

ANNO NONO

GEORGII IV. REGIS.

CAP. LVI.

An Act for consolidating and amending the Laws in *Ireland* relative to malicious Injuries to Property.

[15th *July* 1828.]

7 & 8 G. 4. c. 30.

WHEREAS in the last Session of Parliament an Act was passed for consolidating and amending the Laws in *England* relative to malicious Injuries to Property, and it is expedient that Provision should be made in *Ireland* for the like Purpose; 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 present Act, and the several Matters therein contained, shall extend to *Ireland*, and not to *England*, *Wales*, or *Scotland*; and that this Act shall commence and take effect in *Ireland* on the First Day of *September* One thousand eight hundred and twenty-eight.

This Act to extend to Ireland only.

Commencement of Act.

Setting fire to a House, Outbuilding, Church, or Chapel, Felony, with Death.

II. And be it enacted, That if any Person shall unlawfully and maliciously set fire to any House, Stable, Coach-house, Outhouse, Warehouse, Office, Shop, Mill, Malthouse, Hop-oast, Barn, Hay-yard, or Granary, or to any Building or Erection used in carrying on any 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, or if any Person shall unlawfully and maliciously set fire to any Church, Chapel, or Place for Religious Worship, every such Offender shall be guilty of Felony, and being convicted thereof, shall suffer Death as a Felon.

III. And

Destroying, or forcibly entering any Place with Intent to destroy Silk, Woollen, Linen, or Cotton Goods in the Loom, &c. or any Machinery belonging to such Manufactures, &c. Felony, punishable with Transportation for Life, &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, Mohair, 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, Mohair, 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, Tool, 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 Machines or Machinery in other Manufactures, or Threshing Machines, &c. Felony, with Transportation for Seven Years, &c.

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, or any Tool or Implement prepared for or employed in any Manufacture whatsoever, (except the Manufacture of Silk, Woollen, Linen, Mohair, 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.

Penalty on Journeymen, &c. spoiling Goods or Work, 5*l.* to the Party grieved.

V. And be it enacted, That if any Artificer, Workman, Journeyman, Apprentice, Servant, or Labourer shall wilfully and unlawfully damage, spoil, or destroy any Goods, Wares, or Work committed to his Care or Charge, without the Consent of the Person by whom he shall be hired, retained, or employed, every such Offender, being lawfully convicted thereof before any Justice or Justices of the Peace, shall forfeit and pay such Sum of Money as shall appear to the Justice or Justices to be a reasonable Compensation for the Damage, Injury, Spoil, or Destruction so committed, not exceeding in any Case the Sum of Five Pounds, which Sum of Money shall be paid to the Party grieved; and every Person so convicted shall, in default of immediate Payment, be committed to the Gaol of the County of the City

City or Town, or to the House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, for any Term not exceeding Three Calendar Months.

Setting fire to a Coal Mine.

VI. 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.

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

VII. 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 private whipped (if the Court shall so think fit), in addition to such Imprisonment: Provided always, that nothing herein-before contained shall 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.

Proviso for Damage from adjoining Mine.

Destroying any Engine, Erection, &c. used in any Mine, Felony, punishable by Transportation.

VIII. 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, or any Shaft, Passage, Drain, or Level 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.

Setting fire to or destroying a Ship, Felony, with Death.

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, 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, Felony, punishable by Transportation.

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

privately whipped (if the Court shall so think fit), in addition to such Imprisonment.

Exhibiting false Signals, destroying a shipwrecked Vessel or Cargo, &c. or forcibly impeding Men from saving their Lives, Felony, with Death.

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 shall destroy any Part of any Ship or Vessel which shall be in Distress, or wrecked, stranded, or cast on Shore, or shall destroy 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, Felony, with Transportation for Life, &c.

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, undermine, or otherwise destroy any Lock, Sluice, Wear, Tunnel, Towing Path, Floodgate, Aqueduct, Reservoir, Cut, Dam, Drain, Watercourse, or other Work on any navigable River or Canal, every such Person 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.

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

XIII. And be it enacted, That 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 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.

Injuring public Bridges, Felony, with Transportation for Life, &c.

