be it enacted, That if any Person shall wilfully or maliciously commit any Damage, Injury, or Spoil to or upon any Real or Personal Property whatsoever, either of a public or private Nature, for which no Remedy or Punishment is herein-before provided, every such Person, being convicted thereof before a Justice of the Peace, shall forfeit and pay such Sum of Money as shall appear to the Justice to be a reasonable Compensation for the Damage, Injury, or Spoil so committed, not exceeding the Sum of Five Pounds; which Sum of Money shall, in the Case of private Property, be paid to the Party aggrieved, except where such Party shall have been examined in proof of the Offence; and in such Case, or in the Case of Property of a public Nature, or wherein any public Right is concerned, the Money shall be applied in such Manner as every Penalty imposed by a Justice of the Peace under this Act is herein-after directed to be applied; and if such Sum of Money, together with Costs (if ordered), shall not be paid either immediately after the Conviction, or within such Period as the Justice shall at the Time of the Conviction appoint, the Justice may commit the Offender to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, as the Justice shall think fit, for any Term not exceeding Two Calendar Months, unless such Sum and Costs be sooner paid: Provided always, that nothing herein contained shall extend to any Case where the Party trespassing acted under a fair and reasonable Supposition that he had a Right to do the Act complained of, nor to any Trespass, not being wilful and malicious, committed in hunting, fishing, or in the Pursuit of Game,

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but that every such Trespass shall be punishable in the same Manner as before the passing of this Act.

Malice against the Owner not essential to any Offence under this Act.

XXV. And be it enacted, That every Punishment and Forfeiture by this Act imposed on any Person maliciously committing any Offence, whether the same be punishable upon Indictment or upon summary Conviction, shall equally apply and be enforced, whether the Offence shall be committed from Malice conceived against the Owner of the Property in respect of which it shall be committed, or otherwise.

Principals in the Second Degree, and Accessories.

XXVI. And be it enacted, That in the Case of every Felony punishable under this Act, every Principal in the Second Degree, and every Accessory before the Fact, shall be punishable with Death or otherwise, in the same Manner as the Principal in the First Degree is by this Act punishable; and every Accessory after the Fact to any Felony punishable under this Act shall, on Conviction, be liable to be imprisoned for any Term not exceeding Two Years; and every Person who shall aid, abet, counsel, or procure the Commission of any Misdemeanor punishable under this Act, shall be liable to be indicted and punished as a Principal Offender.

Abettors in Misdemeanors.

The Court may, for all Offences within this Act, order hard Labour or solitary Confinement.

XXVII. And be it enacted, That where any Person shall be convicted of any indictable Offence punishable under this Act, for which Imprisonment may be awarded, it shall be lawful for the Court to sentence the Offender to be imprisoned, or to be imprisoned and kept to hard Labour, in the Common Gaol or House of Correction, and also to direct that the Offender shall be kept in solitary Confinement for the Whole or any Portion or Portions of such Imprisonment, or of such Imprisonment with hard Labour, as to the Court in its Discretion shall seem meet.

Persons in the Act of committing any Offence may be apprehended without a Warrant.

XXVIII. And, for the more effectual Apprehension of all Offenders against this Act, be it enacted, That any Person found committing any Offence against this Act, whether the same be punishable upon Indictment or upon summary Conviction, may be immediately apprehended, without a Warrant, by any Peace Officer, or the Owner of the Property injured, or his Servant, or any Person authorized by him, and forthwith taken before some neighbouring Justice of the Peace, to be dealt with according to Law.

Limitation as to summary Proceedings.

Competency of Witnesses.

XXIX. And be it enacted, That the Prosecution for every Offence punishable on summary Conviction under this Act shall be commenced within Three Calendar Months after the Commission of the Offence, and not otherwise; and the Evidence of the Party aggrieved shall be admitted in proof of the Offence, and also the Evidence of any Inhabitant of the County, Riding, or Division in which the Offence shall have been committed, notwithstanding any Forfeiture or Penalty incurred by the Offence may be payable to the general Rate of such County, Riding, or Division.

Mode of compelling the Appearance of Persons

XXX. And, for the more effectual Prosecution of all Offences punishable on summary Conviction under this Act, be it enacted, That

punishable on summary Conviction.

That where any Person shall be charged on the Oath of a credible Witness before any Justice of the Peace with any such Offence, the Justice may summon the Person charged to appear at a Time and Place to be named in such Summons; and if he shall not appear accordingly, then (upon Proof of the due Service of the Summons upon such Person, by delivering the same to him personally, or by leaving the same at his usual Place of Abode,) the Justice may either proceed to hear and determine the Case *ex parte*, or issue his Warrant for apprehending such Person and bringing him before himself or some other Justice of the Peace; or the Justice before whom the Charge shall be made may (if he shall so think fit), without any previous Summons (unless where otherwise specially directed), issue such Warrant; and the Justice, before whom the Person charged shall appear or be brought, shall proceed to hear and determine the Case.

