

Offender may  
be arrested.

fence, and over and above the amount of all damages occasioned thereby, which penalty or damages or both may be recovered before any one Justice of the Peace, who shall decide the matter in a summary way, either on his personal knowledge of the fact, or on the confession of the party complained against, or on the oath of one credible witness: Provided always, that it shall be lawful for any landholder, or for his representative or servant to arrest any person taken in the fact of contravening this Section, and to carry him or cause him to be carried forth with before one of the nearest Justices of the Peace not interested, in order that such Justice of the Peace may decide summarily on the complaint.

Penalty on  
persons injur-  
ing fences,  
trees, &c.

Offenders  
may be arrest-  
ed.

III. And be it enacted, That any person who shall pull down, cut, break, remove or injure any fence or part of any fence, or cut or destroy any hedge, which may have been planted as a line fence, or shall cut, bark, fell or remove any tree, shrub or plant, or fell or cut or remove any tree, or any part of a tree, in the wood of any other person for any purpose whatsoever, or shall therein burn any wood for any purpose whatsoever, without leave from the proprietor or his representative, every such person shall for every such offence committed in the day time, incur a penalty which shall not be less than *five shillings* nor more than *thirty shillings* currency, and shall be double the said sums if the offence be committed in the night time, over and above all damages, which damages or penalty or both, may be recoverable before one Justice of the Peace; and that any person who shall have thrown down or carried away any part of any fence, or shall be found on any land, highway or bye-road, with any portion of the materials of any fence in his possession, may be detained by any landholder of the vicinage, or any person in the service of such landholder, and carried before one of the nearest Justices of the Peace, who may cause the person so accus-