

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

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CAP. XCII.

An Act to consolidate and amend the Acts relating to certain Offences and other Matters as to which Justices of the Peace exercise Summary Jurisdiction in *Ireland*. [7th *August* 1851.]

WHEREAS it is expedient to consolidate and amend the Acts by which Justices of the Peace are empowered to adjudicate in a Summary Way as to certain Offences and other Matters in *Ireland*: Be it therefore enacted by the Queen'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,

Justices may decide all Cases under this Act on Evidence of Witnesses or Confession.

I. That it shall be lawful for any Justice or Justices sitting in Petty Sessions (or for any Two Justices sitting out of Petty Sessions, when the Offender shall be unable to procure Bail for his Appearance at Petty Sessions,) within his or their respective Jurisdictions to hear and determine, either on the Oath of One or more credible Witnesses, or on the Confession of the Person against whom the Complaint shall be made, all Complaints relating to any Offences, Claims, or other Matters under the Provisions of this Act, and to order such Fine, Imprisonment, Compensation, Expenses, and Sums, or to make such other Order relating to each Offence or other Matter as such Person shall be liable

liable to under the said Provisions; and all Proceedings as to compelling the Appearance of any such Person or of any Witness, and as to the Hearing and Determination of such Complaints, and as to the making and executing of such Orders, shall be subject in all respects to the Provisions of "The Petty Sessions Act, *Ireland*, 1851," (when the Case shall be heard in any Petty Sessions District,) and to the Provisions of the Acts relating to the Divisional Police Offices (when the Case shall be heard in the Police District of *Dublin* Metropolis), so far as the said Provisions shall be consistent with any special Provisions of this Act.

CRIMINAL JURISDICTION.

Malicious Injury to Persons.

II. Any Person who shall commit any of the next following Offences shall be liable to the Punishment herein-after specified in each Case;

Common Assaults.

1. Any Person who shall unlawfully assault or beat any other Person shall be liable to a Fine not exceeding the Sum of Five Pounds, or to be imprisoned for a Term not exceeding Two Months:

Assaults with Intent to prevent Sale of Corn, &c.

2. Any Person who shall assault or beat or use any other Violence to any other Person, with Intent to deter him from buying or selling any Corn or other Agricultural or Garden Produce in any Market or other Place, or to stop the Conveyance of the same, shall be liable to a Fine not exceeding the Sum of Ten Pounds, or to be imprisoned for a Term not exceeding Three Months:

Certificate of trifling or justifiable Assaults.

Provided always, that in case the Justices shall find any such Assault as aforesaid to have been of a trifling or justifiable Nature, they shall give to the Person against whom the Complaint shall have been made such Certificate as is authorized by the said Petty Sessions Act;

The preceding Provisions not to apply to felonious Assaults;

and provided also, that in case they shall find any such Assault to have been accompanied by any Attempt to commit Felony, or shall be of opinion that the same is from any other Circumstance a fit Subject for a Prosecution by Indictment, they shall abstain from adjudicating summarily thereupon, and shall deal with the Case in all respects as One to be prosecuted at the Assizes or Quarter Sessions;

nor to any Assault where a Title to Lands, &c. is in question.

but nothing herein contained shall authorize any Justices to hear and determine in a Summary Way any Case of Assault in which any Question shall arise as to the Title to any Lands, Tenements, or Hereditaments, or to any Interest therein or accruing thereupon, or as to any Bankruptcy or Insolvency, or any Execution under the Process of any Superior Court.

Wilful Injury to Property.

III. Any Person who shall commit any of the next following Offences (whether from Malice conceived against the Owner of such Property, or not,) shall be liable to the Punishment herein-after specified in each Case:

1. Any

Wilful Injury to Property.

Journeyman, &c. for spoiling Goods or Work, (under the Value of 5*l.*)

1. Any Artificer, Workman, Journeyman, Apprentice, Servant, or Labourer who shall unlawfully and wilfully damage, spoil, or destroy any Goods, Wares, Work, or Materials committed to his Care or Charge, without the Consent of the Person by whom he shall be hired, retained, or employed, (the Injury done being under the Value of Five Pounds,) shall pay to the Party aggrieved such reasonable Amount of Compensation for the Injury done as the Justices shall see fit, and shall also be liable to a Fine not exceeding the Sum of Forty Shillings, or to be imprisoned for a Term not exceeding One Month:

Destroying, &c. any Fruit or Vegetable Production in a Garden, &c.

2. Any Person who shall unlawfully and wilfully destroy, or damage with Intent to destroy, any Plant, Fruit, or Vegetable Production growing in any Garden, Orchard, Nursery Ground, Shrubbery, Pleasure Ground, Hot-house, Green-house, or Conservatory, shall pay to the Party aggrieved such reasonable Amount of Compensation for the Injury done as the Justices shall see fit, and shall also be liable to a Fine not exceeding the Sum of Twenty Pounds, or to be imprisoned for any Term not exceeding Six Months:

Destroying, &c. Vegetable Productions not growing in Gardens, &c.

First Offence.

Second Offence.

3. Any Person who shall unlawfully and wilfully destroy, or damage with Intent to destroy, any Plant, Fruit, or cultivated Vegetable Production growing in any Land, open or inclosed, not being a Garden, Orchard, or Nursery Ground, shall for the First Offence pay to the Party aggrieved such reasonable Amount of Compensation for the Injury done as the Justices shall see fit, and shall also be liable to a Fine not exceeding the Sum of Forty Shillings, or to be imprisoned for a Term not exceeding One Month; and for any Second or subsequent like Offence shall, in addition to any like Compensation, be liable to a Fine not exceeding the Sum of Five Pounds, or to be imprisoned for a Term not exceeding Six Months:

Destroying or damaging Trees, Shrubs, &c. (the Value being under 5*l.*)

4. Any Person who shall, between Sunrise and Sunset, unlawfully and wilfully cut, break, bark, root up, or otherwise destroy or damage the whole or any Part of any Tree, Sapling, or Shrub, or any Description of Underwood, (the Injury done being under the Value of Five Pounds,) shall pay to the Party aggrieved such reasonable Amount of Compensation as the Justices shall see fit, and shall also be liable to a Fine not exceeding the Sum of Five Pounds, or to be imprisoned for a Term not exceeding Six Months:

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

First Offence.

5. Any Person who shall unlawfully and wilfully damage or destroy any Fence of any Description whatsoever, or any Wall, Stile, or Gate, or any Part thereof respectively, shall for the

Wilful Injury to Property.

the First Offence pay to the Party aggrieved such reasonable Amount of Compensation for the Injury done as the Justices shall see fit, and shall also be liable to a Fine not exceeding the Sum of Five Pounds, or to be imprisoned for a Term not exceeding Six Months; and for any Second or subsequent Offence he shall, in addition to any Compensation ordered, be liable to a Fine not exceeding the Sum of Ten Pounds or to be imprisoned for a Term not exceeding Twelve Months:

Second Offence.

Obstructing Export of agricultural Produce.

6 Any Person who shall unlawfully stop or seize upon any Cart or other Carriage, or Horse, loaded with Corn or other Provisions, in or on the Way to or from any Place of Sale or shipping, or shall wilfully injure the same or any Part thereof, or the Harness of the Horses drawing the same, or shall unlawfully take off, drive away, or injure any of such Horses in order to stop the same, or shall scatter or throw away such Corn or other Provisions, or shall carry away or damage the same or any Part thereof, or shall distribute the same, or compel the Owner or his Servant, or the Carrier of the same, to distribute or otherwise depart from the Possession of the same or of any Part thereof, contrary to his Consent, shall be liable to a Fine not exceeding the Sum of Ten Pounds, or to be imprisoned for a Term not exceeding Six Months:

Breaking Windows or injuring other Property of a Workhouse (where Value under 40*s.*)

7. Any Person who shall unlawfully and wilfully break any Pane of Glass in the Windows of any Workhouse of a Poor Law Union, or damage or destroy any of the Furniture, Clothes, or other Property of the Guardians of the Poor of any Poor Law Union, (the Injury done being under the Value of Forty Shillings,) shall be liable to a Fine not exceeding the Sum of Forty Shillings, or to be imprisoned for a Term not exceeding One Month:

Damage to Property in any Case not previously provided for (where Value under 5*l.*)

8. Any Person who shall unlawfully and wilfully commit any Damage, Injury, or Spoil to or upon any Real or Personal Property whatsoever, either of a public or private Nature, for which Offence no Punishment is already otherwise provided by this Act, (the Injury done being under the Value of Five Pounds,) shall pay to the Party aggrieved such reasonable Amount of Compensation for the Injury done as the Justices shall see fit, and shall also be liable to a Fine not exceeding the Sum of Forty Shillings, or to be imprisoned for a Term not exceeding One Month:

Persons in the Act of offending may be apprehended without Warrant.

And any Person found committing any of the said Offences may be immediately arrested, without a Warrant, by any Sub-Inspector, Head or other Constable, or by the Owner of the Property in respect of which the Offence shall have been committed, or by the Servant of such

such Owner, or by any other Person authorized by such Owner, or by any other Person in care or charge of such Property, and shall with all convenient Speed be taken before some neighbouring Justice, to be dealt with according to Law: Provided always, that nothing herein contained shall extend to any Case where the Party offending 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 every such Trespass shall be punishable in the same Manner as before the passing of this Act.

Wilful Injury to Property.

Exception of unintentional Trespasses.

IV. Whenever any credible Witness shall prove upon Oath before a Justice that there is reasonable Cause to suspect that any of the Articles of Property herein-after mentioned has been taken or stolen, and is to be found in any House or other Place, it shall be lawful for such Justice to issue a Warrant to search such House or Place for such Property; and any Person in whose Possession or on whose Premises any of the said Articles of Property shall be found by virtue of any such Search Warrant (or by any Member of the Constabulary or Metropolitan Police Forces when executing any Warrant, or otherwise acting in the Discharge of his Duty), and who shall not satisfy the Justice before whom he shall be brought that he came lawfully by the same, or that the same was on his Premises without his Knowledge or Assent, may be committed by such Justice to Gaol until the next Day of holding Petty Sessions for the District, unless he shall enter into a Recognizance with One or more Sureties to appear at such Petty Sessions; and if such Person shall be convicted at such Petty Sessions of any of the next following Offences he shall be liable to the Punishment herein-after specified in each Case:

Accounting for stolen Property.

Justice may issue Search Warrant for certain Articles, and require Person to account for having same in his Possession;

and on failing so to do he may be committed to Gaol till next Petty Sessions.

1. Any Person in whose Possession or on whose Premises any Goods, Merchandise, or other Articles belonging to any Ship or Vessel in distress, or wrecked, stranded, or cast on shore, shall be so found, and who shall not satisfy the Justices that he came lawfully by the same, or that the same was on his Premises without his Knowledge or Assent, shall be liable to a Fine not exceeding Fifty Pounds, or to be imprisoned for a Term not exceeding Twelve Months:

Possession of shipwrecked Goods.

2. Any Person in whose Possession or on whose Premises the Carcase of any Sheep, Lamb, or Deer, or the Head, Skin, or other Part thereof, or any Venison, Mutton, Fat, Skin, or Fleece of such Deer, Sheep, or Lamb, shall be so found, and who shall not account for the same in manner aforesaid, shall

Possession of stolen Mutton, &c.

Accounting for stolen Property.

be liable to a Fine not exceeding Five Pounds, or to be imprisoned for a Term not exceeding Three Months:

Possession of stolen Wood.

3. Any Person in whose Possession or on whose Premises the whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, or any Part of any live or dead Fence, or any Post, Pale, Rail, Stile, or Gate, or any Part thereof, (being of the Value of One Shilling at the least,) shall be so found, and who shall not account for the same in manner aforesaid, shall pay to the Party aggrieved the Value of the Article or Articles so found, and shall also be liable to a Fine not exceeding Forty Shillings, or to be imprisoned for a Term not exceeding One Month:

Offering shipwrecked Goods for Sale.