XIV. 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. Misdemeanor, punishable accordingly.

XV. 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, Misdemeanor, punishable by Transportation, &c.

XVI. 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.

XVII. 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 suffer Death as a Felon.

Setting fire to Stack of Corn, &c. Felony, with Death; to certain Crops or Plantations, &c. Felony, with Transportation.

XVIII. And be it enacted, That if any Person shall unlawfully and maliciously set fire to any Stack of Corn, Grain, Pulse, Straw, Hay, Coals, Turf, Charcoal, 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, 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.

Destroying or damaging Trees, Shrubs, &c. by Night, Felony, with Transportation.

XIX. And be it enacted, That if any Person shall unlawfully and maliciously, between Sunset and Sunrise, cut, break, bark, root up, or otherwise destroy or damage the Whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, 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; and if any Person shall, between Sunrise and Sunset, 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, (in case the Amount of the Injury done shall exceed the Sum of Five Pounds,) 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 for the Felony herein-before last mentioned.

Like Punishment on destroying Trees, Shrubs, &c. in the Day-time, if the Value exceeds 5*l.*

Destroying or damaging Trees, Shrubs, &c. of any Value under 5*l.* punishable on summary Conviction.

XX. And be it enacted, That if any Person shall, between Sunrise and Sunset, 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, the Injury done being under the Value of Five Pounds, every such Offender, being convicted before a Justice or Justices of the Peace, 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 or Justices shall think fit.

Destroying, &c. any Fruit or Vegetable Production in a Garden, &c. punishable on summary Conviction for First Offence.

XXI. And be it enacted, That if any Person shall unlawfully and maliciously destroy, or damage with Intent to destroy, any Plant, Fruit, or Vegetable Production growing in any Garden, Orchard, Nursery Ground, Hothouse, Greenhouse, or Conservatory, every such Offender, being convicted thereof before a Justice or Justices of the Peace, shall, at the Discretion of the Justice or Justices, 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 the Amount of the Injury done, and also a 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.

Second Offence, Felony.

Destroying, &c. Vegetable Productions, not growing in Gardens, &c. Imprisonment or Fine;

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 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 or Justices of the Peace, shall, at the Dis-

cretion of the Justice or Justices, 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 the Amount of the Injury done, and also such Sum of Money, not exceeding Twenty Shillings, as to the Justice or Justices 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 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 or Justices shall think fit.

Second Offence, Imprisonment, &c.

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 or Justices of the Peace, shall for the first Offence forfeit and pay the Amount of the Injury done, and also such Sum of Money, not exceeding Five Pounds, as to the Justice or Justices 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 or Justices shall think fit.

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

XXIV. And be it enacted, That every Person who, being possessed in any Manner or Right whatever of any Dwelling House or other Building held under or 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 Part of such Dwelling House or other Building, shall have been obtained for the fraudulent and malicious Purpose of pulling down or demolishing the same, or for any other Purpose whatever,) shall wilfully, fraudulently, or maliciously, and not for the Purpose of any intended Improvement or beneficial Alteration therein, pull down or demolish or begin to pull down or demolish the same, or 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 used or occupied therewith, or which in a due Course of Occupancy ought not to be so pulled down or severed from the Freehold, or who shall wilfully and knowingly aid, abet, or assist in the same, or who shall wilfully and knowingly purchase or contract to purchase the Materials or any Part of the Materials of which 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 be deemed and is hereby declared

Persons possessed of Houses under Lease, &c. who shall demolish or waste them, declared guilty of Misdemeanor.

declared to be guilty of a Misdemeanor, and shall be subject and liable, on Conviction thereof, to the like Pains and Penalties as in Cases of Misdemeanor.