Abettors in Offences punishable on summary Conviction.

XXXI. And be it enacted, That where any Offence is by this Act punishable on summary Conviction, either for every Time of its Commission, or for the First and Second Time only, or for the First Time only, any Person who shall aid, abet, counsel, or procure the Commission of such Offence, shall, on Conviction before a Justice of the Peace, be liable, for every First, Second, or subsequent Offence of aiding, abetting, counselling, or procuring, to the same Forfeiture and Punishment to which a Person guilty of a First, Second, or subsequent Offence as a Principal Offender is by this Act made liable.

Application of Forfeitures and Penalties upon summary Convictions.

XXXII. And, with regard to the Application of all Forfeitures and Penalties upon summary Convictions under this Act, be it enacted, That every Sum of Money which shall be forfeited for the Amount of any Injury done (such Amount to be assessed in each Case by the convicting Justice) shall be paid to the Party aggrieved, if known, except where such Party shall have been examined in proof of the Offence, and in that Case, or where the Party aggrieved is unknown, such Sum shall be applied in the same Manner as a Penalty; and every Sum which shall be imposed as a Penalty by any Justice of the Peace, whether in addition to such Amount or otherwise, shall be paid to some one of the Overseers of the Poor, or to some other Officer (as the Justice may direct) of the Parish, Township, or Place in which the Offence shall have been committed, to be by such Overseer or Officer paid over to the Use of the general Rate of the County, Riding, or Division in which such Parish, Township, or Place shall be situate, whether the same shall or shall not contribute to such general Rate: Provided always, that where several Persons shall join in the Commission of the same Offence, and shall, upon Conviction thereof, each be adjudged to forfeit a Sum equivalent to the Amount of the Injury done, in every such Case no further Sum shall be paid to the Party aggrieved than that which shall be forfeited by One of such Offenders only; and the corresponding Sum or Sums forfeited by the other Offender or Offenders shall be applied in the same Manner as any Penalty imposed by a Justice of the Peace is herein-before directed to be applied.

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If a Person summarily convicted shall not pay, &c., the Justice may commit him.

XXXIII. And be it enacted, That in every Case of a summary Conviction under this Act, where the Sum which shall be forfeited for the Amount of the Injury done, or which shall be imposed as a Penalty by the Justice, shall not be paid, either immediately after the Conviction, or within such Period as the Justice shall, at the Time of the Conviction, appoint, it shall be lawful for the convicting Justice (unless where otherwise specially directed) to commit the Offender to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, according to the Discretion of the Justice, for any Term not exceeding Two Calendar Months, where the Amount of the Sum forfeited, or of the Penalty imposed, or of both (as the Case may be), together with the Costs, shall not exceed Five Pounds; and for any Term not exceeding Four Calendar Months, where the Amount, with Costs, shall not exceed Ten Pounds; and for any Term not exceeding Six Calendar Months in any other Case; the Commitment to be determinable in each of the Cases aforesaid upon Payment of the Amount and Costs.

Scale of Imprisonment.

The Justice may discharge the Offender in certain Cases.

XXXIV. Provided always, and be it enacted, That where any Person shall be summarily convicted before a Justice of the Peace of any Offence against this Act, and it shall be a First Conviction, it shall be lawful for the Justice, if he shall so think fit, to discharge the Offender from his Conviction, upon his making such Satisfaction to the Party aggrieved, for Damages and Costs, or either of them, as shall be ascertained by the Justice.

Pardon for Nonpayment of Money.

XXXV. And be it enacted, That it shall be lawful for the King's Majesty to extend His Royal Mercy to any Person imprisoned by virtue of this Act, although he shall be imprisoned for Nonpayment of Money to some Party other than the Crown.

A summary Conviction shall be a Bar to any other Proceeding for the same Cause.

XXXVI. And be it enacted, That in case any Person convicted of any Offence punishable upon summary Conviction by virtue of this Act shall have paid the Sum adjudged to be paid, together with Costs, under such Conviction, or shall have received a Remission thereof from the Crown, or shall have suffered the Imprisonment awarded for Nonpayment thereof, or the Imprisonment adjudged in the first Instance, or shall have been discharged from his Conviction in the Manner aforesaid, in every such Case he shall be released from all further or other Proceedings for the same Cause.

Form of Conviction.