4. Any Person who shall offer or expose for Sale any Goods, Merchandise, or Articles which shall have been unlawfully taken, or reasonably suspected to have been taken, from any Ship or Vessel in distress, or wrecked, stranded, or cast on shore as aforesaid, (whether found by virtue of a Search Warrant or not,) and who shall not account for the same in manner aforesaid, shall pay such Sum as the Justices shall fix as a reasonable Reward to the Person who shall have seized the same, and shall also be liable to a Fine not exceeding Thirty Pounds, or to be imprisoned for a Term not exceeding Six Months (and in every such Case any Person to whom the same shall be offered for Sale, or any Officer of the Customs or Excise or Constabulary Force, or other Peace Officer, may lawfully seize the same, and shall with all convenient Speed carry the same or give Notice of such Seizure to some neighbouring Justice):

(Officers of Customs, &c. may seize the Goods.)

Justices may order Restitution of the stolen Property.

And in every Case where any such Articles of Property shall be of a perishable Nature it shall be lawful for the Justice by whom such Person shall be bound to appear at Petty Sessions to direct that the same shall in the meantime be delivered over to such Person as he or they shall be clearly satisfied to be the rightful Owner thereof; and in every Case where any such Articles of Property shall not be so delivered over in the first instance, it shall be lawful for the Justices by whom the Case shall be heard at Petty Sessions to direct that the same shall be delivered over to the rightful Owner, if known, or if the rightful Owner shall not be known, that the same shall be sold, and the Proceeds thereof applied in like Manner as any Penalties awarded to the Crown: Provided always, that if any Person shall not under the Provisions last aforesaid be liable to Conviction, then, for the Discovery of the Person who actually stole such Articles of Property, it shall be lawful for the Justices, at their Discretion,

In case the Persons in possession are not convicted, Justices may

cretion, as the Evidence given and the Circumstances of the Case shall require, to summon before them any Person through whose Hands such Articles of Property or any Part thereof shall appear to have passed; and if the Person from whom the same shall have been first received, or any Person who shall have had Possession thereof, shall not satisfy the Justices that he came lawfully by the same, he shall be liable to the Punishment herein-before specified in each Case. summon other Persons.

V. Any Person who shall commit any of the next following Offences as to any of the Articles of Property in this Section mentioned, (or who shall receive any of the same knowing them to have been stolen or unlawfully come by,) shall for the First Offence be liable to the Punishment (and for any second or subsequent Offence to double the Amount of Punishment) herein-after specified in each Case: *Stealing Property.*

1. Any Person who shall unlawfully and wilfully course, hunt, snare, or carry away, or kill or wound, or attempt to kill or wound, any Deer in any Park, Paddock, or inclosed Land wherein Deer shall be usually kept, shall be liable to a Fine not exceeding Fifteen Pounds, or to be imprisoned for a Term not exceeding Three Months: Stealing, &c. Deer in any inclosed Ground.

2. Any Person who shall steal any Dog, or any Beast or Bird ordinarily kept in a State of Confinement, not being the Subject of Larceny at Common Law, or in whose Possession or on whose Premises the same, or the Skin or Plumage thereof, shall be found, by virtue of a Search Warrant, such Person knowing that the said Dog, Beast, or Bird has been stolen, or that the Skin is the Skin of a stolen Dog or Beast, or that the Plumage is the Plumage of a stolen Bird, shall pay the Value of the Property stolen to the Party aggrieved, and shall also be liable to a Fine not exceeding Ten Pounds, or to be imprisoned for a Term not exceeding Six Months: Stealing Dogs or Beasts or Birds ordinarily kept in Confinement, and not the Subjects of Larceny.

3. Any Person who shall steal, or damage with Intent to steal, any Part of any live or dead Fence, or any Wooden Post, Pale, or Rail set up or used as a Fence, or any Stile or Gate, or any Part thereof respectively, shall pay to the Party aggrieved the Value of the Property stolen, or the Amount of the Injury done, and shall also be liable to a Fine not exceeding Five Pounds, or to be imprisoned for a Term not exceeding Three Months: Stealing, &c. any live or dead Fence, Wooden Stile or Gate.

4. Any Person who shall steal, or shall cut, break, root up, or otherwise destroy or damage with Intent to steal, the whole or any Part of any growing Tree, Sapling, Shrub, or Underwood, Stealing Trees, Shrubs, &c. (under the

Value of 5*l.*) growing anywhere.

wood, or any growing Fruit or Vegetable Production, or any growing cultivated Root or Plant, shall (in case the Value of the Property stolen or the Amount of the Injury done shall not exceed Five Pounds) pay to the Party aggrieved the Value of the Property stolen or the Amount of the Injury done, and shall also be liable to a Fine not exceeding Five Pounds, or to be imprisoned for any Period not exceeding Three Months:

Stealing Trees, Plants, Vegetables, &c. severed from the Soil, or Turf Fuel (not exceeding 40*s.* in Value).

5. Any Person who shall steal, or damage with Intent to steal, the whole or any Part of any Tree, Sapling, Shrub, or Underwood, or any cultivated Plant, Root, Fruit, or Vegetable Production, severed from the Soil, or any Turf or Peat manufactured or partly manufactured for Fuel (in case the Value of such Article or Articles stolen or the Amount of the Injury done shall not exceed Forty Shillings), shall pay to the Party aggrieved the Value of the Property stolen or the Amount of the Injury done, and shall also be liable to a Fine not exceeding Five Pounds, or to be imprisoned for a Term not exceeding Three Months:

Workman making away with Goods (not exceeding 5*l.* in Value) committed to his Care.

6. Any Artificer, Workman, Journeyman, Apprentice, Servant, or other Person who shall unlawfully dispose of, or retain in his Possession without the Consent of the Person by whom he shall be hired, retained, or employed, any Goods, Wares, Work, or Materials committed to his Care or Charge, (the Value of such Goods, Wares, Work, or Materials not exceeding the Sum of Five Pounds,) shall pay to the Party aggrieved such Compensation as the Justices shall think reasonable, and shall also be liable to a Fine not exceeding Forty Shillings, or to be imprisoned for a Term not exceeding One Month:

Stealing Poultry (not exceeding 5*s.* in Value).

7. Any Person who shall steal, or injure with Intent to steal, any Turkey, Goose, or other Poultry, (where the Value of such Poultry so stolen or injured shall not exceed Five Shillings,) shall be liable to a Fine not exceeding Twenty Shillings, or to be imprisoned for a Period not exceeding Two Weeks:

A Justice may grant a Search Warrant for such stolen Property.

And if any credible Witness shall prove upon Oath before a Justice that there is reasonable Cause to suspect that any such stolen Property is in any House or other Place, such Justice may grant a Warrant to search such House or other Place for such Property; and any Person found committing any of the said last-mentioned Offences may be immediately arrested, without a Warrant, by any Sub-Inspector, Head or other Constable, or by the Owner of the Property with respect to which the Offence shall be committed, or by the Servant of such Owner, or any Person authorized by such Owner, and such Offender shall with all convenient Speed be taken before some neighbouring

Persons in the Act of committing such Offences may be apprehended without Warrant.

bouring Justice, to be dealt with according to Law; and any Person to whom any such Property shall be offered to be sold, pawned, or delivered, if he shall have reasonable Cause to suspect that any such Offence has been committed on or with respect to such Property, is hereby authorized, and, if in his Power, is required to arrest, without a Warrant, and with all convenient Speed to carry before a neighbouring Justice, the Person offering the same, together with such Property, to be dealt with according to Law; and in every such Case any such stolen Property shall, by Order of the Justices by whom the Case shall be heard and determined, be delivered over to the rightful Owner, if known, or if the rightful Owner shall not be known, the same shall be sold, and the Proceeds thereof applied in like Manner as any Penalties awarded to the Crown: Provided always, that if the Justices before whom any Person charged with any of such last-mentioned Offences shall be brought shall be of opinion that the Case is a fit Subject for Prosecution by Indictment for Larceny, such Justices shall, instead of summarily adjudicating thereupon, deal with the Case as One to be prosecuted by Indictment at the Assizes or Quarter Sessions.

Stealing Property.

Any Person to whom the stolen Property is offered to seize the Party.

Justices may order Restitution of the stolen Property, or Sale if Owner is not known.

If any such last-mentioned Offence be deemed fit for Indictment, Case to be dealt with as such.

VI. Any Person who shall commit any of the next following Offences (and whose Age at the Time of the Commission thereof shall not, in the Opinion of the Justices, exceed the Age of Fourteen Years,) shall be liable to the Punishment herein-after specified:

Stealing by Juvenile Offenders.

1. Any such Person who shall commit, or attempt to commit, or who shall aid or abet the Commission of any Offence which now is or hereafter shall or may be by Law deemed or declared to be Simple Larceny, or punishable as Simple Larceny, shall, upon Conviction thereof before the Justices sitting in Petty Sessions and in open Court, be liable to a Fine not exceeding Three Pounds, or to be imprisoned for a Period not exceeding Three Months:

Persons not exceeding Fourteen Years of Age committing certain Offences may be summarily convicted;

2. If a Male, such Person shall, if the Justices shall see fit, be liable to be once privately whipped, either instead of or in addition to such Imprisonment, and the Justices shall from Time to Time appoint some fit and proper Person to inflict said Punishment of Whipping, when ordered to be inflicted out of Prison:

if a Male, may be whipped.

3. And if the Justices, upon the Hearing of any such Case, shall deem the Offence not to be proved, or that it is not expedient to inflict any Punishment, they shall dismiss the Person charged, on his finding a Surety or Sureties for his future good Behaviour, or without such Sureties, if the said Justices shall so think fit:

If Offence not proved, or it is not expedient to inflict Punishment, Justices may dismiss Parties, with or without Sureties.

No other Forfeiture; but Justices may order Restitution of Property; or if not forthcoming may order Compensation.

And no Conviction of any such Juvenile Offender for any such Offence shall be attended with any Forfeiture, save as herein-before mentioned; but whenever any such Person shall be convicted of such Offence it shall be lawful for the Justices to order Restitution of the Property in respect to which such Offence shall have been committed to the rightful Owner; or if such Property shall not then be forthcoming, the Justices, whether they shall award Punishment or dismiss the Complaint, may, if they shall think fit, order Payment of the Value of such Property in Money to the rightful Owner by the Person convicted: Provided always, that if the Justices shall be of opinion, before any such Person shall have made his Defence, that the Charge is from any Circumstance a fit Subject for Prosecution by Indictment, (or if the Parent or next Friend of such Person shall, upon his being called upon to answer the Charge, object to the Case being summarily disposed of under the Provisions of this Act,) the Justices shall, instead of summarily adjudicating thereupon, deal with the Case as One to be prosecuted by Indictment at Assizes or Quarter Sessions.

If the Charge is thought fit for Indictment, &c. Case to be dealt with as such.

Frauds as to Provisions.

VII. Any Person who shall commit any of the next following Offences shall be liable to the Punishment herein-after specified in each Case:

Offering adulterated Corn, &c. for Sale.

1. Any Person who shall sell or offer for Sale any Wheat, Rye, Meslin, Peas, Beans, Barley, Bere, Oats, Shillin, Cutlings, Meal, Flour, Malt, or other Corn which shall in the whole or in part be spoiled or adulterated by wetting or mixing therewith any Sand, Gravel, Dirt, or rotten or damaged Corn, Grain, Malt, Meal, or Flour, or grown or blighted Corn, or other kind of Stuff, or which shall not be in Quality of equal Goodness to that produced to the View of the intended Buyer or Buyers thereof, or shall use any other Fraud or Deceit therein, in order to make such Corn, Grain, Malt, Meal, or Flour appear heavier than it would have been without such Mixture, Fraud, or Deceit, shall forfeit all such Corn, Grain, Malt, Meal, or Flour, to be disposed of as the Justices shall direct, and shall also be liable to a Fine not exceeding Forty Shillings, or to be imprisoned for any Term not exceeding One Month:

Offering unwholesome or fraudulently prepared Meat, &c. for Sale.