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

XXV. And be it enacted, That 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 Owner, Lessor, Landlord, or Person so interested, to make and take an Oath or Affidavit in Writing, (or Affirmation in Writing, if a Quaker,) before any Justice of the Peace or Magistrate for the County, City, Town, or other Place within which such Dwelling House or Building shall be situate, stating the Belief and Suspicion of the Person or Persons making such Affidavit or Affirmation, that some Person or Persons in the Possession or Occupation of such Dwelling House or other Building, or of some Part thereof, 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 there, that the same was fraudulent or malicious, and not for the Purpose of any 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 Justice or Magistrate is 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 or Magistrate to issue a Notice in Writing, signed by him, stating that Information on Oath or Affirmation has been received that some Person or Persons occupying such Dwelling House or other Building, or acting under or by the Authority or Permission of, and in collusion with, such Occupier or Occupiers of such Dwelling House or other Building, intends or intend or is or 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 in Writing for that Purpose shall be first procured from and given by the Justice or Magistrate by whom such Notice shall be signed; and such Notice shall be served on any and every Person by whom it shall

Magistrate shall thereupon give Notice to the Parties not to proceed without the Licence of such Magistrate.

Service of such Notice.

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.

XXVI. And be it further enacted, That if any Person 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, 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, 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 or 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 Justice or Magistrate; and it shall be lawful for such Justice or Magistrate to commit any such Offender so taken and apprehended to any neighbouring Gaol 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 or Magistrate is hereby authorized and required to take.

Persons pulling down Houses after such Notice may be apprehended and imprisoned until they give Security not to proceed in such Destruction, and to repair Damages.

XXVII. Provided always, and be it further enacted, That in case any Tenant or Occupier of any Dwelling House or other Building shall, on being required so to do by any such Justice or Magistrate as aforesaid, enter into a good and sufficient Security by Recognizance, with

Persons may proceed in repairing Houses, on giving Security to Magistrates.

Two sufficient Sureties, in such Sum as such Justice or 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 in 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.

Notice good though not addressed to any Person.

XXVIII. 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.

Not to affect former Remedies of Landlords.

XXIX. Provided always, 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 under this Act to incur the Penalty of a Misdemeanor, as wilful or malicious Waste to a Dwelling House or other Building, or any Part thereof.

Persons committing Damage to 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.

XXX. 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 or Justices of the Peace, shall forfeit and pay such Sum of Money as shall appear to the Justice or Justices 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, if known, except where such Party shall have been examined in proof of the Offence; and in such Case, or where the Party aggrieved is unknown, 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 or Justices of the Peace under this Act is hereinafter directed to be applied; and if such Sum of Money, together with Costs, if awarded, (which Costs such Justice or Justices is and are hereby authorized to award, if he or they shall think fit,) shall not be paid, either immediately after the Conviction, or within such

 Period

Period as the Justice or Justices shall at the Time of the Conviction appoint, the Justice or Justices 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 or Justices 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 the Pursuit of Game; but that every such Trespass shall be punishable in the same Manner as before the passing of this Act. Proviso.

XXXI. Provided always, and be it enacted, That nothing in this Act contained shall in any Manner affect, or be deemed or construed to affect, any of the Provisions contained in an Act passed in the Parliament of *Ireland* in the Eleventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for punishing such Persons as shall do Injuries and Violences to the Persons or Properties of His Majesty's Subjects, with Intent to hinder the Exportation of Corn;* or in an Act passed in the Parliament of *Ireland* in the Fifteenth and Sixteenth Years of the same Reign, intituled *An Act to prevent and punish tumultuous Risings of Persons within this Kingdom, and for other Purposes therein mentioned;* or in an Act passed in the Parliament of *Ireland* in the Twenty-third and Twenty-fourth Years of the same Reign, intituled *An Act for the more effectually punishing such Persons as shall by Violence obstruct the Freedom of Corn Markets and the Corn Trade, or who shall be guilty of other Offences therein mentioned, and for making Satisfaction to the Parties injured;* or in an Act passed in the Parliament of *Ireland* in the Twenty-seventh Year of the same Reign, intituled *An Act to prevent tumultuous Risings and Assemblies, and for the more effectual Punishment of Persons guilty of Outrage, Riot, and illegal Combination, and of administering and taking unlawful Oaths.* Proviso excepting the Operation of Irish Acts. 11 G. 3. c. 7. 15 & 16 G. 3. c. 21. 23 & 24 G. 3. c. 20. 27 G. 3. c. 15.

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

XXXIII. 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. Principals in the Second Degree, and Accessories. Abettors in Misdemeanors.

