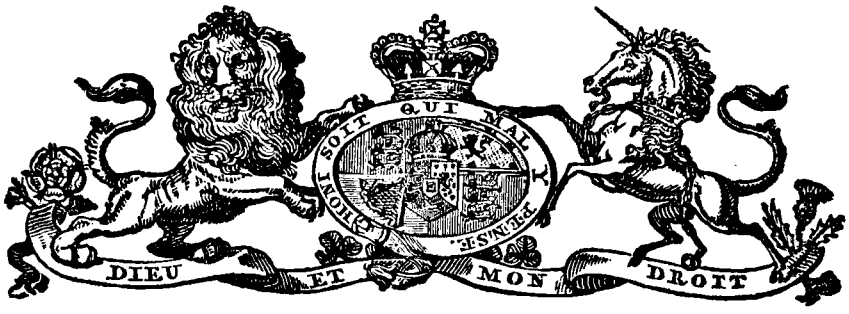


ANNO SEPTIMO

GEORGII IV. REGIS.

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CAP. LX.

An Act to prevent the wilful and malicious Destruction of Dwelling Houses in *Ireland*.

[26th *May* 1826.]

WHEREAS divers ill-designing and disorderly Persons in *Ireland*, have of late wilfully and maliciously committed great Waste and Destruction, by pulling down and demolishing Dwelling Houses, and other Buildings, whereof they have obtained Possession by virtue or under colour of the Title of some sufficient legal Tenant or Tenants for Lives, with or without a Covenant for Renewal, or for Years, or other less Term, or at Will, or by Power under or by Collusion with such Tenant or Tenants, or some Occupier or Occupiers thereof, and have converted and disposed to their own Use of the Materials, Fixtures, and other Effects arising from or being within or appurtenant to such Houses and other Buildings, or used and occupied therewith, to the great Damage of His Majesty's Subjects, being Lessors or Owners of such Houses, Buildings, and other Property, or otherwise entitled thereto, or interested in the Preservation thereof: And whereas the Remedy by Suit in His Majesty's Courts of Equity to prevent the Commission of such Waste and Destruction is found to be insufficient for the Prevention thereof, by reason that the same may be committed before it is possible to restrain the Offenders by any equitable Injunction which might be decreed for that Purpose: And whereas such Waste and Destruction, if once committed, is irreparable, by reason that the Persons so offending are generally Persons in embarrassed or insolvent Circumstances; and inasmuch as Doubts have arisen whether, in case such Possession as aforesaid hath been obtained by Consent of the Person or Persons entitled to deliver the same, the Parties offending

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can be convicted of any Misdemeanor by any Law now in force within this Realm: And whereas it is expedient that such Doubts be removed, and some more effectual Remedy provided than by Law now exists, for the Preservation from Waste and Destruction of Dwelling Houses and other Buildings let to Tenants, and for securing to Landlords and others their just Rights in respect of such Dwelling Houses and other Buildings, Fixtures and Effects within or appurtenant to the same, or used and occupied therewith: 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,

Persons obtaining Possession of Houses for the Purpose of demolishing them, or who being possessed, shall demolish or waste them, declared guilty of Misdemeanor.

That from and after the passing of this Act all and every Person and Persons who, under Pretence of becoming *bonâ fide* Tenant or Tenants of any Dwelling House or other Building, or by Power under or Collusion with any Person or Persons having or claiming to have Title thereto as Tenant or Tenants for the Term of any Life or Lives, with or without any Covenant for Renewal, or for Years, or other less Term, certain or at Will, shall obtain and get Possession of any Dwelling House or other Building, for the fraudulent and malicious Purpose of pulling down or demolishing the same, or of doing other unlawful Waste or Destruction, or who being possessed of any such Dwelling House or other Building, or Part of such Dwelling House or other Building, shall pull down or demolish or begin to pull down or demolish the same, or shall commit any other unlawful Waste or Destruction thereof or thereto, or shall pull down or sever from the Freehold any Fixture or Utensil being within or appurtenant to such Dwelling House or other Building, or such Part of such Dwelling House or other Buildings, or used or occupied therewith, or which, in a due Course of Occupancy, ought not to be so pulled down or severed from the Freehold, shall be deemed and are hereby declared to be guilty of a Misdemeanor, and shall be subject and liable, on Conviction thereof, to the like Pains and Penalties as on Cases of Misdemeanor.

