

XXIII. And be it further enacted by the authority aforesaid, that if any person shall unlawfully and maliciously cut, break, throw down, or in any wise destroy any fence of any description whatsoever, or any wall, stile or gate, or any part thereof respectively, every such offender, being convicted before a Justice of the Peace, shall forfeit and pay, over and above the amount of the injury done, such sum of money not exceeding five pounds as to the Justice shall seem meet.

XXIV. And be it further enacted by the authority aforesaid, that if any person shall wilfully or maliciously commit any damage, or injury, spoil to or upon any real or personal property whatsoever, either of a public or private nature, for which no remedy or punishment is hereinbefore provided, every such person being convicted thereof before a Justice of the Peace, shall forfeit and pay such sum of money as shall appear to the Justice to be a reasonable compensation for the damage, injury or spoil so committed, not exceeding the sum of five pounds, which sum of money shall in case of private property be paid to the party aggrieved, except where such party shall have been examined in proof of the offence, and in such case, or in the case of property of a public nature, or wherein any public right is concerned, the money shall be applied in such manner as every penalty imposed by a Justice of the Peace under this Act is hereinafter directed to be applied, and if such sum of money, together with costs if ordered, shall not be paid, either immediately after the conviction, or within such periods as the Justice shall at the time of the conviction appoint, the Justice may commit the offender to the common goal or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour as the Justice shall think fit, for any term not exceeding two calendar months, unless such sum and costs be sooner paid; Provided always, that nothing herein contained shall extend to any case where the party trespassing acted under a fair and reasonable supposition that he had a right to do the act complained of.

XXV. And be it further enacted by the authority aforesaid, that every punishment and forfeiture by this Act imposed on any person maliciously committing any offence, whether the same be punishable upon indictment or upon summary conviction, shall equally apply and be enforced, whether the offence shall be committed from malice conceived against the owner of the property in respect of which it shall be committed or otherwise.

XXVI. And be it further enacted by the authority aforesaid, that in the case of every felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable with death or otherwise in the same manner as the principal in the first degree is by this Act punishable, and every accessory after the fact to any felony punishable under this Act, shall, on conviction, be liable to be imprisoned for any term not exceeding two years, and every person who shall aid, abet, counsel, or procure the commission of any misdemeanor punishable under this Act, shall be liable to be indicted and punished as a principal offender.

XXVII. And be it further enacted by the authority aforesaid, that where any person shall be convicted of any indictable offence punishable under this Act for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour in the common goal or house of correction, and also to direct that the offender shall be kept in solitary confinement for the whole or any portion or portions of such imprisonment, or of such imprisonment with hard labour as to the Court in its discretion shall seem meet.

XXVIII.