XXXIV. And

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

XXXIV. 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.

XXXV. 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.

Competent Witnesses.

XXXVI. 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.

Mode of compelling the Appearance of Persons punishable on summary Conviction.

XXXVII. And for the more effectual Prosecution of Offences punishable on summary Conviction under this Act, be it enacted, 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 such Justice, or some other Justice or Justices of the Peace; or it shall and may be lawful for the Justice before whom the Charge shall be made (if he shall so think fit) without any previous Summons (unless where otherwise specially directed) to issue such Warrant; and the Justice or Justices 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, punishable as Principals.

XXXVIII. 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, every Person who shall aid, abet, counsel, or procure the Commission of such Offence shall, on Conviction before a Justice or Justices of the Peace, be liable, as the Case may be, 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.

XXXIX. And

XXXIX. And with regard to the Application of all Forfeitures and Penalties upon summary Conviction 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 or Justices), shall be paid to the Party aggrieved, if known (except where such Party shall have been examined in Proof of the Offence); and in such 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 or Justices of the Peace, whether in addition to such Amount or otherwise, shall be paid, under the Order of such Justice or Justices, to the Treasurer or other proper Officer of the Infirmary of the County, City, Town, or Place wherein such Conviction shall take place, for the Use of such Infirmary, in case there shall be any such Infirmary established within or for such County, City, Town, or Place; and in case there shall be no such Infirmary, then to the Treasurer or other proper Officer of such other Public Charity, within such County, City, Town, or Place, as such Justice or Justices shall by his or their Order for that Purpose direct: 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 any Justice or Justices of the Peace is herein-before directed to be applied.

Application of Forfeitures and Penalties upon summary Convictions.

Proviso.

XL. And be it further enacted, That it shall be lawful for any Justice of the Peace, by or before whom any Conviction shall be made under this Act, to receive any Forfeiture or Penalty, or any Sum of Money payable as a Penalty under this Act to the Treasurer or Officer of any Infirmary or Public Charity, and to give a Receipt for the same for the Use of such Infirmary or Charity, specifying the Name or Description of such Infirmary or Charity in such Receipt, and such Receipt shall be a sufficient Discharge to the Party by whom such Forfeiture or Penalty, or Sum of Money, shall be incurred and paid; and every such Justice shall, within Fourteen Days next after the Receipt thereof, pay the Amount of every such Forfeiture, Penalty, or Sum of Money to the Treasurer or other proper Officer of the Infirmary or Public Charity entitled to the same, and shall take Receipts for the same respectively from such Treasurer or Officer, specifying the Time when and the Person by whom such Forfeiture, Penalty, or Sum of Money was paid to such Justice for the Use of such Infirmary or Charity; and every such Justice shall, by himself or Clerk, keep an Account, in a Book to be provided for that Purpose, of the Amount of every such Forfeiture, Penalty, or Sum of Money so received by him, specifying the Place and Time and Manner of the Adjudication or Order whereby such Forfeiture, Penalty, or Sum of Money shall have been adjudged or imposed, and the Nature of the Offence under this Act for which the same was adjudged or imposed, and the Name or Names of the Person or Persons on whom such

Justice may receive any Penalty payable to Treasurers of Infirmary, &c. and pay the same to them, keeping an Account thereof.

such Forfeiture or Penalty or Sum of Money was set or imposed; and the Name and Description of the Treasurer or other proper Officer of the Infirmary, or the Name and Description of the Public Charity, and the Officer thereof, to whom such Forfeiture, Penalty, or Sum of Money was paid, according to the Directions of this Act, and the Time when such Payment was made; and every such Justice shall, Fourteen Days previous to the Commission Day of the Spring and Summer Assizes in every Year, transmit to the Clerk of the Peace of the County, County of a City, or County of a Town within which such Forfeiture, Penalty, or Sum of Money shall have been imposed and made payable, an Account in Writing, stating all the several Penalties, Forfeitures, or Sums of Money which shall have been imposed and made payable by or before such Justice, under this Act, at any Time between Fourteen Days before the Commencement of the then last preceding Assizes, and the Day of transmitting such Account, and shewing which of such Forfeitures, Penalties, or Sums of Money have been received by such Justice, and from whom, and for what Offences, and to whom the same have been respectively paid by such Justice, with the Dates of the several Receipts for the same respectively.