Abettors, &c. of such Proceedings, shall also be guilty of Misdemeanor.

II. And be it further enacted, That every Person who shall wilfully and fraudulently aid, abet, or assist in the obtaining Possession of any Dwelling House or other Building, or of any Part of any Dwelling House or other Building, for the fraudulent and malicious Purpose of pulling down and demolishing the same, or of committing any other wilful and unlawful Waste or Destruction thereof or therein, or who knowing that the Possession of any Dwelling House or other Building, or of any Part of any such Dwelling House or other Building, hath been obtained for any such fraudulent and malicious Purpose, shall wilfully and fraudulently aid and abet or assist in pulling down or demolishing the same, or in committing any other wilful and unlawful Waste or Destruction thereof or therein, or shall aid, abet, or assist in the pulling down or severing from the Freehold any Fixture or Utensil, being within or appurtenant to any such Dwelling House or other Building, or to any Part of such Dwelling House or other Building, or used and occupied therewith, and which, in due Course of Occupancy, ought not to be so pulled down or severed from the Freehold, or who shall purchase

or contract to purchase the Materials, or any Part of the Materials of which such Dwelling House or other Building, or any Part of such Dwelling House or other Building, was constructed, or any Fixture or Utensil being within or appurtenant to any such Dwelling House or other Building, or Part of such Dwelling House or other Building, or used and occupied therewith, and which, in due Course of Occupancy, ought not to be pulled down and severed from the Freehold, shall in like Manner be deemed and is hereby declared to be guilty of a Misdemeanor, and shall be subject and liable to the same or like Pains and Penalties, as Persons convicted as Principals as aforesaid would be liable to under the Provisions of this Act, as well before as after the Trial or Conviction of the principal Person guilty of such Misdemeanor, and whether any Person or Persons liable to be tried as Principal or Principals shall have been apprehended or shall be amenable to Justice or not.

When Suspicion is entertained of Intent to demolish or injure Houses, Owners, &c. may make Oath thereof before a Magistrate;

III. And be it further enacted, That from and after the passing of this Act, in all Cases where any Dwelling House or other Building, or any Part of any Dwelling House or other Building, shall be held by virtue of any Lease or Agreement, or for any Term of Years or other less Term, certain or at Will, whether the Possession of such Dwelling House or other Building, or any Part of such Dwelling House or other Building, shall have been obtained by Fraud or not, whenever it shall be suspected that any Person or Persons is or are about to pull down or demolish, or to commit any unlawful Waste or Destruction upon such Dwelling House or other Building, or Part of such Dwelling House or other Building, it shall and may be lawful to and for any Owner, Lessor, or Landlord thereof, or any other Person or Persons entitled to the same, or interested in the Preservation thereof, or for any Trustee or Agent acting upon the Part or Behalf of any Lessor so interested, to make and take an Oath or Affidavit in Writing (or Affirmation in Writing, if a Quaker), before any neighbouring Magistrate if in the Country, or before a legal or chartered Magistrate if within a Town, City, or other separate Jurisdiction, or before a Magistrate of the Head Office of Police if in the City of *Dublin*, stating the Belief and Suspicion of the Persons making such Affidavit or Affirmation, that some Person or Persons in the Possession or Occupation of such Dwelling House or other Building, or at some Part of such Dwelling House or other Building, or by the Permission or Collusion of some Person in the Occupation of such Dwelling House or other Building, or of some Part of such Dwelling House or other Building, hath or have an Intention to commit, or do propose to commit, some such wilful or fraudulent Waste and Destruction as is herein-before described, or if any such Waste or Destruction shall have been commenced, then that the same was fraudulent or malicious, and not for the Purpose of any intended Improvement or beneficial Alteration in such Dwelling House or other Building, or Part of such Dwelling House or other Building, and which Oath and Affirmation such Magistrate, or legal or chartered Justice, or Police Magistrate, (as the Case may be) is and are hereby empowered and required to administer; and upon such Affidavit or Affirmation being made by such Person or Persons as aforesaid, it shall and may be lawful for such Justice of the Peace, or legal or chartered Magistrate, or such Police Magistrate as aforesaid, to

