ANNO SEPTIMO

GEORGII IV. REGIS.

CAP. LXIX.

An Act to amend the Law in respect to the Offence of stealing from Gardens and Hothouses.

[31st *May* 1826.]

WHEREAS it is expedient to make better Provision for the Protection of Plants, Roots, Fruit, and Vegetable Productions growing in Orchards, Gardens, and Nursery Grounds, and in Hothouses, Greenhouses, and Conservatories; 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 if any Person shall steal any Plant, Root, Fruit, or Vegetable Production growing in any Orchard, Garden, or Nursery Ground, or in any Hothouse, Greenhouse, or Conservatory, or shall aid or abet any Person to steal the same, or shall receive any of the said Articles, knowing the same to have been so stolen, every such Offender, being convicted thereof before One Justice of the Peace, within Three Calendar Months after the Commission of the Offence, shall, at the Discretion of such Justice, either be committed to the House of Correction, there to be imprisoned only, or to be imprisoned and kept to Hard Labour, for any Time not exceeding Six Calendar Months, or else shall forfeit and pay Treble the Value of the Articles so stolen or received, and also, if the Justice shall so think fit, a further Sum not exceeding Twenty Pounds, as to such Justice shall seem meet, and in default of immediate Payment shall be committed as aforesaid; and every Sum of Money which shall be forfeited for the single Value of any Article or Articles so stolen or received as aforesaid, shall be awarded to the Party

Persons stealing Vegetable Productions growing in Orchards, &c. or receiving the same, may be imprisoned or fined by the Justice before whom convicted.

Application of Penalties.

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grieved,

grieved, notwithstanding such Party may have been examined in Proof of the Complaint; and the Residue of every pecuniary Penalty which shall be imposed by any Justice for any such Offence shall be awarded to the Use of the Informer and of the Poor of the Place wherein the Offence shall be laid to have been committed, in such Proportions as to the Justice shall seem meet.

Form of Conviction.

II. And for the more easy and speedy Conviction of Offenders, 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 happen; *videlicet*,

'BE it remembered, That on the Day of in the Year of our Lord at *A. O.* is convicted before me *J. P.* One of His 'Majesty's Justices of the Peace for the County of [*or* the 'City, Liberty, or Place, *as the Case may be*] for that he the said '*A. O.* did [*specify the Offence, and the Time and Place where the 'same was committed, as the Case may be*], and I the said *J. P.* do 'adjudge the said *A. O.* for his said Offence to be imprisoned in the 'House of Correction at [*or* to be imprisoned in the 'House of Correction, and there kept to Hard Labour], [*or otherwise*] 'to forfeit and pay the Sum of [*here state Treble the Value 'of the Article stolen or received, and also the Amount of the Penalty, 'if imposed*]; and in default of immediate Payment, to be imprisoned 'in the House of Correction [*or* to be imprisoned in the House of 'Correction, and there kept to Hard Labour] for the Space of Given under my Hand and Seal 'the Day and Year first above mentioned.'

Appeal.

III. And be it further enacted, That in all Cases where the Penalty actually adjudged on any summary Conviction shall exceed the Sum of Five Pounds or One Month's Imprisonment, or the Conviction shall take place before One Justice only, any Person who shall think himself or herself aggrieved by any such Conviction may appeal to the next Court of General or Quarter Sessions which shall be holden for the County or Place wherein the Cause of Complaint shall have arisen, not less than Twelve Days after the Day of such Conviction, such Person giving 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 also entering within such Three Days into a Recognizance with Two sufficient Sureties before a Justice of the same County or Place, 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 such 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

Notice of Appeal.

according to the Conviction, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment.

No Appeal shall be quashed for Want of Form, or removed by Certiorari.

IV. And be it further 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.

6 G. 4. c. 127. repealed.

V. And be it further enacted, That from and after the Commencement of this Act, an Act passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act for making further Provision by Law for the Protection of Property in Orchards, Gardens, and Nursery Grounds*, shall be and the same is hereby repealed.

Act not to extend to Scotland.

VI. And be it further enacted, That nothing in this Act contained shall extend to that Part of the United Kingdom called *Scotland*.

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