Such Account to be transmitted to the Clerk of the Peace previous to the Spring and Summer Assizes.

XLI. And be it further enacted, That every Account so kept by any Justice of the Peace in pursuance of this Act, and every Account transmitted by such Justice to the Clerk of the Peace, shall be produced to the Treasurer or other proper Officer of the Infirmary of the County, City, Town, or Place, or to the Treasurer or other Officer of any Public Charity within such County, City, Town, or Place where there shall not be such Infirmary, at all seasonable Times when such Treasurer or Officer may desire and require to inspect the same, for the Purpose of ascertaining whether any and what Sums of Money may be due and payable to such Treasurer or Officer under this Act.

Accounts may be inspected by Treasurer of the Infirmary, &c.

XLII. And be it further enacted, That every Clerk of the Peace to whom any such Account or Accounts shall be transmitted by any Justice or Justices of the Peace, of the Forfeitures, Penalties, or Sums of Money received under this Act, shall make or cause to be made an Abstract of all such Accounts, in such Form as to shew in the most distinct Manner the Name of every Justice of the Peace by whom, and the several Parties from whom, all such Penalties, Forfeitures, or Sums of Money were respectively received, and for what Offences the same were payable respectively, and whether such Fines, Penalties, or Forfeitures were received respectively for the Use of the Infirmary of the County, City, Town, or Place, or for the Use of any other and what Public Charity; and such Clerk of the Peace shall sign such Abstract with his Name as Clerk of the Peace, and shall post and affix such Abstract, or shall cause the same to be posted and affixed, on the Door of the Court House or Place in which the Assizes shall be holden, to be then and there kept posted and affixed during the whole of such Assizes; and within Fourteen Days next after the Conclusion of such Assizes such Clerk of the Peace shall cause a true Copy of such Abstract, signed

Clerk of the Peace shall make Abstract of the Accounts, and post the same on the Court House Door during the Assizes, and afterwards publish it.

signed with his Name as Clerk of the Peace, to be inserted in some One public Newspaper published or circulated within such County, County of a City, or County of a Town.

Penalty on Justices and Clerks of the Peace for Neglect in such Receipts and Accounts, 100*l.*

XLIII. And be it further enacted, That if any Justice of the Peace who shall receive any such Forfeiture or Penalty or Sum of Money applicable as aforesaid, shall omit or neglect or refuse to give a Receipt for the same, or shall omit or neglect or refuse to pay the same to the Treasurer or proper Officer of any Infirmary or Public Charity entitled to the same as aforesaid, or shall omit or neglect to keep such Account as aforesaid, or shall omit or neglect or refuse to transmit any Account as aforesaid, to the Clerk of the Peace; or if any Clerk of the Peace shall omit or neglect to make or sign, or post or publish, an Abstract of all such Accounts as shall be transmitted to him, or to cause the same to be done in manner required by this Act; or if such Accounts, or any of them, shall not contain or refer to all Sums of Money paid to or received by such Justice under this Act; or if any such Account or Abstract shall in any particular be untrue or deficient; every such Justice or Clerk of the Peace shall, for every such Offence, Neglect, or Omission of such Justice or Clerk of the Peace respectively, forfeit the Sum of One hundred Pounds, to be recovered, with full Costs of Suit, by any Person who will sue for the same in any of His Majesty's Courts of Record in *Ireland*, by Action of Debt, Bill, Plaint, or Information, in which no Protection or Essoign or Wager of Law, nor more than One Imparlance, shall be allowed.

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

Scale of Imprisonment.

XLIV. 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 or Justices, together with Costs, if awarded, (which Costs such Justice or Justices is and are hereby authorized to award,) shall not be paid, either immediately after the Conviction, or within such Period as the Justice or Justices shall at the Time of the Conviction appoint, it shall be lawful for the convicting Justice or Justices (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 or Justices, 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, or for any Term not exceeding Four Calendar Months where the Amount of such Forfeiture or Penalty, or of both, (as the Case may be,) together with Costs, shall exceed Five Pounds and 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.

