
CHAPTER 242

THE LARCENY (SUMMARY OFFENCES) ACT

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LARCENY (SUMMARY OFFENCES)

(21st April, 1873.)

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12/1989.

- 1.** This Act may be cited as the Larceny (Summary Offences) Act. **Short title.**
- 2.** Whosoever shall, unlawfully and wilfully set or use any snare, or engine whatsoever, for the purpose of taking or killing deer, shall, on summary conviction, be liable to a fine of five hundred dollars and to imprisonment for six months and in addition forfeit the carcass of the deer so killed or the value of the deer. **Setting engines for taking deer.**
- 3.** Whosoever shall unlawfully have in his possession, or on his premises, any stolen dog, or the skin of any stolen dog, knowing such dog to have been stolen, or such skin to be the skin of a stolen dog, shall on summary conviction, be liable to a fine of five hundred dollars and to imprisonment for six months. **Repealing of**
- 4.** Whosoever steals any dog, or any bird, beast, or other animal ordinarily kept in a state of confinement, or for any domestic purpose of profit or advantage, not being the subject of larceny at common law, or wilfully kills any such dog, bird, beast, or animal, with intent to steal the same, or any part thereof, shall, on summary conviction, be liable to a fine of two thousand dollars and to imprisonment for six months and in addition to be ordered by the court either to return such dog, bird, beast or other animal to its owner or to pay to the owner the value thereof. **Stealing beasts or birds ordinarily kept in confinement, and not the subjects of larceny.**
- 5.** If any such bird, or any of the plumage thereof, or any dog, or any such beast, or the skin thereof, or any such animal, or any part thereof, shall be found in the possession, or on the premises, of any person, any Magistrate may restore the same, respectively, to the owners thereof, or if such animal, or any part thereof, shall be so found (such person knowing that the bird, beast, or animal has been **Persons found in possession of stolen beasts, &c., liable to penalties.**

stolen, or that the plumage is the plumage of a stolen bird, or that the skin is the skin of a stolen beast, or that the part is part of a stolen animal), shall, on summary conviction, be liable for the first offence, to such forfeitures, and, for every subsequent offence, to such punishment as any person, convicted of stealing any beast or bird, is made liable to by the last preceding section.

Killing pigeons.

6. Whosoever, unlawfully and wilfully, kills, wounds, or takes any house-dove or pigeon, under such circumstances as do not amount to larceny at common law, shall, on summary conviction, be liable to a fine of five hundred dollars and to imprisonment for six months.

Stealing fish and destroying instruments for catching fish.

7. Whosoever shall steal, or shall, unlawfully and wilfully, take any fish, turtle, lobster, or shell-fish from any fish-pot, net, line, or other engine or instrument used in catching fish, turtle, lobster, or shell-fish, or shall wantonly, or unlawfully and wilfully, destroy, break, or injure any such fish-pot, net, line, engine, or instrument, or shall steal, or shall, unlawfully and wilfully take or destroy any fish, or turtle, in any water or pond being private property, or in any crawl, or shall, unlawfully and wilfully, break, injure, or destroy any turtle-crawl, shall, on summary conviction, be liable to a fine of ten thousand dollars and to imprisonment for twelve months and in addition pay to the owner the value of the thing stolen or destroyed as the Magistrate may determine.

Stealing, or throwing down, a live or dead fence, paling, gate, &c.

8. Whosoever steals, or cuts, breaks or throws down, with intent to steal, any part of any live or dead fence, or any wooden post, pale, wire, or rail, set up or used as a fence, or any stile or gate, or any part thereof, respectively, shall, on summary conviction, be liable to a fine of two thousand dollars and to imprisonment for twelve months and in addition pay to the owner of the articles or things so destroyed such sum as the Magistrate may determine, and on a second, or subsequent conviction for a similar offence may be imprisoned for twenty-four months.

Live or dead fence, post etc. in person's possession which cannot be accounted for.

9. If the whole, or any part of a live or dead fence, or any post, pole, wire, rail, stile, or gate, or any part, is found in the possession of any person, or on the premises of any person with his knowledge, and such person being

taken or summoned before a Magistrate does not satisfy him that he came lawfully by the same, he shall, on summary conviction be liable to a fine of two thousand dollars and to imprisonment for twelve months and in addition the Magistrate may order him to return the article so found in his possession or pay the value of such article to the owner.

10. Whosoever steals, or disinters, or digs up, with intent to steal, the carcase of any cattle, or any part thereof, which has been buried in land being private property, shall, on summary conviction, be liable to a fine of two thousand dollars and to imprisonment for six months and in addition pay to the owner the value of such carcase as the Magistrate may determine.

Stealing, or disinterring, the carcase of any cattle buried in private property.

11. Whosoever aids, abets, counsels, or procures the commission of any offence which is, by this Act, punishable, on summary conviction, either for every time of its commission, or for the first and second times, or for the first time only, shall, on summary conviction, be liable, for every first, second, or subsequent offence of aiding, abetting, counselling, or procuring, to the same forfeiture and punishment to which a person, guilty of a first, second, or subsequent offence, as a principal offender, is made liable.

Abettors in offences punishable on summary conviction.

12. When any prisoner has been convicted, summarily of any larceny or other offence, including the stealing or unlawfully obtaining any property, and it appears to the Court, by the evidence, that the prisoner sold such property, or part of it, to any person who had no knowledge that it was stolen or unlawfully obtained, and that money has been taken from the prisoner on his apprehension, the Court may, on the application of such purchaser, and on restitution of the property to its owner, order that, out of the money so taken from the prisoner, a sum, not exceeding the amount of the proceeds of the sale, be delivered to such purchaser.

Upon conviction of prisoner for larceny, an innocent purchaser is entitled to restitution out of moneys found on prisoner.

13. Whosoever publicly advertises a reward for the return of any property whatsoever which has been stolen, or lost, and, in such advertisement, uses any words purporting that no questions will be asked, or makes use of any words, in any public advertisement, purporting that a reward will be given, or paid for any property which has been stolen,

Advertising a reward for the return of stolen property.

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or lost, without seeking or making an inquiry after, the person producing such property; or promises or offers, in any such public advertisement, to return to any pawnbroker, or other person, who may have bought, or advanced money by way of loan on any property stolen or lost, the money so paid or advanced, or any other sum of money, for the return of such property, or prints or publishes any such advertisement shall forfeit the sum of two thousand dollars for any such offence to any person who will sue for the same by action of debt, to be recovered with full costs of suit.

Magistrate may discharge the offender in certain cases.

14. Where any person is summarily convicted before a Magistrate of any offence against this Act, and it is a first conviction, the Magistrate may, if he so thinks fit, 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 Magistrate.

A summary conviction shall be a bar to any other proceeding for the same cause.

15. In case any person convicted of any offence, punishable upon summary conviction by virtue of this Act, has paid the sum, adjudged to be paid, together with costs, under such conviction, or has received a remission thereof from the Crown, or has suffered the imprisonment awarded for non-payment thereof, or the imprisonment adjudged in the first instance, or has been so discharged from his first conviction by any Magistrate as aforesaid, in every such case he shall be released from all further, or other, proceedings for the same cause.

Evidence as to previous convictions.

16. Upon any information against any person for a subsequent offence, a copy of the previous conviction, certified by the Magistrate of the district in which such conviction shall have taken place, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence, and the conviction shall be presumed to be unappealed against until the contrary be shown.

Fines and penalties.

17. Every fine or penalty awarded under this Act, and not thereby declared to be paid to the prosecutor or party aggrieved, shall be payable to Her Majesty, Her Heirs and Successors, and shall be paid into the Treasury.