2. Any Person who shall exhibit for Sale any unwholesome or fraudulently prepared Meat, Fish, or other Provisions or Food of any kind for Man or Beast, or shall practise any Deceit or Fraud in respect to the Quality of any such Meat, Fish, or other Provisions, shall forfeit all such Meat, Fish, or other Provisions, to be disposed of as the Justices shall direct, and shall

shall also be liable to a Fine not exceeding Forty Shillings, or to be imprisoned for any Term not exceeding One Month: *Frauds as to Provisions.*

And it shall be lawful for any Justice to seize or cause to be seized any of the Articles herein-before last mentioned as to which any such Offence shall have been committed; and the said Justice may, if he shall deem it expedient, either proceed at once to hear and determine the Case, or may adjourn the Hearing thereof to the next Petty Sessions of the District.

VIII. Any Person who shall commit any of the next following Offences shall be liable to a Fine not exceeding Ten Shillings, and in default of Payment thereof at such Time as the Justices shall fix shall be liable to be imprisoned for a Period not exceeding One Week: *Trespass of Persons.*

1. Any Person who shall wilfully trespass in any Field, Garden, Pleasure Ground, Wood, Plantation, or other Place, and shall neglect or refuse to leave any such Place after he shall have been warned to do so by the Owner, or by the Caretaker or Servant of the Owner, or by any Person authorized in that Behalf by the Owner: Trespass on Fields, &c. and refusing to leave.
2. Any Person who shall again trespass in any such Place within Three Months from the Time when any such Warning shall have been so given to him: Repetition of Trespass after Warning.

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 go into or upon any such Place, nor to any Trespass (not being wilful or malicious) committed in Hunting, Fishing, or the Pursuit of Game, but nothing herein contained shall prevent any Person from maintaining any Civil Action or Suit for any such Trespass, instead of proceeding under this Act. But not to extend to certain Cases of Trespass; nor to prevent Right of Civil Action.

IX. Any Person who shall commit any of the next following Offences on or relating to any public Road shall be liable to the Punishment herein-after specified in each Case: *Injuries to public Roads.*

1. Any Owner or Occupier of any Lands contiguous to any public Road who shall omit to scour any Ditch or Drain leading from such Road, so as to allow the Water to pass away, within Ten Days after Notice shall have been given to him so to do by the County Surveyor or by the Contractor for the Repair of such Road, or who shall suffer the Passage of the Water to be obstructed by making or leaving any Way or Passage from any Road into the adjoining Lands, or into his House, without a sufficient Pipe, Sewer, or Gullet underneath it, shall be liable to a Fine not exceeding Twenty Shillings: Omitting to scour Ditches, or to have Drains under Passages in and out of Roads, after Notice.

2. Any

Injuries to public Roads.

Building Houses within 30 Feet.

2. Any Person who shall build or cause to be built any House or Part of a House within Thirty Feet of the Centre of any public Road, except in the Streets of Corporate or Market Towns, or where a House now stands, shall be liable to a Fine not exceeding Ten Pounds, and to a further Sum of Ten Shillings a Week from the Time of his Conviction until the same shall be pulled down or removed:

Deepening Ditches without Consent of County Surveyor.

Altering Fences without Consent of County Surveyor, &c.

(What shall be deemed the Centre of the Road.)

3. Any Person who shall scour, deepen, widen, or fill up any Ditch or Drain on the Side of any public Road, or who shall alter the Fences of any public Road; or who shall build any Wall, or make any Ditch, Drain, or Watercourse, or dig any Pit or Hollow, on any public Road, or within Thirty Feet of the Centre thereof (save upon or within any ancient Fence adjoining such Road); or who shall otherwise break up the Surface of any Road or Footpath, unless with the Consent of the County Surveyor, or by the Authority of any Presentment, shall be liable to a Fine not exceeding Twenty Shillings (and the Centre of the Road, for the Purposes of this Act, shall be deemed to be the Centre of the Part thereof made with Gravel or Stones):

Scraping Roads without Consent of County Surveyor, &c.

Drawing Timber, &c. so as to injure Road.

Riding on Footpaths.

4. Any Person who shall, without the Consent of such Surveyor or Contractor, scrape any public Road, or cut any Sods or Turf on the Side of any such Road, or take any Earth, Clay, Stone, or Gravel from any such Road, or who shall draw any Timber or Stones along any Part of a public Road, without being supported by Wheels from touching the same, or who shall ride or drive any Horse or other Animal, willingly and unnecessarily, on any Footpath, shall be liable to a Fine not exceeding Twenty Shillings:

Taking Materials to the Injury of any Road or Building.

5. Any County Surveyor or Road Contractor, or other Person, who shall dig, raise, and carry away any Gravel, Stones, Sand, or other Materials from the Side of any public Road, or from any Beach or Sea-shore, whereby a public Road, or Bulwark or Defence to any Bridge or like Building, or any Land within the Fences of any such Road, may be injured, shall be liable to a Fine not exceeding Five Shillings for every Cartload of such Gravel, Stones, Sand, or other Materials so dug, raised, or carried away:

Destroying any Pay Gate or Turnpike Gate, &c.;

6. Any Person who shall wilfully damage or destroy any Pay Gate or Turnpike Gate, or any Post, Rail, Wall, Chain, Bar, or other Fence of any kind whatsoever, which shall be used to prevent Passengers from passing by without paying the Toll payable by virtue of any Act of Parliament, or any Toll House for the Use of any such Pay Gate or Turnpike Gate, or who shall

shall forcibly rescue or attempt to rescue any Person or Persons, being lawfully in Custody of any Constable or other Person for any such Offences, shall be liable to a Fine not exceeding Forty Shillings, or to be imprisoned for any Term not exceeding Two Months: or rescuing any Person in Custody for such Offences.

7. Any Person who shall wilfully prevent or assault, or threaten to prevent or assault, any County Surveyor or Road Contractor in the Execution of his Duty, or any Person or Persons employed by proper Authority in surveying or measuring or laying out any Line intended for a new Road, or who shall wilfully destroy, pull up, deface, or injure any Surveyors Instruments or Implements used in making or laying out any public Road, or any Milestone, Milepost, or Direction Post, or any Bridge, Battlement, Wall, Railing, Mound, or Fence belonging to any public Road, or who shall wilfully break, deface, pull down, or take away Stones out of any such Battlement, Wall, Mound, or Fence, or out of any Bridge, Pipe, Arch, or Gullet belonging to any public Road, shall be liable to a Fine not exceeding Ten Pounds, or to be imprisoned for a Term not exceeding Three Months: Assaulting Engineers, Surveyors, or Contractors on public Roads.

8. It shall be lawful for any Two Justices of the County, upon Application of the County Surveyor, to forbid any Person or Persons from riding or driving any kind of Beast or Carriage on any new Road for such Space of Time as shall to them appear necessary, not exceeding Six Months after such new Road shall have been made, and the Expenditure thereon duly accounted for at Special Sessions; and any Person who shall wilfully disobey such Order (the same being duly notified by a Notice affixed to a Board or Boards erected upon such Road) shall be liable to a Fine not exceeding Twenty Shillings: Using new Road for certain Time after making.

And if the County Surveyor or the Contractor for the repairing of any public Road in any County shall think that such Road is prejudiced by any of such Neglects or Offences as aforesaid, or by the Shade of any Hedges or Trees (except those planted for Ornament or Shelter of any Dwelling House, Courtyard, or Garden), or that any Obstruction is caused in any public Road by any Hedge or Tree, it shall be lawful for such Surveyor or Contractor, by Notice in Writing, to require the Person who shall be guilty of any such Neglect or Offence, or the Owner of the Land on which such Hedges or Trees are growing, as the Case may be, to fill up any Ditch or Drain which shall have been so scoured, deepened, or widened, or to scour any Drains which have been so filled on the Side of any public Road without the Consent of the said County Surveyor or the Authority of a Presentment, or to scour or deepen any Drain or Ditch leading from any County Surveyor or Contractor may require Owners of Land to remove Obstructions, &c. and to prune Hedges or Trees injuring Roads.

Injuries to public Roads.

Road which shall be omitted to be scoured or deepened after due Notice by such Surveyor or Contractor, or to remove any Way or Passage from any Road into any adjoining Land or to any House which may obstruct the free Passage of the Water, or to remake the same by building a Gutter, Sewer, or Arch therein, or to pull down any Wall or fill up any Ditch or Drain the building of which shall have been an Offence against the Provisions of this Act, or to cut or plash such Hedges, or to prune or lop such Trees, so as that such Road may not be prejudiced or obstructed by the same; and if such Person or Owner shall not comply with such Request within Ten Days after such Notice, it shall be lawful for such Surveyor or Contractor as aforesaid to summon such Person or Owner before the Justices assembled at any Petty Sessions of such County, to show Cause why he has not complied with such Request; and upon the Hearing of such Case it shall be lawful for such Justices, if they shall see fit, to order that such Person or Owner shall act as required by such Notice as aforesaid; and if the said Person or Owner shall not obey such Order within Ten Days after the making of the same, it shall be lawful for such Surveyor or Contractor, if so directed by the Justices, to do all or any of the said Acts so required by such Notice, for the Benefit and Improvement of such Road, or to remove such Obstruction as aforesaid, to the best of his Skill and Judgment, and at the Expense of such Person or Owner; and it shall be lawful for such Justices, upon Complaint of such Surveyor or Contractor as aforesaid, and upon Proof of the Expenses incurred, to issue their Warrant for the Levy of such Expenses by Distress and Sale of the Goods and Chattels of such Person or Owner: Provided always, that no Person shall be compelled, nor any such Surveyor or Contractor as aforesaid permitted, to cut or prune any Hedge at any other Time than between the last Day of *September* and the last Day of *March*.

Owners not complying to be summoned before Justices at Petty Sessions; who may order Obstructions, &c. to be removed; and on Refusal of Owner, the Surveyor or Contractor may do it at Expense of Owner;

Expenses may be levied by Distress and Sale;

But Trees, &c. not to be cut or pruned at certain Seasons.

Nuisances on public Roads.

X. Any Person who shall commit any of the next following Offences shall be liable to the Punishment herein-after specified in each Case:

Turning Horse, &c. loose.

1. Any Person who shall in any public Road or Street of a Town turn loose any Horse or Cattle, or set on or urge any Dog or other Animal to attack or worry any Person, Horse, or other Animal, or who by Negligence or Ill-usage in driving Cattle shall in any public Road or any Street of a Town cause any Mischief to be done by such Cattle, shall be liable to a Fine not exceeding Ten Shillings:

Negligence in driving Cattle, &c.

Flying Kites or making Slides.

2. Any Person who shall fly any Kite or play at any Game, or make or use any Slide upon Ice or Snow, on any public Road or in any Street of a Town, to the Danger of the Passengers;

or

Nuisances on public Roads.

Fireworks, &c.

or who shall cast or throw any Fireworks or discharge any Fire-arms on any public Road, or within Sixty Feet of the Centre thereof, or in any Street or Passage of a Town, or who shall cast, throw, or discharge the same, or suffer the same to be cast, thrown, or discharged, from out of his House, Shop, Dwelling, Lodging, or Habitation, or from out of any Place thereto belonging, into any public Road, Street, or Passage, shall be liable to a Fine not exceeding Ten Shillings:

Leaving Ploughs, Harrows, &c. on the Road.

3. Any Person who shall leave or permit to be left on any public Road any Plough, Harrow, Cart, or other Carriage, without the Horse or other Animal being harnessed thereto, unless such Carriage shall have been accidentally broken down there, shall be liable to a Fine not exceeding Ten Shillings:

Slaughtering Beasts on a Road.

4. Any Person who shall slaughter any Beast, or leave any dead Beast, or skin or permit to be skinned any Beast, on any public Road or within Thirty Feet of the Centre thereof, (save within any House or inclosed Yard,) shall be liable to a Fine not exceeding Ten Shillings:

Laying Stones, Timber, &c.