The Justice may discharge the Offender in certain Cases.

XLV. Provided always, and be it enacted, That where any Person shall be summarily convicted before a Justice or Justices of the Peace of any Offence against this Act, and it shall be a First Conviction, it shall be lawful for the Justice or Justices, if he or they shall so think fit,

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 or Justices.

Pardon for Nonpayment of Money.

XLVI. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to extend the 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.

XLVII. 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, if awarded 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.

XLVIII. And be it enacted, That the Justice or Justices 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* City, Town, *or* Place, *as the Case may be*] *A.O.* is convicted before me *J. P.*, One of His Majesty's Justices [*or* before us *C. D.* and *E. F.*, Justices of the Peace for the said County [*or* City, &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.* [*or* we the said *C. D.* and *E. F.*] 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* 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 [*where Costs shall be awarded*] also to pay the Sum of for Costs, and in default of immediate Payment of the said Sum [*or* 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 Sum [*or* Sums] be sooner paid [*or*, and I [*or* we] order that the said Sum [*or* Sums] shall be paid by the said *A.O.* on or before the Day of and I [*or* we] direct that the said Sum of [i. e. *the Penalty only*] shall be paid to of in the County [*or* City, Town, *or* Place, *as the Case may be*], to be by him [*or* them] 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

'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 [*if such Justice or Justices shall think proper to award the Complainant his Costs*] I [*or* we] order that the said Sum of for Costs shall be paid to [*the Complainant*]. Given under my Hand and Seal [*or* our Hands and Seals], the Day and Year first above written.'

One Justice may receive original Information, &c. where Two or more Justices are empowered to hear and determine.

XLIX. And be it further enacted, That in all Cases where by this Act Two or more Justices of the Peace are authorized and required to hear and determine any Complaint, One Justice shall be competent to receive the original Information or Complaint, and to issue the Summons or Warrant requiring the Parties to appear before Two or more Justices of the Peace; and after Examination upon Oath into the Merits of the said Complaint, and the Adjudication thereupon by any such Two Justices being made, all and every the subsequent Proceedings to enforce Obedience thereto, or otherwise, whether respecting the Penalty, Fine, Imprisonment, Costs, or other Matter or Thing relating to the Offence, may be enforced by either of the said Justices, or by any other Justice of the Peace for the same County, City, Town, or Place, in such and the like Manner as if done by the same Two Justices who so heard and adjudged the said Complaint; and where the original Complaint or Information shall be made to any Justice or Justices of the Peace different from the Justice or Justices before whom the same shall be heard and determined, the Form of Conviction shall be made conformable and according to the Fact.

Appeal where the Penalty exceeds 5*l.*, or the Imprisonment One Month, or the Conviction is before One Justice.

L. 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, City, Town, or Place 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 shall 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, such Court shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs, if any, as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment.

No Certiorari allowed.

LI. And be it enacted, That no such Conviction, nor any 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.

Justices shall transmit Convictions to Quarter Sessions.

How far Evidence in future Cases.

LII. 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 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 shown.

Limitation of Time and Venue in Proceedings under this Act.

Notice of Action.

General Issue, &c.

LIII. 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 or is charged to have been 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, or in case of any Action of Replevin may avow generally that the Goods and Chattels in question were taken under and by virtue of this Act, and may give this Act and the special Matter in Evidence at the 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, nor if a sufficient Sum of Money shall have been paid into Court after such Action brought, by or on behalf of the Defendant or Avowant; and if a Verdict shall pass for the Defendant or Avowant, 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 or Avowant 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 had shall certify his Approbation of the Action, and of the Verdict obtained thereon.

LIV. Pro-

LIV. Provided always, and be it enacted, That nothing in this Act contained shall extend to that Part of the United Kingdom called *Great Britain.* Not to extend to Great Britain.

LV. And be it enacted, That where any Felony or Misdemeanor punishable under this Act shall be committed within the Jurisdiction of the Admiralty of *Ireland,* 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. Admiralty Offences.

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