



# Offences Against the Person Act 1861

## 1861 CHAPTER 100

*Acts causing or tending to cause Danger to Life or bodily Harm*

**17 Impeding a Person endeavouring to save himself from Shipwreck.**

Whosoever shall unlawfully and maliciously prevent or impede any Person, being on board of or having quitted any Ship or Vessel which shall be in Distress, or wrecked, stranded, or cast on shore, in his Endeavour to save his Life, or shall unlawfully and maliciously prevent or impede any Person in his Endeavour to save the Life of any such Person as in this Section first aforesaid, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

**18 Shooting or attempting to shoot, or wounding with Intent to do grievous bodily Harm.**

Whosoever shall unlawfully and maliciously by any Means whatsoever wound or cause any grievous bodily Harm to any Person, or shoot at any Person, or, by drawing a Trigger or in any other Manner, attempt to discharge any Kind of loaded Arms at any Person, with Intent, in any of the Cases aforesaid, to maim, disfigure, or disable any Person, or to do some other grievous bodily Harm to any Person, or with Intent to resist or prevent the lawful Apprehension or Detainer of any Person, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

**19 What shall constitute loaded Arms.**

Any Gun, Pistol, or other Arms which shall be loaded in the Barrel with Gunpowder or any other explosive Substance, and Ball, Shot, Slug, or other destructive Material, shall be deemed to be loaded Arms within the Meaning of this Act, although the

Attempt to discharge the same may fail from want of proper Priming or from any other Cause.

**20 Inflicting bodily Injury, with or without Weapon.**

Whosoever shall unlawfully and maliciously wound or inflict any grievous bodily Harm upon any other Person, either with or without any Weapon or Instrument, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

**21 Attempting to choke, &c. in order to commit any indictable Offence.**

Whosoever shall, by any Means -whatsoever, attempt to choke, suffocate, or strangle any other Person, or shall, by any Means calculated to choke, suffocate, or strangle, attempt to render any other Person insensible, unconscious, or incapable of Resistance, with Intent in any of such Cases thereby to enable himself or any other Person to commit, or with Intent in any of such Cases thereby to assist any other Person in committing, any indictable Offence, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

**22 Using Chloroform, &c. to commit any indictable Offence.**

Whosoever shall unlawfully apply or administer to or cause to be taken by, or attempt to apply or administer to or attempt to cause to be administered to or taken by, any Person, any Chloroform, Laudanum, or other stupefying or overpowering Drug, Matter, or Thing, with Intent in any of such Cases thereby to enable himself or any other Person to commit, or with Intent in any of such Cases thereby to assist any other Person in committing, any indictable Offence, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any other Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

**23 Maliciously administering Poison, &c. so as to endanger Life or inflict grievous bodily Harm.**

Whosoever shall unlawfully and maliciously administer to or cause to be administered to or taken by any other Person any Poison or other destructive or noxious Thing so as thereby to endanger the Life of such Person, or so as thereby to inflict upon such Person any grievous bodily Harm, shall be guilty of Felony and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Ten Years and not less than Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

**24 Maliciously administering Poison, &c. with Intent to injure, aggrieve, or annoy any other Person.**

Whosoever shall unlawfully and maliciously administer to or cause to be administered to or taken by any other Person any Poison or other destructive or noxious Thing, with Intent to injure, aggrieve, or annoy such Person, shall be guilty of a Misdemeanor, and

being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

**25 If the Jury be not satisfied that any Person charged is guilty of Felony; but guilty of Misdemeanor they may find him guilty accordingly.**

If, upon the Trial of any Person for any Felony in the last but one preceding section mentioned, the Jury shall not be satisfied that such Person is guilty thereof, but shall be satisfied that he is guilty of any Misdemeanor in the last preceding Section mentioned, then and in every such Case the Jury may acquit the Accused of such Felony, and find him guilty of such Misdemeanor, and thereupon he shall be liable to be punished in the same Manner as if convicted upon an Indictment for such Misdemeanor.

**26 Not providing Apprentices or Servants with Food, &c. whereby Life endangered.**

Whosoever, being legally liable, either as a Master or Mistress, to provide for any Apprentice or Servant necessary Food, Clothing, or Lodging, shall wilfully and without lawful Excuse refuse or neglect to provide the same, or shall unlawfully and maliciously do or cause to be done any bodily Harm to any such Apprentice or Servant, so that the Life of such Apprentice or Servant shall be endangered, or the Health of such Apprentice or Servant shall have been or shall be likely to be permanently injured, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

**27 Exposing Children whereby Life endangered.**

Whosoever shall unlawfully abandon or expose any Child, being under the Age of Two Years, whereby the Life of such Child shall be endangered, or the Health of such Child shall have been or shall be likely to be permanently injured, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

**28 Causing bodily Injury by Gunpowder.**

Whosoever shall unlawfully and maliciously, by the Explosion of Gunpowder or other explosive Substance, burn, maim, disfigure, disable, or do any grievous bodily Harm to any Person, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping.