5. Any Person who shall lay any Stones, Timber, Dirt, Dung, Turf, Straw, Rubbish, or Scourings of any Ditches or Drains, or other Object, on any public Road or within Thirty Feet of the Centre thereof, or in any Street of a Town, so as to cause Danger or Mischief to any Passengers, and shall allow the same to remain there longer than shall be absolutely necessary, shall be liable to a Fine not exceeding Ten Shillings; and for every Cartload of Dung, Rubbish, Scourings, Clay, Stones, Bricks, Sand, or Lime, or other like Materials, which shall have been so laid on any public Road or Street, and which shall be allowed to remain there for more than Twenty-four Hours after the Owner thereof shall have been required by any Justice or by the County Surveyor, by Notice in Writing, to remove the same, such Owner shall, in addition to the above Fine for so leaving the same there in the first instance, be also liable to a further Fine not exceeding Two Shillings and Sixpence for every Day that the same shall be allowed to remain there after the Expiration of the said Period of Twenty-four Hours:

Fine for every Day that Materials are left on Road after Notice to remove the same.

Scalding Casks, beating Flax, or winnowing Corn, &c.

6. Any Person who shall hoop, scald, or fire any Cask, or bind any Car or Cart Wheels, or beat any Flax, or thresh or winnow any Corn, on any public Road or Street of a Town, or within Thirty Feet of the Centre thereof, (save within any House or inclosed Yard,) shall be liable to a Fine not exceeding Ten Shillings:

Keeping Dogs either unlogged or unmuzzled.

7. Any Person who shall keep or suffer to be at large within Fifty Yards of any public Road any Dog, without having such Dog muzzled,

Nuisances on public Roads.

muzzled, or without having a Block of Wood fastened to the Neck of such Dog, of sufficient Weight to prevent such Dog from being dangerous, shall be liable to a Fine not exceeding Ten Shillings; and it shall be lawful for the Justices of the Petty Sessions District to issue a Warrant to any Sub-Inspector, Head or other Constable, directing him to seize or kill any dangerous Dog which shall be so kept near any public Road contrary to the Provisions of this Act, and such Sub-Inspector, Head or other Constable, may accordingly seize or kill any such Dog:

Justices may order dangerous Dogs to be killed.

Drying Flax or burning Weeds, &c.

8. Any Person who shall dry any Flax, or burn any Bricks or Lime, or any Weeds or Vegetables for Ashes, or make or assist in making any Fires commonly called Bonfires, or any other kind of Fire, upon any public Road or within Sixty Feet of the Centre thereof, (save within any House or inclosed Yard,) shall be liable to a Fine not exceeding Ten Shillings:

Carrying Timber crosswise.

9. Any Person who shall lead or drive on any public Road or Street of a Town any Car or other Carriage with Timber, Boards, or Iron laid across, so that either End shall project more than Two Feet beyond the Wheels or Sides thereof, shall be liable to a Fine not exceeding Ten Shillings:

Exposing Horses, &c. for Show, Sale, or Hire.

10. Any Person who shall expose upon any public Road or in any Street of a Town any Horse or other Animal for Show, Hire, or Sale, except in any Fair or Market or other Place lawfully appointed for that Purpose, shall be liable to a Fine not exceeding Forty Shillings:

Allowing Swine, &c. to wander on Roads.

Swine, &c. wandering on Roads may be impounded if Owner is not known.

11. Any Person who shall allow any Swine or other Beast to wander upon any public Road, or about the Streets or Passages of any Town, shall be liable to a Fine not exceeding Two Shillings; and in case the Owner shall not be known, it shall be lawful for any Person by whom any such Swine or other Beast shall be found wandering upon any such Road, Street, or Passage to impound the same, subject to the Provisions herein-after contained as to the impounding of Distresses:

Surveyor or Contractor not liable to Fine, except in certain Cases.

Provided always, that nothing herein contained shall render any County Surveyor or Road Contractor liable to any Fine for any Act done by such Surveyor in the Discharge of the Duties of his Office, or by such Contractor in the necessary Execution or Performance of his Contract; but if any such Surveyor or Contractor shall lay or cause to be laid any Heap of Stones, Gravel, Rubbish, or other Matter whatever, upon any public Road, and allow the same to remain there at Night, to the Danger or personal Damage of any Person passing thereon, (all due and reasonable Precautions not having been taken by him to prevent any such Danger or Damage,) such

such Surveyor or Contractor shall be liable to a Fine not exceeding Five Pounds.

Public Stage Carriages.

XI. Any of the Persons herein-after mentioned who shall commit any of the next following Offences on any public Road or in any Street of a Town shall (in addition to any Civil Action to which he may subject himself) be liable to a Fine not exceeding Forty Shillings;

Carrying more than a certain Number:

1. Any Driver, Owner, or Guard of any Coach, Omnibus, Car, Caravan, or other Carriage, by what Name soever the same is or shall hereafter be called or known, which shall be employed as a public Stage Carriage for conveying Passengers for Hire, who shall permit more Passengers to be carried by the same than the Number for whom Seats shall be respectively provided, inside or outside of the same, allowing a Space of at least Sixteen Inches for each Passenger, over and above the Space allotted to the Driver and Guard when there is a Guard; but no Child under Seven Years of Age shall be included in or counted as One of such Number; and it shall be lawful for any Justice, County Inspector, Sub-Inspector, Head or other Constable, to stop any such Carriage which shall appear to carry a greater Number of Passengers than the above, and to measure the Seats of same, in order to ascertain whether sufficient Space has been allotted to the Passengers:

Carrying Luggage on the Top of any Carriage with Inside Passengers exceeding a certain Height:

2. Any Driver, Owner, or Guard of any such public Stage Carriage who shall allow any Passenger to sit upon the Top of any Luggage, or upon any Part of such Carriage not intended to carry Passengers, or who shall carry or permit or suffer any Parcel or Parcels of Luggage whatever exceeding Two Feet in Height above the Roof to be conveyed on any such Carriage carrying Inside Passengers:

Omitting to paint Number of Passengers to be conveyed on the Doors, &c. of public Carriages:

3. Any Person who shall keep and employ any such public Stage Carriage, and who shall not paint or cause to be painted on the Outside of the Door, or of each Door when there shall be more than One, of such Carriage, or on some other conspicuous Part of such Carriage where there shall be no Door, in legible Letters of at least One Inch in Height, and in a different Colour from the Ground on which the same is painted, and in Words at Length, the Number of Passengers which such Carriage shall be intended to carry, together with the Name or Names of the Person or Persons or Firm of the Company of Proprietors to whom such Carriage shall belong, or who shall cause any such Carriage as aforesaid to be employed or used for carrying any Passengers for Hire without having the

Public Stage Carriages.

the said Words painted in such Manner as is herein-before directed:

Misconduct of Drivers, &c. to Passengers, &c.:

4. Any Driver or Guard of any such public Stage Carriage who shall wilfully mis-spend or lose Time on the Road, or who shall use abusive or insulting Language to any Passengers, or who by reason of Intoxication, Negligence, or other Misconduct, shall endanger the Passengers in their Lives or their Property, or the Property of any other Person with which they may be intrusted, or who shall demand or exact more than the proper Fare due from any Passenger; and in any such Case the Justices may, in addition to the Fine, order such Offender to repay to any Party so aggrieved any Sum so exacted, or a reasonable Compensation for any Damage or Loss caused by any such Offence:

Drivers leaving their Horses until a proper Person shall stand at their Head:

5. Any Driver of any such public Stage Carriage who shall (at any Place or Places where Assistance can be procured) quit his Horse or Horses, or the Box of such Carriage, until a proper Person or Persons shall stand at the Head of the Horse or Horses or Fore Horse or Fore Horses, or shall hold the Reins so as to prevent them from running away; or any such last-mentioned Person or Persons who shall not remain at their Head or hold the Reins until the Driver has returned to his Box; or any Driver of any such Carriage who shall intrust the Reins to any other Person to drive such Carriage, or any Person who shall so take such Reins and drive such Carriage.

or allowing others to drive.

Carts and Cars.

XII. Any of the Persons herein-after mentioned who shall commit any of the next following Offences on any public Road, or in any Street of a Town, shall (in addition to any Civil Action to which he may subject himself) be liable to a Fine not exceeding Ten Shillings:

Where Names of Owners are not painted on Carts, &c.:

1. Any Owner of any Cart, Car, Dray, or other such Carriage used for the Conveyance of Goods who shall use or allow the same to be used on any public Road or Street without having his Name and Residence painted upon some conspicuous Part of the Right or Off Side of such Carriage, in legible Letters not less than One Inch in Height, and in a different Colour from the Ground on which the same is painted, and in Words at Length, or who shall paint or cause to be painted any false or fictitious Name or Residence on such Carriage:

One Driver taking charge of more than

2. Any Person who shall act as the Driver or have the sole Charge of more than One such Carriage as last aforesaid on any public Road or Street, unless in the Cases where Two of such Carriages

Carriages and no more shall be drawn each by One Horse only, and the Horse of the hinder of such Carriages shall be attached by a sufficient Rein to the Back of the foremost of such Carriages: One Cart, &c., except in certain Cases:

3. Any Person having the Care and Charge of any such Carriage as last aforesaid who shall ride upon the same, or upon any Horse drawing the same, on any public Road or Street, except where he shall be accompanied by some other Person on Foot or on Horseback to guide the same, or where such Carriage shall be driven with Reins, and be conducted by some Person holding the Reins of all the Horses drawing the same: Drivers of Carts riding thereon without some other Person to guide them:

4. Any Driver of any such Carriage as last aforesaid who shall negligently or wilfully be at such Distance from such Carriage, or in such a Situation that he cannot have the Direction of the Horse or Horses drawing the same, or who shall leave any such Carriage on such Road or Street so as to obstruct the Passage thereof: Drivers leaving their Carts:

5. Any Driver of any such Carriage as last aforesaid, not having the Owner's Name thereon as hereby required, and remaining legible thereon, who shall refuse to tell or to discover the true Christian and Surname and Residence of the Owner of such Carriage. Driver refusing to tell Owners Names.

XIII. Any Person who shall on any public Road or Street commit any of the next following Offences shall (in addition to any Civil Action to which he may make himself liable) be also liable to the Punishment herein-after specified in each Case: *Rules of the Road.*

1. Any Person driving any Carriage whatsoever, or riding any Horse or other Animal, who, meeting any other Carriage or Horse or other Animal, shall not keep his Carriage or Horse or other Animal on the Left or Near Side of the Road or Street, or, if passing any other Carriage or Horse or other Animal going in the same Direction, shall not in all Cases where it is practicable go and pass to the Right or Off Side of such other Carriage or Horse or other Animal, shall be liable to a Fine not exceeding Ten Shillings: Keeping on wrong Side of the Road:

2. Any Person riding any Horse, and leading any other Horse, who shall not keep such led Horse on the Side farthest away from any Carriage or Person passing him on any public Road or in any Street of a Town, shall be liable to a Fine not exceeding Ten Shillings: Passing with a led Horse:

3. Any Person who shall in any Manner wilfully or by Negligence or Misbehaviour prevent or interrupt the free Passage of any Person or Carriage on any public Road or Street, or Crossing, shall be liable to a Fine not exceeding Twenty Shillings: Obstructing free Passage or Crossings:

4. Any

Rules of the Road.

Furious driving: Negligent driving:

4. Any Person riding any Horse or Animal, or driving any Sort of Carriage, who shall ride or drive the same furiously on any public Road or Street so as to endanger any Passenger or Person, or who shall by Carelessness or wilful Misbehaviour cause any Injury to any Person or Property on any public Road or Street, shall be liable to a Fine not exceeding Twenty Shillings:

Children under Thirteen Years not to drive.

5. And no Cart, Dray, Waggon, or other such Carriage, and no Hackney Car or Carriage, or Car or Carriage let on Hire, travelling on any public Road or Street, shall be driven by any Person who shall not be of the full Age of Thirteen Years, under a Penalty not exceeding Ten Shillings, to be paid by the Owner of such Carriage.

Special Provisions as to Proceedings for Road Offences.

XIV. The Mode of proceeding as to any of the said Offences committed upon public Roads or Streets shall be subject to the following special Provisions:

Constabulary to take cognizance of Offences, and summon Offenders, if known, in any Petty Sessions District where found.

1. The County and Sub-Inspectors, Head and other Constables of the Constabulary Force, shall take cognizance of all such Offences, and shall, in every Case where the Name and Residence of any such Offender is known or can be ascertained, summon him either before the Justices of the Petty Sessions District in which the Offence shall be committed, or before the Justices of any other Petty Sessions District in which such Offender may reside or be at the Time of taking such Proceeding, and such Justices are hereby authorized to hear and determine such Case, either upon the Complaint of such County or Sub-Inspector, Head or other Constable, or of any other Person:

If Name not known, may be arrested.