who shall thereupon give Notice to the Parties not to pro-

ceed without the Licence of such Magistrate.

to issue a Notice in Writing, signed by such Justices of the Peace, chartered Magistrate, or Police Magistrate, before whom such Affidavit or Affirmation shall be made, stating that Information on Oath or Affirmation had been received, that some Person or Persons, Occupiers of such Dwelling House or other Building, or acting under or by the Authority or Permission of and in Collusion with such Occupiers of such Dwelling House or other Building, or any Part of such Dwelling House or other Building, do intend and are about to commit wilful and fraudulent Waste, by pulling down and destroying such Dwelling House or other Building, or any Part of such Dwelling House or other Building, and cautioning and admonishing all such Persons, and all Persons whomsoever, not to proceed to pull down or destroy or otherwise injure such Dwelling House or other Building, or any Part of such Dwelling House or other Building, until special Leave, Licence, and Authority for that Purpose shall be first procured from and given by the Justice of the Peace, or chartered or other Magistrate, by whom such Notice shall be

Service of such Notice.

signed; and such Notice so as aforesaid signed shall be served on any and every Person by whom it shall be suspected that such Waste and Destruction shall be intended to be committed, or by whom any such Waste and Destruction shall have been commenced, if such Person can be found, and if not, then such Notice shall be affixed on the principal Door or Entrance of such Dwelling House or other Building; and every and any Person who, after being duly served with such Notice, or after such Notice shall be posted on the principal Door or Entrance of such Dwelling House or other Building, shall, without such Leave, Licence, or Authority as aforesaid, pull down or demolish, or shall begin to pull down or demolish, or shall proceed in pulling down or demolishing any such Dwelling House or other Building, or any Part of such Dwelling House or other Building, or who shall wilfully and unlawfully aid, abet, or assist in the pulling down or demolishing, or beginning to pull down or demolish, or proceeding in pulling down or demolishing of any such Dwelling House or other Building, or any Part of such Dwelling House or other Building, or in committing any unlawful Waste or Destruction thereof or therein, shall be deemed and is hereby declared to be guilty of a Misdemeanor.

Persons proceeding in demolishing Houses after such Notice, guilty of Misdemeanor.

Notices good though not addressed to any Person by Name.

IV. And be it further enacted, That if any such Notice as aforesaid shall be personally served on any Person as aforesaid, or in case personal Service cannot be effected, if such Notice shall be regularly posted, according to the Directions in this Act contained, on the Door or principal Entrance of any such Dwelling House or other Building, such Notice shall be deemed good and sufficient for the Purposes of this Act, although such Notice shall not be addressed to such Person by his or her proper Name, or by any Name whatsoever.

