



Malicious Damage Act 1861

1861 CHAPTER 97

Other Matters

68 Appeal.

In all Cases where the Sum adjudged to be paid on any summary Conviction shall exceed Five Pounds, or the Imprisonment adjudged shall exceed One Month, or the Conviction shall take place before One Justice only, any Person who shall think himself aggrieved by any such Conviction may appeal to the next Court of General or Quarter Sessions which shall be holden not less than Twelve Days after the Day of such Conviction for the County or Place wherein the Cause of Complaint shall have arisen; provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days after such Conviction, and Seven clear Days at the least before such Sessions, and shall also either remain in Custody until the Sessions, or shall enter into a Recognizance, with Two sufficient Sureties, before a Justice of the Peace, conditioned personally to appear at the said Sessions and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; or if such Appeal shall be against any Conviction whereby only a Penalty or Sum of Money shall be adjudged to be paid, shall deposit with the Clerk of the convicting Justice such a Sum of Money as such Justice shall deem to be sufficient to cover the Sum so adjudged to be paid, together with the Costs of the Conviction and the Costs of the Appeal; and upon such Notice being given, and such Recognizance being entered into, or such Deposit being made, the Justice before whom such Recognizance shall be entered into, or such Deposit shall be made, shall liberate such Person if in Custody; and the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet; and in case of the Dismissal of the Appeal, or the Affirmance of the Conviction, shall order "and adjudge the Offender to be punished according to the Conviction, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process-for enforcing such Judgment; and in any Case where after any such Deposit shall have been made as aforesaid, the Conviction shall be affirmed, the Court may order the Sum thereby adjudged to be paid, together with the Costs of the Conviction and the Costs of the Appeal, to be paid out of the Money deposited, and the Residue thereof, if any, to be repaid to the Party convicted; and in any Case where after any such

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Deposit the Conviction shall be quashed, the Court shall order the Money deposited to be repaid to the Party convicted; and in every Case where any Conviction shall be quashed on Appeal as aforesaid, the Clerk of the Peace or other proper Officer shall forthwith indorse on the Conviction a Memorandum that the same has been quashed; and whenever any Copy or Certificate of such Conviction shall be made, a Copy of such Memorandum shall be added thereto, and shall be sufficient Evidence that the Conviction has been quashed in every Case where such Copy or Certificate would be sufficient Evidence of such Conviction.