Proceeding if Offender will not discover his Name.

2. Where the Name and Residence of such Offender shall be unknown and cannot be ascertained, he may, with or without any Warrant, be arrested by any such County or Sub-Inspector, Head or other Constable, or any Persons whom he may call to his Assistance; and if any such Person shall refuse to discover his Name, it shall be lawful for the Justice before whom he shall be taken, or to whom any such Complaint shall be made, to commit him to Gaol for any Time not exceeding One Month, or to entertain any Proceeding against him for the Penalty aforesaid by a Description of his Person and Offence only, without adding any Name or Designation, but expressing in the Proceedings that he refused to discover his Name; and whenever any Person having charge of any Horse or other Animal, or of any Cart or other Carriage, shall be so taken into Custody by any County Inspector, Sub-Inspector, Head or other Constable, it shall be lawful for such County or Sub-

Horses, Carriages, &c. of Offenders may be detained.

Sub-Inspector, Head or other Constable, also to take charge of such Horse, Animal, Cart, or Carriage, and to deposit the same in some Place of safe Custody, as a Security for Payment of any Penalty to which the Person having had charge thereof may become liable; and it shall be lawful for the Justices by whom the Case shall be heard to order that, in default of such Penalty, and the Expenses of keeping such Horse, Animal, Cart, or Carriage, being paid, the same shall be sold, for the Purpose of satisfying such Penalty and Expenses, in like Manner as if the same had been subject to be distrained and had been distrained for the Payment of the same: *Special Provisions as to Proceedings for Road Offences.*

3. It shall be lawful for the County Surveyor or Road Contractor, or any Head or other Constable duly authorized in Writing by any Justice of the County, to remove any of the herein-before mentioned Objects which may be left on any public Road or Street contrary to the Provisions of this Act, at the Expense of the Offender, and it shall be lawful for the Justices at any Petty Sessions of the County, upon Complaint of such Surveyor, Contractor, or Constable, and upon Proof of the Expense incurred, to issue a Warrant for the Levy of such Expenses by Distress and Sale of the Goods and Chattels of the Offender: Justice may order Removal of Nuisances.

4. In every Case where any Hurt or Damage shall have been caused by the Commission of any of the said Offences, the Justices, upon the Hearing of the Complaint, may, in addition to any Penalty herein provided, order the Party offending, or, in case of an Offence by the Driver of any Carriage, the Owner of such Carriage, forthwith to pay for Compensation to the Party aggrieved a Sum not exceeding Forty Shillings (provided such Amount of Damage shall have been proved); and any Sum which shall be so paid by the Owner shall and may in like Manner be recovered by him in a Summary Way before the Justices from the Driver through whose Default such Sum shall have been so paid, upon Proof of the Payment thereof pursuant to the Order of the Justices: Compensation (not exceeding 40*s.*) for Damage recoverable before Justices in such Cases. Owners may recover over against Drivers.

5. Any Summons issued by any Justice, requiring any Owner, Driver, or Guard of any public Stage Carriage to appear before him to answer any Complaint for any such Offence, shall be deemed good and sufficient Service in case the same be left with the known or acting Book-keeper, or with any other Person having the Care of any Office where Places are usually taken or Parcels received for such Carriage. Summons for the Driver of Stage Carriage left with the Book-keeper to be good Service.

CIVIL JURISDICTION.

Possession of small Tenements.

XV. The Decision of Claims to the Possession of small Tenements in certain Towns and Villages shall be subject to the following Provisions:

Possession of small Tenements may be recovered by Order of Justices.

1. Whenever the Term or Interest of the Tenant of any House or of any Part of a House situate in any City, Town, Borough, or Village in which any Fair or Market is usually held, and which shall be held by him for any Term not exceeding One Month, at a Rent not exceeding the Rate of One Pound Sterling by the Month, shall have ended, or shall have been duly determined by a legal Notice to quit, if such Tenant, (or where such Tenant shall not himself occupy the Premises, or only a Part thereof, if the Person by whom the same or any Part thereof shall be occupied,) shall neglect or refuse to deliver up Possession of the same, it shall be lawful for the Landlord of the said Premises, or his known Agent, or for the Receiver of the Rents of his Estate, to cause such Tenant or Occupier to be served with a Summons in Writing, signed by any Justice having Jurisdiction in the Place in which the said Premises shall be situated, to appear before the Justices at the Petty Sessions of the District in which the said Premises shall be situated, to show Cause why Possession of the said Premises should not be delivered up:

Manner in which such Summons shall be served.

2. Such Summons may be served upon such Tenant or Occupier either personally or by leaving the same for him with some Person in occupation of such House or Part of a House, and where the Tenant of such House or Part of a House shall not reside therein either by serving the same personally upon him or by leaving the same at his usual Place of Abode Four clear Days before the Day appointed for the Hearing of the Matter of the said Summons; but if the Person so holding over cannot be found, and Admission into the Premises so overheld cannot be obtained, and the Place of Abode of such Person not residing as aforesaid shall either not be known or Admission thereto cannot be obtained, the posting of the said Summons on some conspicuous Part of the said Premises shall be deemed to be good Service upon such Person:

Substitution of Service in certain Cases.

On Proof of Right, Justices may issue Warrant to deliver Possession.

3. If such Tenant or Occupier shall not appear at the Time and Place appointed, or shall appear, but shall not show to the Satisfaction of the Justices reasonable Cause why Possession should not be given, and shall still neglect or refuse to deliver up the Possession of the said Premises to the said Landlord, Agent, or Receiver, it shall be lawful for the Justices, upon Proof

Possession of small Tenements.

Proof of the Holding, and of the End or Determination of the Tenancy, with the Time and Manner thereof, (and, where the Title of the Landlord shall have accrued since the letting of the Premises, upon Proof of the Right by which he claims the Possession,) to issue a Warrant to the Sub-Inspector of the District within which such Premises shall be situated, or to any other Person as a special Bailiff in that Behalf, requiring and authorizing him, within a Period to be therein named, not less than Seven or more than Ten clear Days from the Date of such Warrant, to give Possession of the Premises to such Landlord, Agent, or Receiver, and such Warrant shall be a sufficient Warrant to the said Sub-Inspector or Bailiff to enter upon the Premises, with such Assistants as he shall deem necessary, and to give Posssesion accordingly; but such Entry shall not be made on a *Sunday*, *Good Friday*, or *Christmas Day*, or at any Time except between the Hours of Nine in the Morning and Four in the Afternoon:

If Party summoned undertakes to deliver up Possession and pay Arrears of Rent in 14 Days, no Warrant to issue till the Expiration of that Period.

4. But if such Tenant or Occupier shall appear before the Justices, and shall give an Undertaking (to be entered in Writing by the Clerk of Petty Sessions) quietly and peaceably to deliver up, within Fourteen Days from the Date thereof, Possession of the Premises of which he shall be such Tenant or Occupier, in good Order and Repair, to such Landlord, Agent, or Receiver, and in the meantime to pay all Rent and Arrears of Rent claimed by such Landlord in respect to such Premises, the Justices shall not issue their Warrant for giving Possession till the Expiration of such Period of Fourteen Days; and if such Tenant or Occupier shall at the Expiration of such Period continue in possession or occupation of the said Premises, save by the Permission of such Landlord, Agent, or Receiver, it shall be lawful for the Justices, at the Instance of such Landlord, Agent, or Receiver, to issue a Warrant for giving Possession of the same as aforesaid, and such Warrant shall be executed forthwith, without further Notice to such Tenant or Occupier:

If Party continues in possession at the End of the 14 Days, Justices may issue Warrant without further Notice.

But Act not to protect Persons who have no legal Right.

Provided always, that nothing herein contained shall be deemed to protect any Person by whom any such Warrant to deliver Possession of any such Premises shall be sued out as aforesaid from any Action which may be brought against him by any such Tenant or Occupier for or in respect of such Entry and taking possession, where such Person had not, at the Time of suing out the same as aforesaid, lawful Right to the Possession of the said Premises.

XVI. The

Master and Servant.

XVI. The Decision of certain Disputes between Employers and the Persons employed by them shall be subject to the following Provisions:

Justices may order Payment of Sums due:

1. It shall be lawful for the Justices to hear and determine any Disputes concerning any Sums which shall be due for Wages by any Master to his Apprentice, or by any Employer to any Artificer, Labourer, Servant, or other Person employed by him to do any Species of Work or Labour whatsoever (whether he shall find Materials for the Performance of the same or not, and whether such Wages shall be due in respect to any Day's Work or to any Labour done or performed by Task, Job, or Contract); or which shall be due by any Person for the Hire of any Horse, Ass, Mule, Bullock, or other Animal for Draught, or of any Cart, Dray, Car, Plough, Harrow, or Vehicle drawn by any such Animal for the Purpose of any labouring Work, (and not being for the Carriage of any Passenger or Passengers,) or for the Hire of any Boat for the Purpose of any labouring Work (and not being for the Carriage of any Passenger or Passengers), and whether such Hire shall be by the Day or by Contract or otherwise; or which shall be due to any Schoolmaster or Teacher for the teaching of any Child in any School or other Place, and whether the Engagement shall be for a Payment by the Day or for any other Period, or in any other Manner (provided that the Amount of the Demand for such Wages, Hire, or Tuition, in any of such Cases, whether originally greater or not, shall not exceed Ten Pounds); and to make such Order as they shall see fit for Payment of such Sums as shall appear to be justly due to the Complainant by his Master or Employer, or, in case of any Sum claimed for the teaching of any Child, by the Parent or other Person who shall have engaged the Complainant to teach such Child:

For Wages:

For the Hire of Horses, Carts, &c.:

For Tuition:

(The Demand not exceeding 10*l.*)

Justices may award further Sum to Servants, &c. as Compensation (not exceeding 40*s.*) for Loss of Time in recovering Wages.

2. Whenever it shall appear to the Satisfaction of the Justices that any Schoolmaster, Teacher, Servant, Artificer, Labourer, or other Person so employed as aforesaid has been or is likely to be detained from his Home or usual Place of Residence, or has suffered or is likely to suffer any additional Loss by reason of the Nonpayment of any Sum which such Justices shall so adjudge to be due to him, it shall be lawful for such Justices to order that there shall be paid to him by such Master or Employer, not only the Sum so due to him, but also such further Sum as Compensation, not exceeding the Sum of Forty Shillings for the Time during which he shall have been so detained from his usual Place of Residence, or for the Loss suffered or likely

Master and Servant.

likely to be suffered, as such Justices shall think to be reasonable, having regard to the Length of such Detention, the Diligence or Remissness of either Party, the usual Earnings of such Schoolmaster, Teacher, Servant, Artificer, Labourer, or Person, and the Sum which within the Time of such Detention he did earn, or under all the Circumstances of the Case might have earned:

How Servants, &c. shall recover their Wages in Cases of Absence o Masters, &c.

3. In every Case where any such Master or Employer shall intrust his Business to the Management and Superintendence of any Steward, Agent, Bailiff, Foreman, or Manager, it shall be lawful for the Justices to summon such Steward, Agent, Bailiff, Foreman, or Manager to appear at Petty Sessions, and to hear and determine the Matter of the Complaint in such and the like Manner as Complaints of the like Nature against any Master or Employer, and to make an Order for the Payment by such Steward, Agent, Bailiff, Foreman, or Manager, to the Complainant, of such Sum or Compensation as shall be justly due to him; and in case of Refusal or Nonpayment of any such Sum or Compensation at such Time as shall be directed by such Justices it shall be lawful for them to issue a Warrant to levy the same by Distress and Sale of the Goods of such Master or Employer:

Justices may punish Servant, &c. for not observing Contract.