Persons pulling down Houses, &c. after such Notice, may be appre-

V. And be it further enacted, That if any Person or Persons whosoever shall, after the Service or Posting of such Notice, begin to pull down and destroy, or shall proceed in pulling down or destroying, or shall otherwise wilfully and maliciously injure and commit unlawful Waste in, on, or to any such Dwelling House or other Building,

Building, or any Part of such Dwelling House or other Building, or if any Person or Persons, having commenced any such Waste, pulling down or Destruction, shall not immediately desist from continuing and committing such Offence, it shall and may be lawful for any Justice of the Peace or Magistrate as aforesaid, and he is hereby authorized and required to issue his Warrant, under his Hand and Seal, directed to any Constable or Constables, authorizing such Constable or Constables to prevent such pulling down and Destruction of such Dwelling House or other Building, or any Part of such Dwelling House or other Building, and to take into Custody and apprehend every Person present aiding and assisting in such pulling down and Destruction, and to bring all such Persons before such Magistrate; and it shall be lawful for such Magistrate or Justice of the Peace to commit any such Offender, so taken and apprehended, to any neighbouring Jail or Prison, there to remain without Bail or Mainprize, until such Offender shall give good and sufficient Security by Recognizance, conditioned not to commit or proceed in committing such wilful Waste and Destruction; and in case any such Waste and Destruction shall have been in part committed, then also conditioned to rebuild and repair such Dwelling House or other Building, so as to leave the same in as good tenantable Order and Condition as such Dwelling House or other Building was in previous to the Commission of such Waste and Destruction as aforesaid, and which Recognizance every such Justice of the Peace or Magistrate is hereby authorized and required to take.

Offenders may be apprehended and imprisoned until they give Security not to proceed in such Destruction, and to repair Damages.

VI. Provided always, and be it further enacted, That in case any Tenant or Tenants, Occupier or Occupiers, of any Dwelling House or other Building, shall, on being required so to do by any such Justice of the Peace or Magistrate as aforesaid, enter into a good and sufficient Security, by Recognizance, with Two sufficient Sureties, in such Sum as such Magistrate shall require, conditioned to rebuild and repair any such Dwelling House or other Building within Six Calendar Months from the Date of such Recognizance, and to put such Dwelling House or other Building in as tenantable State of Repair, or in such the like State of Repair as the same was previous to the Commencement of any wilful Waste and Destruction thereof or therein, then and in every such Case it shall and may be lawful for such Persons so entering into such Recognizance, and their Workmen and Assistants, to proceed in making any Repair or Alterations and Improvements of or in such Dwelling House or other Building, as if this Act had not been made; any thing herein contained to the contrary notwithstanding.

Parties may proceed in repairing Houses, on giving Security to Magistrates so to do.

VII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to interrupt or interfere with the undoubted Right that all or any Person or Persons who may feel themselves aggrieved by any Order made by any Magistrate, chartered Justice, or Police Magistrate, under the Provisions of this Act, from filing a Bill in His Majesty's High Court of Chancery or Exchequer in *Ireland*, against the Person or Persons on whose Behalf and Application such Magistrate, chartered Justice,

Not to prevent Persons from seeking Relief by Bill in Chancery, &c.

or Police Magistrate may have made any Order under the Provisions of this Act, and complaining of any Grievance or Injustice arising out of such Order, and seeking such Relief as he may require; on which it shall be lawful for the Court in which such Bill shall be filed, to make such Order or Decree, either confirming or reversing or varying such Order of such Magistrate, chartered Justice, or Police Magistrate, as the Justice of the Case may require.

Act not to affect former Remedies of Landlords, &c.

VIII. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to deprive any Lessor, Landlord, or other Person of any Remedy either at Law or in Equity, which before the passing of this Act such Lessor, Landlord, or other Person might legally or equitably have pursued against any Person or Persons whomsoever, either for the obtaining Satisfaction for any Injury sustained by such Lessor, Landlord, or other Person, or for preventing such Injury, notwithstanding the Offence by which such Injury may be occasioned shall be such as to incur the Penalty of Misdemeanor within the Meaning of this Act; but it shall and may be lawful for any Lessor, Landlord, or other Person to institute and pursue all or any of such Remedies, and to receive Satisfaction thereupon, in the same Manner as if this Act had not been made; any thing in this Act contained to the contrary in anywise notwithstanding.

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