



ANNO SEXTO & SEPTIMO

# VICTORIÆ REGINÆ.

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An Act to amend the Law relating to Pound-breach  
and Rescue in certain Cases. [12th July 1843.]

**W**HEREAS it frequently happens that Cattle which are lawfully impounded, or which are lawfully seized for the Purpose of being impounded, are rescued from the Pound or Place in which they are so impounded, or on the Way to or from such Pound or Place, and the Expence of prosecuting such Offenders, or obtaining Redress for the Injury occasioned by such Rescue to the Persons so entitled to distrain, is usually out of proportion to the Damage for which such Cattle are distrained: And whereas it is expedient, for Remedy thereof, to enable Two or more of Her Majesty's Justices of the Peace to try such Offenders in a summary Way, and award such Redress as herein-after mentioned to the Persons on whose Behalf the Cattle so rescued shall have been distrained: Be it 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, That in case any Person or Persons shall release or attempt to release any Horse, Ass, Sheep, Swine, or other Beast or Cattle, which shall be lawfully seized for the Purpose of being impounded, in consequence of having been found wandering, straying, or lying or being depastured on any inclosed Land without the Consent of the Owner or Occupier of such inclosed Land, from

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Persons releasing or attempting to release Cattle impounded, or damaging any Pound, &c., upon the

Conviction before Two Justices, to forfeit 5*l.* and Expences, and in default of Payment to be imprisoned.

the Pound or Place where the same shall be so impounded, or on the Way to or from any such Pound or Place, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto or with which the same shall be fastened, every Person so offending shall, upon Conviction thereof before any Two of Her Majesty's Justices of the Peace, forfeit and pay any Sum not exceeding Five Pounds, together with reasonable Charges and Expences, or in default thereof be committed by such Justices, by Warrant under their Hands and Seals, to the House of Correction of the County wherein the said Offence shall have been committed, there to be kept to hard Labour for any Time not exceeding Three Calendar Months nor less than Fourteen Days, unless such Sum of Money and Costs as aforesaid shall be sooner paid; and it shall be lawful for the said Justices to award the Whole or any Portion of such Penalty to the Person or Persons on whose Behalf such Cattle were distrained.

Justices not to hear Cases where Questions of Title arise, or as to any Bankruptcy, &c.

II. Provided always, and be it enacted, That nothing herein contained shall authorize any Justices of the Peace to hear and determine any Case of Pound-breach or Rescue in which any Question shall arise as to the Title to any Lands, Tenements, or Hereditaments, or any Interest therein or accruing therefrom, or as to any Bankruptcy or Insolvency, or any Execution under the Process of any Court of Justice, or as to the Obligation of maintaining, repairing, or keeping in repair any Wall, Hedge, Paling, Ditch, sunk Fence, or Fence whatsoever.

Summonses may be issued against Offenders, who, on Proof on Oath of One or more Witnesses before Two Justices, shall be convicted in Penalty and Costs.

III. And be it enacted, That it shall and may be lawful to and for any Justice of the Peace, upon Information or Complaint being made upon Oath before him by any Person of any Offence against the Provisions of this Act, to summon the Party accused to appear before any Two Justices of the Peace within whose Jurisdiction the Offence shall have been committed, at a Time and Place to be named in such Summons, and upon the Appearance of such Party, or in his Absence in case he shall not appear according to the Tenor of such Summons, any such Justices before whom such Party shall have been so summoned to appear shall and may (upon Proof of the Service of such Summons) proceed to examine into the Matter, and upon due Proof made of such having been committed, either by Confession of the Party accused or upon the Oath of One or more credible Witness or Witnesses, to give Judgment or convict for the Penalty and Costs (as the Case may be).

Offenders may be apprehended by Warrant of a Justice.

IV. And be it enacted, That every such Justice of the Peace may, without issuing any Summons, forthwith issue his Warrant to any Constable for the Apprehension of any Person charged under this Act, whenever good Grounds for so doing to his Satisfaction shall be stated on Oath before him.