4. Whenever any Servant, Artificer, Labourer, or other Person shall engage, by an Agreement in Writing signed by both Parties, with any Person, to serve him at any Time and in any Manner, and he shall not enter into or commence his Service according to such Agreement, or whenever having entered into any Service under any Agreement, whether in Writing or not, he shall absent himself before the Term specified in such Agreement shall be completed, or shall neglect to fulfil the same, or shall be guilty of any Misconduct or Misdemeanor in the Execution of the same or in any way respecting the same, it shall be lawful for the Justices to hear and determine such Complaint as may be made against him by his Employer, or by the Steward, Manager, or Agent of his Employer, and if it shall appear that he has not fulfilled his Agreement, or has been guilty of any Misconduct in respect to the same, to impose upon him a Fine not exceeding the Sum of Five Pounds, and in default of Payment of such Fine to commit him to Gaol for any Term not exceeding Three Months, and to abate the whole or a Part of his Wages, and to discharge him from his Agreement or Service, by Writing under their Hands, if they shall see fit:

Justices may punish Servants, &c. for hiring under

5. Any Servant or other Person who shall hire or engage with any Master or other Person under any false or forged Discharge or

false Discharges.

or Certificate of Character, shall be liable to forfeit all the Wages which shall be due to him by such Master or Person at the Time of his Conviction, and shall also be liable to a Fine not exceeding Five Pounds, and in default of Payment to be imprisoned for a Term not exceeding Three Months.

Fairs and Markets.

XVII. The Decision and Regulation of certain Matters relating to Fairs and Markets shall be subject to the following Provisions:

Justices may make Awards as to Disputes at Sales in Fairs and Markets (where Value does not exceed 5*l.*)

1. Whenever any Dispute shall arise between any Buyer and Seller relating to the Terms of Sale, Delivery, Price, or Payment for any Article, Matter, or Thing which shall be exhibited for Sale in any Fair or Market, (and which shall not be of a greater Value than Five Pounds,) it shall be lawful for any Justice within his Jurisdiction either to proceed at once to hear and determine such Dispute, (upon the Complaint of either Party, and in Presence of both Parties, and after causing all Parties to be brought before him for that Purpose,) or to adjourn the hearing thereof to the next Petty Sessions of the District; and it shall be lawful for such Justice or the Justices at such Petty Sessions, having examined into the said Complaint upon the Oath of either of the Parties or of any Witness or Witnesses, to make an Award thereon according to the Merits of the Case, and such Award shall be in Writing, and shall have the like Force and Effect as any Order made at Petty Sessions:

Justices to appoint Stands for Cars, &c.;

2. It shall be lawful for the Town Commissioners acting under an Act of the Ninth Year of King *George* the Fourth, Chapter Eighty-two, and for the Commissioners acting under any other Local or Special Acts giving them like Powers in their respective Towns not being Corporate Towns, and for the Justices at Petty Sessions in other Market Towns, not being Corporate Towns, from Time to Time to appoint, by Order in Writing, such Place or Places in such Towns as they shall think fit for any Public or Hackney Car or Carriage to stand in for Hire;

and make Regulations as to Thoroughfares in Markets.

and also to make (and vary from Time to Time) such Regulations as they shall see fit for keeping or causing to be kept free and clear from Obstruction all Passages or Thoroughfares in and through the said Markets, and for keeping or causing to be kept all said Markets, and all Passages therein and thereto, clear and free from any Dirt or Nuisances of any kind whatever, and for preventing all Indecencies being committed therein; provided that no such Regulations shall interfere with or impede the due Accommodation of Persons lawfully exposing Goods or Wares for Sale therein; and it shall be lawful for the said Town Commissioners or Justices,

as

as the Case may be, to give due Notice of such Regulations, by causing the same to be painted on a Board, and affixed in some conspicuous Place in any such Market, in like Manner as Schedules of Tolls and Customs in Markets are now required by Law to be affixed: *Fairs and Markets.*

And any Person who shall commit any of the next following Offences shall be liable to the Punishment herein-after specified: Punishment for Offences against these Provisions:

3. Any Person who shall offend against any of the said Regulations, by exhibiting Goods or Wares in any such Market in any Place other than that appointed for the Sale of the same, or by refusing to remove the same when required so to do, or by obstructing the Passages or Thoroughfares in and through such Market, or by placing or leaving any Impediment of any kind therein, or by leaving or causing to be left any Dirt or Nuisance of any kind therein, or who shall commit any Indecency in said Market or in the Passages thereto, shall be liable to a Fine for a First Offence not exceeding Five Shillings, and for a Second Offence not exceeding Ten Shillings: Breaking through the Regulations, &c.

4. Any Person who shall, within any City, Borough, or Market Town in *Ireland*, or within a Quarter of a Mile from the Boundary thereof, cause any Cart, Dray, Waggon, or other such Carriage, or any Public or Hackney Car or Carriage, to stand in any public Road or Street longer than may be reasonable or necessary for loading or unloading, or for taking up or setting down Passengers, (except any Cart, Dray, Waggon, or other such Carriage lawfully standing in any Place customarily used for such Purpose in any public Market or Fair, and except any Public or Hackney Car or Carriage standing for Hire in any Place which shall be fixed as a Standing for that Purpose in manner aforesaid,) shall be liable to a Fine not exceeding Twenty Shillings. Obstructing Streets or Market Places.

XVIII. The Decision and Regulation of certain Matters relating to Weights and Measures shall be subject to the following Provisions: *Weights and Measures.*

1. Such Head or other Constables in each Petty Sessions District as shall be selected by the County Inspector of Constabulary, with the Approval of the Justices for that Purpose, shall henceforth be *ex officio* Inspectors of Weights and Measures within such District, and shall possess and exercise all the Powers and Authorities, except the Power of adjusting and stamping with the County Stamp, and be subject to the like Penalties for any Neglects or Offences in the Discharge of such Duties, which any Inspector of Weights and Measures may possess or exercise, or be liable to, under and by virtue of an Act passed in the Fifth and Sixth Years of the Reign of King *William* the Fourth, Head Constable shall be Inspector of Weights and Measures.

Weights and Measures.

Fourth, Chapter Sixty-three, and shall perform such Duties, under the Direction of the Justices at Petty Sessions, without Fee or Reward, and notwithstanding any manorial Jurisdiction or Claim of Jurisdiction within such District:

Grand Jury may provide Sub-Standard Weights and Measures;

2. It shall be lawful for the Grand Jury of each County from Time to Time to procure as many Copies, in Iron or other sufficient Material, of the County Copies of the Imperial Weights and Measures, as they shall see fit, and to direct that the same shall be duly stamped by such Sub-Inspector as the said Grand Jury shall appoint for that Purpose, with the Approval of the said Inspector General; and the said Copies shall be called the County Sub-Standard Weights and Measures, and shall be deposited in the Custody of the said Head or other Constables, so as to enable them the more easily to discharge the Duties of Inspectors of Weights and Measures; and shall, at least once in every Year, and also at any other Times when required by the County Inspector of Constabulary of the County or by the Justices at Petty Sessions, be compared with and corrected by the said County Standard Weights and Measures, by the said Sub-Inspector of Constabulary so to be appointed as aforesaid, who shall adjust the same, and also affix the County Stamp thereto; and such Copies so adjusted and stamped shall, until the next Comparison of the same, to be made in manner aforesaid, be considered to all Intents the same as the said County Standard Weights and Measures, for all Purposes of Comparison and Verification, and for all other Purposes for which such County Standard Weights and Measures are required under the Provisions of the said recited Act, by any Inspector of Weights and Measures; and it shall be lawful for the said Grand Jury to present the Amount of such Expenses as shall be incurred either in the procuring or Transmission of such Copies of the Weights and Measures, and also of such reasonable and necessary Expenses as shall be incurred by any such Sub-Inspector, Head or other Constable, in carrying these Provisions into effect; and such Sums so presented shall be levied off the County in like Manner as any other Sums presented by such Grand Jury; and any Person who shall use the said Copies for any other Purpose shall be liable to a Fine not exceeding Five Pounds for every such Offence:

and may present Expenses.

Punishment for false Weights and Measures.

And any Person who shall use any Weight or Measure, other than those authorized by the said recited Act, for the Sale of any Article, shall on Conviction thereof be liable to a Fine not exceeding Five Pounds, and, in default of Payment thereof, to be imprisoned for a Period not exceeding Two Months; and any Contract, Bargain, or

Sale by any fraudulent Weights or Measures so used shall be void; and every such light or unjust Weight or Measure so used shall, on being discovered by any such Head or other Constable as aforesaid, be seized by him, and upon the Conviction of the Person so using or possessing the same shall be forfeited, and forthwith destroyed.

Impounding Distresses.

XIX. The Decision and Regulation of certain Matters relating to the Establishment and Use of Pounds for the impounding of Distresses, or of Animals found trespassing, wandering, or straying, shall be subject to the following Provisions:

Establishment of Pounds.

1. It shall be lawful for the Justices of each Petty Sessions District, whenever there shall be no Pound or an insufficient Number of Pounds established therein, to authorize the Establishment of such Pound or Pounds in such Place or Places in such District (not being within any Manor in which a Manor Pound shall have been already established) as they shall think necessary; and it shall be lawful for the Grand Jury of the County, upon the Requisition of any Three or more of such Justices, to present such Sum, not exceeding Ten Pounds, as they shall think fit, (to be levied off the County in like Manner as any other Sums presented by the Grand Jury,) for the Erection, part Erection, or Repair of any Pound, upon such Condition as they shall fix as to the Keeper of such Pound paying to the Treasurer of the County, for the Use of the County, any Sum not exceeding Forty Shillings as an annual Rent for the same; and it shall be lawful for the said Justices from Time to Time to appoint some fit Person to be the Keeper, during their Pleasure, of any Pound upon which any Sum so presented shall have been expended:

Grand Jury may present Expense of erecting or repairing Pounds.

Justices to appoint Keeper of County Pounds.

No Persons to act as Pound Keepers unless when licensed by the Justices.

2. It shall not be lawful for any Person to act as the Keeper of any Pound now or hereafter to be established, (except of a Manor Pound,) unless he shall be authorized so to act by the Justices of the Petty Sessions District in which such Pound shall be situated, by Licence in Writing signed by any Two or more of them, and which Licence such Justices are hereby authorized to give, and also from Time to Time to withdraw in case of the Neglect or Misconduct of such Person: Provided always, that every Pound so to be licensed shall be of such Area as the said Justices shall think fit, and that the Walls thereof shall be at least Seven Feet high, and securely built, either of Stones or Bricks, or of such other Material as the said Justices shall think sufficiently substantial:

Pound Keeper to enter into Recognizance.

3. Any Person so licensed shall, before acting as such Pound Keeper, enter into Recognizance (in like Form and Manner as any Clerk of Petty Sessions is required to do under the said

Impounding Distresses.

said Petty Sessions Act), himself in such Sum not less than Ten Pounds, with Two Sureties in such Sum not less than Five Pounds each, as the Justices shall fix, conditioned for the due Discharge of his Duties as Pound Keeper under this Act, and shall from Time to Time renew the same when required by such Justices:

Pound Fees to be as follows.

4. Every Pound Keeper shall be entitled to receive from the Person by whom any Animal shall be impounded in such Pound, or from the Owner when such Animal shall be delivered up to such Owner by proper Authority, the following Pound Fees:

For any One Horse, Mare, Mule, or Horned Beast, for any Time not exceeding Seventy-two Hours -	6*d.*
And for any greater Number of same, for same Period, each - - - - -	3*d.*
And if impounded for longer than Seventy-two Hours, One Half of the above Sums for every additional Seventy-two Hours:	
For any One Sheep, Calf, Lamb, Goat, or Pig, for any Period not exceeding Seventy-two Hours -	2*d.*
And for any greater Number of same, for the same Period, each - - - - - - -	1*d.*
And if impounded for longer than Seventy-two Hours, One Half of the above Sums for every additional Seventy-two Hours:	

Rates of Sustenance to be fixed by Justices.

He shall also be entitled to demand and receive from the like Owner or Person, as the Case may be, such Sum for the Sustenance of any such Animals, for the Time during which they shall be so impounded, as the said Justices shall fix as the proper Rates of Sustenance for Animals impounded in such Pound, and which they are hereby required to do by Writing under their Hands:

Tables of Fees and Rates to be posted.