XXXVII. And be it enacted, That the Justice before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall require; *videlicet*,

'BE it remembered, That on the Day of
' in the Year of our Lord at
' in the County of [*or* Riding, Division, Liberty, City,
' &c., *as the Case may be*], *A.O.* is convicted before me *J.P.* One of
' His

'His Majesty's Justices of the Peace for the said County [*or* Riding, &c.], for that he the said *A.O.* did [*specify the Offence, and the Time and Place when and where the same was committed, as the Case may be; and on a Second Conviction, state the First Conviction*]; and I the said *J.P.* adjudge the said *A.O.* for his said Offence to be imprisoned in the [*or* to be imprisoned in the and there kept to hard Labour] for the Space of [*or*, I adjudge the said *A.O.* for his said Offence to forfeit and pay [*here state the Penalty actually imposed, or state the Penalty and also the Amount of the Injury done, as the Case may be*], and also to pay the Sum of for Costs; and in default of immediate Payment of the said Sums, to be imprisoned in the [*or* to be imprisoned in the and there kept to hard Labour] for the Space of unless the said Sums shall be sooner paid; [*or*, and I order that the said Sums shall be paid by the said *A.O.* on or before the Day of and I direct that the said Sum of [i.e. *the Penalty only*] shall be paid to of aforesaid, in which the said Offence was committed, to be by him applied according to the Directions of the Statute in that Case made and provided; [*or* that the said Sum of [i.e. *the Penalty*] shall be paid to, &c. *as before*,] and that the said Sum of [i.e. *the Sum for the Amount of the Injury done*] shall be paid to *C.D.* [*the Party aggrieved, unless he is unknown or has been examined in proof of the Offence, in which Case state that Fact, and dispose of the whole like the Penalty, as before*]; and I order, that the said Sum of for Costs shall be paid to [*the Complainant*]. Given under my Hand and Seal, the Day and Year first above mentioned.'

Appeal.

XXXVIII. And be it enacted, That in all Cases where the Sum adjudged to be paid on any summary Conviction shall exceed Five Pounds, or the Imprisonment adjudged shall exceed One Calendar Month, or the Conviction shall take place before One Justice only, any Person, who shall think himself aggrieved by any such Conviction, may appeal to the next Court of General or Quarter Sessions, which shall be holden not less than Twelve Days after the Day of such Conviction, for the County, Riding, or Division wherein the Cause of Complaint shall have arisen; provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days after such Conviction, and Seven clear Days at the least before such Sessions, and shall also either remain in Custody until the Sessions, or enter into a Recognizance with Two sufficient Sureties before a Justice of the Peace, conditioned personally to appear at the said Sessions and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given, and such Recognizance being entered into, the Justice before whom the same shall be entered into shall liberate such Person if in Custody; and the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court

shall seem meet; and in case of the Dismissal of the Appeal, or the Affirmance of the Conviction, shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment.

No Certiorari, &c.

XXXIX. And be it enacted, That no such Conviction, or Adjudication made on Appeal therefrom, shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of His Majesty's superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

Convictions to be returned to the Quarter Sessions.

XL. And be it enacted, That every Justice of the Peace, before whom any Person shall be convicted of any Offence against this Act, shall transmit the Conviction to the next Court of General or Quarter Sessions which shall be holden for the County or Place wherein the Offence shall have been committed, there to be kept by the proper Officer among the Records of the Court; and upon any Indictment or Information against any Person for a subsequent Offence, a Copy of such Conviction, certified by the proper Officer of the Court, or proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the former Offence, and the Conviction shall be presumed to have been unappealed against until the contrary be shewn.

How far Evidence in future Cases.

Venue, in Proceedings against Persons acting under this Act.

Notice of Action.

General Issue, &c.

XLI. And, for the Protection of Persons acting in the Execution of this Act, be it enacted, That all Actions and Prosecutions to be commenced against any Person for any thing done in pursuance of this Act shall be laid and tried in the County where the Fact was committed, and shall be commenced within Six Calendar Months after the Fact committed, and not otherwise; and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defendant One Calendar Month at least before the Commencement of the Action; and in any such Action the Defendant may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action brought, by or on behalf of the Defendant; and if a Verdict shall pass for the Defendant, or the Plaintiff shall become nonsuit, or discontinue any such Action after Issue joined, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant hath by Law in other Cases; and though a Verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial shall be shall certify his Approbation of the Action, and of the Verdict obtained thereupon.

Not to extend to Scotland or Ireland.

XLII. Provided always, and be it enacted, That nothing in this Act contained shall extend to *Scotland* or *Ireland*.

To extend to Offences committed at Sea.

XLIII. And be it enacted, That where any Felony or Misdemeanor punishable under this Act shall be committed within the Jurisdiction of the Admiralty of *England*, the same shall be dealt with, inquired of, tried, and determined in the same Manner as any other Felony or Misdemeanor committed within that Jurisdiction.

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