**29 Causing Gunpowder to explode, to any Person an explosive Substance, or throwing corrosive Fluid on a Person, with Intent to do grievous bodily Harm.**

Whosoever shall unlawfully and maliciously cause any Gunpowder or other explosive Substance to explode, or send or deliver to or cause to be taken or received by any Person any explosive Substance or any other dangerous or noxious Thing, or put or

lay at any Place, or cast or throw at or upon or otherwise apply to any Person, any corrosive Fluid or any destructive or explosive Substance, with Intent in any of the Cases aforesaid to burn, maim, disfigure, or disable any Person, or to do some grievous bodily Harm to any Person, shall, whether any bodily Injury be effected or not, be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years, —or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and if a Male under the Age of Sixteen Years, with or without Whipping.

**30 Placing Gunpowder near a Building, with Intent to do bodily Injury to any Person.**

Whosoever shall unlawfully and maliciously place or throw in, into, upon, against, or near any Building, Ship, or Vessel any Gunpowder or other explosive Substance, with Intent to do any bodily Injury to any Person, shall, whether or not any Explosion take place, and whether or not any bodily Injury be effected, be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years, —or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and if a Male under the Age of Sixteen Years, with or without Whipping.

**31 Setting Spring Guns, &c., with Intent to inflict grievous bodily Harm.**

Whosoever shall set or place, or cause to be set or placed, any Spring Gun, Man Trap, or other Engine calculated to destroy Human Life or inflict grievous bodily Harm, with the Intent that the same or whereby the same may destroy or inflict grievous bodily Harm upon a Trespasser or other Person coming in contact therewith, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour; and whosoever shall knowingly and wilfully permit any such Spring Gun, Man Trap, or other Engine which may have been set or placed in any Place then being in or afterwards coming into his Possession or Occupation by some other Person to continue so set or placed, shall be deemed to have set and placed such Gun, Trap, or Engine with such Intent as aforesaid: Provided that nothing in this Section contained shall extend to make it illegal to set or place any Gin or Trap such as may have been or may be usually set or placed with the Intent of destroying Vermin: Provided also, that nothing in this Section shall be deemed to make it unlawful to set or place or cause to be set or placed, or to be continued set or placed, from Sunset to Sunrise, any Spring Gun, Man Trap, or other Engine, which shall be set or placed, or caused or continued to be set or placed, in a Dwelling House, for the Protection thereof.

**32 Placing Wood, &c., on a Railway, with Intent to endanger Passengers.**

Whosoever shall unlawfully and maliciously put or throw upon or across any Railway any Wood, Stone, or other Matter or Thing, or shall unlawfully and maliciously take up, remove, or displace any Rail, Sleeper, or other Matter or Thing belonging to any Railway, or shall unlawfully and maliciously turn, move, or divert any Points or other Machinery belonging to any Railway, or shall unlawfully and maliciously make or show, hide or remove, any Signal or Light upon or near to any Railway, or shall

unlawfully and maliciously do or cause to be done any other Matter or Thing, with Intent, in any of the Cases aforesaid, to endanger the Safety of any Person travelling or being upon such Railway, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and if a Male under the Age of Sixteen Years with or without Whipping.

**33 Casting Stone, &c. upon a Railway Carriage, with Intent to endanger the Safety of any Person therein.**

Whosoever shall unlawfully and maliciously throw, or cause to fall or strike, at, against, into, or upon any Engine, Tender, Carriage, or Truck used upon any Railway, any Wood, Stone, or other Matter or Thing, with Intent to injure or endanger the Safety of any Person being in or upon such Engine, Tender, Carriage, or Truck, or in or upon any other Engine, Tender, Carriage, or Truck of any Train of which such first-mentioned Engine, Tender, Carriage, or Truck shall form Part, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

**34 Doing or emitting anything to endanger Passengers by Railway.**

Whosoever, by any unlawful Act, or by any wilful Omission or Neglect, shall endanger or cause to be endangered the Safety of any Person conveyed or being in or upon a Railway, or shall aid or assist therein, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

**35 Drivers of Carriages injuring Persons by furious Driving.**

Whosoever, having the Charge of any Carriage or Vehicle, shall, by wanton or furious Driving or Racing, or other wilful Misconduct, or by wilful Neglect, do or cause to be done any bodily Harm to any Person whatsoever, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.