5. The Pound Keeper shall post, and continue posted, in a conspicuous Place on or close to his Pound, a Table of the Scale of the Pound Fees authorized by this Act, and also a Table of the Rates which shall be so fixed by the Justices for the Sustenance of Animals impounded therein:

No Animals to be impounded in any other than a licensed Pound or Manor Pound, except in Cases of Emergency.

6. No Animals (except in Cases of Distresses for Rent) shall be impounded in any other Place than in the nearest Pound of the County so licensed (or in the Pound of the Manor), unless where any Assault shall be threatened or made upon the Person impounding or proceeding to impound any Animal, or where any Rescue of such Animal shall be attempted or threatened, and the impounding in any other Place shall be necessary for the Detention of such Animal, or the Safety of such Person:

7. When-

Impounding Distresses.

Notice of impounding to Owner, &c.

7. Whenever any Animal shall be impounded in any Pound the Person by whom such Animal shall be impounded shall at the Time give Notice to the Pound Keeper, and also to the Owner of such Animal (when known), specifying the Parish and Townland in which such Animal shall have been seized, and the Reasons for impounding the same, and when given to the Owner, he shall specify the Pound in which such Animal shall have been impounded.

Public Notice of impounding straying Animals to be given by Pound Keeper and Constabulary.

When Owner of straying Animal is not known, it may be sold.

Notice of Sale to be posted.

How Produce of Sale to be applied.

8. And whenever any Animal found wandering or straying shall be impounded in any Pound, the Pound Keeper shall immediately give a Notice to the Sub-Inspector, Head or other Constable, of the nearest Constabulary Station, describing such Animal, and stating the Parish and Townland where such Animal shall have been seized (unless where such Animal shall have been impounded by any Member of the Constabulary Force), and such Sub-Inspector, Head or other Constable, shall post such Notice (or a like Notice when the Animal shall have been impounded by any Member of the Constabulary Force), and keep the same posted at such Station until such Animal shall be claimed or otherwise disposed of according to Law; and whenever the Owner of such Animal cannot be discovered, it shall be lawful for the Justices of the Petty Sessions District, upon being satisfied that all possible Means have been adopted for the Discovery of the Owner, and that he cannot be discovered, to direct that the same shall be sold by the Sub-Inspector of Constabulary of the District in like Manner as any Animal may be sold under any Warrant of Distress (due Notice of such Sale, and of the Parish and Townland where such Animal shall have been seized, having been previously posted by such Sub-Inspector at the Constabulary Station, and also in some conspicuous Place in the Parish where such Animal shall have been seized, and also at the Place where impounded, Forty-eight Hours at the least before the Time of Sale); and the Proceeds of such Sale, after paying to the Keeper of the Pound the Amount due to him for Pound Fees, and for the Rates of Sustenance of such Animal, shall be paid over to the Treasurer of the County, to the Credit of the County, in any Case when the Grand Jury of such County shall have presented any Sum for the Erection of any Pound therein, but when no Sum shall have been so presented such surplus Proceeds shall be applied in like Manner as any Penal Sums payable to the Crown, or, with the Consent of the Chief or Under Secretary to the Lord Lieutenant, may be applied by the said Justices in the Erection or Repair of any Pounds within the Petty Sessions District.

And

Impounding Distresses.

And any Person who shall be guilty of any of the next following Neglects or Offences shall be liable to the Punishment herein-after specified:

Punishment for Offences against these Provisions: Pound Keepers acting without Authority, or before entering into Recognizance, or not keeping Pound clean, &c., or demanding more than legal Fees, or omitting to post Tables or give Notices, or liberating without Authority, &c.

9. Any Pound Keeper who shall act as such without being duly authorized by the Justices, and without having duly entered into a Recognizance in manner aforesaid, or who shall neglect to keep such Pound clean and well supplied with wholesome Water, and in such a secure and wholesome State as shall insure the due forthcoming and Health of the Animals impounded, or who shall demand or receive any Sum for the Keeping or Sustenance of any Animals in such Pound greater than the Sums fixed by this Act or by the Justices as aforesaid, as the Case may be, or who shall neglect to feed any Animal impounded in such Pound, or who shall omit to post in a conspicuous Place any such Table or Notice, or to give any such Notice, as is directed by this Act, or who shall without due Authority liberate or permit to be liberated from such Pound any Animal impounded therein, or who shall refuse or neglect, when required by the Justices, to give up to them any Pound built in the whole or in part at the Expense of the County, shall be liable to a Fine not exceeding Ten Pounds:

Persons rescuing Distresses, or injuring Pounds, or liberating Distresses:

10. Any Person who shall rescue or attempt to rescue any Animal out of any such Pound or out of any other Place in which any Animal shall be impounded for greater Safety, under the Circumstances herein-before mentioned, or who shall break down or injure any such Pound or Place, or do any Act by means of which any Animal impounded therein shall escape or be unlawfully liberated therefrom, shall be liable to pay the Amount of the Injury done, and also a Fine not exceeding Ten Pounds; but in every Case of the Commission of any such Offence in rescuing or attempting to rescue any Distress, or in breaking or injuring any Pound, the Justices shall, if they shall so think fit, abstain from adjudicating summarily thereon, and deal with the same as a Case to be tried by Indictment at the Assizes or Quarter Sessions:

But such Offences may be sent for Trial by Indictment.

Any Person impounding elsewhere than in licensed Pound, or omitting to give Notice of impounding, or injuring Distresses:

11. Any Person who shall impound any Animal, (except in Cases of Distresses for Rent,) in any other Place than in a Manor Pound, or in such Pound as shall be licensed under the Provisions of this Act (except under the Circumstances herein-before mentioned), or who shall omit to give such Notice to the Pound Keeper or to the Owner of any Animal impounded as is required by this Act, or who shall wilfully damage or injure any Animal while driving or conveying the same to any Pound, shall be liable to a Fine not exceeding Five Pounds:

Provided

Provided always, that nothing herein contained shall interfere with the Right of any Lord of a Manor to establish or continue any Manorial Pound for the impounding of Distresses made in such Manor which he is now by Law entitled to establish or continue, or to appoint from Time to Time any Person to be Keeper of such Pound; but the Regulation of such Pound, and the Duties of such Pound Keeper, shall in all other respects be subject to the Provisions of this Act, in like Manner and to the like Extent as any Pound established or any Pound Keeper licensed by the Justices at Petty Sessions in manner aforesaid.

But no Interference with Establishment, &c. of Manor Pounds.

Trespass of Animals.

XX. The Decision and Regulation of certain Matters relating to the Trespass of Animals shall be subject to the following Provisions:

1. It shall not hereafter be lawful to impound any Animal found trespassing upon any Land when the Owner of such Animal shall be known, but the Occupier of such Land or the Person by whom such Animal shall be found trespassing shall either deliver up such Animal to the Owner, or to his Steward, Herdsman, Caretaker, or other Servant, or he shall show such Animal in the Act of trespassing to such Owner, Steward, Herdsman, Caretaker, or other Servant, and allow such Animal to be taken away by him; and the Owner of such Animal shall thereupon be liable to pay to the Occupier of such Land the Rate of Trespass fixed by the following Scale (or according to such Scale as the Justices at Quarter Sessions shall from Time to Time fix, and which they are hereby authorized to do if they shall see fit):

   No impounding when Owner of Animals is known; but Occupier of Land to deliver up Animals found trespassing to their Owner, and shall then be entitled to the following Rates of Trespass.

   Where the Trespass shall be on any Common Pasture Land, or on any arable uncropped Land, the Rate shall be:

	s.	d.
For every Horse, Mare, Pony, Mule, Ass, Bull, Cow, Bullock, Heifer, or Pig	0	6
For every Calf, Sheep, or Lamb	0	2
For every Goose	0	1
For every other Fowl	0	0½
For every Goat	3	0

   And where the Trespass shall be upon any Fattening Pasture or Meadow Land, or upon any Land cropped with Corn, Peas, Flax, Vetches, Turnips, Rape, Potatoes, Green Crop, or other cultivated Vegetable, or by any Goat in a Plantation, the Rates shall be double the Amount of the preceding Rates:

2. But when the Owner of any such Animal shall not be known, it shall be lawful for the Occupier of such Land, or for his Servant, or for any other Person on his Behalf, to impound such Animal in the nearest Pound of the County, (or in the Pound of the Manor,) specifying in the Notice which he is required to

   But when Owner of Animal is not known, it may be impounded.

Trespass of Animals.

give to such Pound Keeper (under the Provisions hereinbefore contained relating to the impounding of Animals) the Nature of the Land or Crop in which such Animal shall have been found trespassing; and such Pound Keeper shall afterwards deliver up such Animal to the Owner, if known, or to any Person on his Behalf, either upon being so authorized in Writing by any Justice, or upon being paid by such Owner or Person the Amount legally due for Pound Fees and Rates of Sustenance, and also the Amount due under the above Scale of Rates, for a Trespass on any Land or Crop of the Nature specified in such Notice; and such Pound Keeper shall thereupon pay over the Amount of such Rate of Trespass to the Person by whom such Animal shall have been impounded, unless when required by any Justice, or by such Occupier by Notice in Writing, to hold over the same until any Dispute as to the same shall have been decided at Petty Sessions:

Pound Keeper to deliver up Animal to Owner, on Authority of Justice, on Payment of Rates, &c.

Pound Keeper to pay over Rates of Trespass, except in certain Cases.

When Parties are not satisfied Justices to investigate the Case and award the legal Rates, (whether actual Damage proved or not), unless in case of Neglect of the Occupier of the Land; First Trespass, Second Trespass, &c.

3. Whenever either the Occupier of such Land or the Owner of such Animal shall not be satisfied with the Amount of such Rates (whether paid at the Time or not), it shall be lawful for the Justices at Petty Sessions, upon Complaint of such Occupier or Owner, to investigate the Case, and to make such Award against either Party as shall seem just, under all the Circumstances; and the Principle upon which they shall make such Award shall be, that the Owner of such Animal shall be deemed liable to pay to such Occupier the above Rate for a First Trespass, and double the above Rate for a Second Trespass, and treble the above Rate for a Third or subsequent Trespass, (whether any actual Damage shall have been done or not,) unless they shall be satisfied that such Trespass was caused by any neglectful Conduct on the Part of such Occupier, or that there are any other justifying Circumstances, in which Case they may declare him to be entitled either to no Rates or to a Part only of the Rates; and in any Case where any actual Damage shall have been done by such Trespass, it shall be lawful for the Justices to award a like Payment of such further Sum as, together with any Rates awarded, shall be equal to the Value of such Damage as shall be proved to their Satisfaction to have been actually caused by such Trespass; and in making any such Award the Justices shall allow Credit to the Owner of such Animal, for the Amount of any Rate of Trespass paid by him at the Time, or where they shall award either no Rates or a lesser Amount than any Sum so paid at the Time, they may order that the whole or a Part of such Sum, as the Case may be, shall be refunded to such Owner:

but in case of actual Damage done, may award Compensation.

Justices may allow Credit for, or order refunding of any Rates already paid, according to the Case.

4. Whenever

4. Whenever it shall appear, in any Case in which any Complaint of Trespass shall be so made, that the Trespass shall have been caused by the bad or imperfect State or Destruction of any Fences, it shall be lawful for the Justices at Petty Sessions by Order in Writing to direct that the Occupier of the Land to which such Fences shall belong shall repair the same when wholly on his Land, or join in repairing the same when partly on his Land, within such reasonable Time as they shall fix for that Purpose; and in default of his so doing within such Time, it shall be lawful for such Justices, by a like Order in Writing, to authorize such Fences to be repaired by the Person who shall have been aggrieved by any such Trespass, who may thereupon enter and repair the same; and afterwards, upon Proof of the Expenses incurred by such Person in making such Repairs beyond what he may be himself bound to expend in case of Fences common to both Parties, it shall be lawful for such Justices to order that the same shall be paid (to any Amount not exceeding Two Shillings per Perch) by such Occupier, unless it shall be shown that the Person under whom such Occupier shall hold is bound by any Lease or Agreement to keep such Fences in repair, in which Case such Amount shall be paid by such Person; and in default of such Payment it shall be lawful for such Justices to order that such Amount shall be levied by Distress of the Goods of such Occupier or Person, as the Case may be, and paid over to the Person by whom such Repairs shall have been made.

Justices may order Repair of Fences by Person who ought to repair the same.

And any Person who shall be guilty of any of the next following Neglects or Offences shall be liable to a Fine not exceeding Five Pounds:

Punishment for Offences against these Provisions:

5. Any Person who shall impound any Animal found trespassing, where the Owner of such Animal shall be known to him, or who shall impound any Animal without giving to the Pound Keeper the Notice required by this Act:

Any Person impounding, when Owner is known, or without lodging proper Notice.

6. Any Pound Keeper who shall neglect or refuse to deliver up any Animal so impounded to the Owner, when authorized in Writing by any Justice so to do, or upon such Owner paying to him the Amount of the Pound Fees and Rates of Sustenance legally due and the Amount legally due for the Trespass, or who shall neglect (except when any Justice shall authorize him to hold over the same until the Decision of any Dispute as to the same at Petty Sessions) to pay over to the Person entitled to receive the same the Amount which shall be paid to him for the Trespass upon the Liberation of any such Animal:

Pound Keeper neglecting to liberate Animals, or to pay over Amount received.

Provided always, that in all such Proceedings under this Act it shall be lawful for the Justices to adopt such Means as they shall see fit, either

Justices may adopt such Means of

Proof as they shall see fit.

either by the Employment of a Valuator or Arbitrators or otherwise, for the Purpose of informing themselves as to the Amount of any Damage done, or as to any other Circumstances proper to be inquired into on the Spot, or as to any other Facts of the Case upon which they shall be required to decide; and they may (if they shall think it necessary) order the Parties or either of the Parties to pay to any Person so employed such reasonable Sum as they shall fix, not exceeding Two Shillings and Sixpence *per* Day, as Remuneration for his Trouble.

General Provisions.

The Justices may discharge the Offender, in certain Cases.

XXI. Where any Person shall be convicted of any Offence against this Act, and it shall be a First Conviction, it shall be lawful for the Justices, if they 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 Justices.

Pardon for Nonpayment of Money.

XXII. 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.

In what Cases Appeals shall be permitted;

XXIII. In any Case where an Order shall be made under the Provisions of this Act for the Payment of any penal or other Sum exceeding Twenty Shillings, or for any Term of Imprisonment exceeding One Month, or for doing anything at a greater Expense than Twenty Shillings, (but in no other Case,) either Party, (whether he shall be the Complainant or Defendant,) in Cases of a Civil Nature, or the Person against whom any such Order shall have been made in other Cases, shall be entitled to appeal to the next Quarter Sessions to be held in the same Division of the County when the Order shall be made by any Justice or Justices in any Petty Sessions District, or to the Recorder at his next Sessions when the Order shall be made by the said Divisional Justices in the Police District of *Dublin* Metropolis, or to the Recorder of any Corporate or Borough Town when the Order shall be made by any Justice or Justices in such Corporate or Borough Town (unless when any such Sessions shall commence within Seven Days from the Date of any such Order, in which Case, if the Appellant sees fit, the Appeal may be made to the next succeeding Sessions to be held for such Division or Town); and it shall be lawful for such Court of Quarter Sessions or Recorder, as the Case may be, to decide such Appeal, if made in such Form and Manner and with such Notices as are required by the said Petty Sessions Act as to Appeals against Orders

to be made to next Quarter Sessions of Division, or to Recorder's next Sessions.

Quarter Sessions, &c. may decide Appeal;

Orders made by Justices at Petty Sessions; and all the Provisions of the said Petty Sessions Act as to making Appeals, and as to executing the Orders made on Appeal or the original Orders where the Appeals shall not be duly prosecuted, shall also apply to any Appeal or like Order to be made under the Provisions of this Act. subject to the Provisions of the Petty Sessions Act as to Form, Notices, &c.

XXIV. No Order made under the Provisions of this Act, nor any Adjudication made on Appeal therefrom, shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record. No Order or Adjudication made on Appeal shall be quashed for Want of Form.

XXV. In the Interpretation of this Act, save where there is anything in the Subject or Context repugnant to such Construction, the Word "County" shall be deemed to include "County of a City" or "County of a Town;" the Word "Justice" shall mean "Justice of the Peace," and shall include a "Divisional Justice" of the Police District of *Dublin* Metropolis, or "Chief Magistrate" of any Corporate Town; the Word "County Surveyor" shall include and mean any District Surveyor in the County of *Dublin;* the Word "Petty Sessions" shall include a "Divisional Police Office" of *Dublin* Metropolis; the Word "Gaol" shall include any "House of Correction" or "Bridewell" of the County to which any Person may be legally committed by any Justice; the Word "Oath" shall include "Affirmation" or "solemn Declaration," as the Case may be; the Word "Month" shall mean "Calendar Month;" the Word "Road" shall include "Highway" or other public Thoroughfare, and "Street" shall include any Lane or Passage in any Town; and the Word "Horse" shall include any other Animal of any Kind commonly used or employed in drawing any kind of Carriage. Interpretation Clause.

XXVI. From and after the Commencement of this Act the several Acts and Parts of Acts herein-after mentioned shall be and the same are hereby repealed, together with all other Acts and Parts of Acts inconsistent with the Provisions of this Act, except as to any Offence committed before the passing of this Act, or any Proceedings now pending to which the same or any of them are applicable; that is to say, Repeal of certain Acts.

An Act passed in the Tenth Year of the Reign of King *Charles* the First, Chapter Twenty-five, intituled *An Act for impounding of Distresses:* 10 C. 1. c. 25.

An Act passed in the Thirty-seventh Year of King *George* the Third, Chapter Twenty-seven, relating to the Trespass of Animals: 37 G. 3. c. 27.

An Act passed in the Fortieth Year of King *George* the Third, Chapter Seventy-one, relating to the Trespass of Animals: 40 G. 3. c. 71.

5 G. 4. c. 43. An Act passed in the Fifth Year of the Reign of King *George* the Fourth, Chapter Forty-three, intituled *An Act to amend and render more effectual an Act made in the Tenth Year of the Reign of King* Charles *the First, for impounding of Distresses in* Ireland:

7 G. 4. c. 42. An Act passed in the Seventh Year of King *George* the Fourth, Chapter Forty-two, relating to the Trespass of Animals:

13 & 14 Vict. c. 102. An Act passed in the Thirteenth and Fourteenth Years of Her present Majesty, intituled *An Act to consolidate and amend the Acts relating to certain Offences and other Matters as to which Justices of the Peace exercise summary Jurisdiction in* Ireland:

But the Repeal of the last-mentioned Act of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter One hundred and two, shall not be deemed to revive any of the Acts or Parts of Acts repealed thereby; that is to say,

5 G. 2. c. 12. *An Act to prevent the throwing or firing of Squibs, Serpents, and other Fireworks:*

11 G. 3. c. 7. s. 1. So much of an Act passed in the Eleventh Year of King *George* the Third, intituled *An Act for punishing such Persons as shall do Injuries and Violence to the Persons or Properties of His Majesty's Subjects, with Intent to hinder the Exportation of Corn,* as relates to the Jurisdiction of Justices of the Peace as to summary Convictions:

27 G. 3. c. 53. An Act passed in the Twenty-seventh Year of the Reign of King *George* the Third, intituled *An Act for preventing the wilful Destruction of Turnpike Gates, and for the better securing the Payment of Tolls at such Gates:*

49 G. 3. c. 84. s. 30. So much of an Act passed in the Forty-ninth Year of the Reign of King *George* the Third, intituled *An Act for amending the* Irish *Road Acts,* as relates to the Mode in which Carriages and Persons shall pass each other on any public Road:

50 G. 3. c. 32. An Act passed in the Fiftieth Year of the Reign of King *George* the Third, intituled *An Act to repeal certain Parts of several Acts of the Parliament of* Ireland, *so far as relates to the limiting the Number of Persons to be carried by Stage Coaches or other Carriages, and for enacting other Limitations in lieu thereof, and for other Purposes relating thereto:*

54 G. 3. c. 116. An Act passed in the Fifty-fourth Year of King *George* the Third, intituled *An Act to repeal the several Laws for Recovery of small Sums due for Wages in* Ireland, *and to make other Provisions for Recovery of such Wages:*

58 G. 3. c. 82. An Act passed in the Fifty-eighth Year of King *George* the Third, intituled *An Act to prevent Frauds in the Sale of Grain in* Ireland:

An Act passed in the Fourth Year of the Reign of King *George* the Fourth, intituled *An Act to enlarge the Powers of Justices in determining Complaints between Masters and Servants, and between Masters, Apprentices, Artificers, and others,* so far as relates to *Ireland:* 4 G. 4. c. 34.

So much of an Act passed in the Ninth Year of King *George* the Fourth, intituled *An Act for amending and consolidating the Laws in* Ireland *relative to Larceny and other Offences connected therewith,* as relates to the Jurisdiction of Justices of the Peace as to summary Convictions: 9 G. 4. c. 55.

So much of an Act passed in the Ninth Year of King *George* the Fourth, intituled *An Act for consolidating the Laws in* Ireland *relative to malicious Injuries to Property,* as relates to the Jurisdiction of Justices of the Peace as to summary Convictions: 9 G. 4. c. 56.

So much of an Act passed in the Tenth Year of King *George* the Fourth, intituled *An Act for consolidating and amending the Statutes in* Ireland *relating to Offences against the Person,* as relates to the Jurisdiction of Justices of the Peace as to summary Convictions: 10 G. 4. c. 34.

An Act passed in the Fourth and Fifth Years of King *William* the Fourth, intituled *An Act to amend an Act passed in the Forty-ninth Year of the Reign of King* George *the Third, for amending the* Irish *Road Acts:* 4 & 5 W. 4. c. 50.

So much of an Act passed in the Sixth and Seventh Years of the Reign of King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in* Ireland, as relates to the summary Jurisdiction of Justices as to any of the Offences upon or relating to public Roads herein-before mentioned: 6 & 7 W. 4. c. 116.

So much of an Act passed in the Seventh and Eighth Years of the Reign of Her Majesty, intituled *An Act to consolidate and amend the Laws for the Regulation of Grand Jury Presentments in the County of* Dublin, as relates to the summary Jurisdiction of Justices as to any of the Offences upon or relating to public Roads herein-before mentioned: 7 & 8 Vict. c. 106.

So much of an Act passed in the Eleventh and Twelfth Years of the Reign of Queen *Victoria,* intituled *An Act to amend the Law of Imprisonment for Debt in* Ireland, *and to improve the Remedies for the Recovery of Debts and of the Possession of Tenements situate in Cities and Towns, in certain Cases,* as relates to the Recovery of the Possession of small Tenements: 11 & 12 Vict. c. 28.

An Act passed in the Eleventh and Twelfth Years of the Reign of Her Majesty, intituled *An Act for the more speedy Trial and Punishment of Juvenile Offenders in* Ireland: 11 & 12 Vict. c. 59.

An

7 & 8 Vict. c. 8. An Act passed in the Seventh Year of Her Majesty, intituled *An Act to facilitate the Recovery by summary Process of small Sums due to the Teachers of Schools in* Ireland: . . .

12 & 13 Vict. c. 15. An Act passed in the Twelfth Year of Her Majesty, intituled *An Act to amend an Act of the Fifty-fourth Year of King* George *the Third, for the Recovery of small Sums due for Wages in* Ireland:

12 & 13 Vict. c. 30. An Act passed in the Twelfth and Thirteenth Years of Her Majesty, intituled *An Act for the better Preservation of Sheep and more speedy Detection of Receivers of stolen Sheep in* Ireland.

Commencement of Act. XXVII. This Act shall commence and take effect on the First Day of *November* in the Year of our Lord One thousand eight hundred and fifty-one.

Act to extend to Ireland only. XXVIII. This Act shall extend and be construed to extend to *Ireland* only.

Short Title of Act. XXIX. In citing this Act in other Acts of Parliament, or in any legal Instrument or Proceedings, it shall be sufficient to use the Expression "The Summary Jurisdiction (*Ireland*) Act, 1851."

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