



Malicious Damage Act 1861

1861 CHAPTER 97

Injuries not before provided for

51 Person committing malicious Injuries not before provided for exceeding the Amount of 5l.

Whosoever shall unlawfully and maliciously commit any Damage, Injury, or Spoil to or upon any Real or Personal Property whatsoever, either of a public or private Nature, for which no Punishment is herein-before provided, the Damage, Injury, or Spoil being to an Amount exceeding Five Pounds, 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; and in ease any such Offence shall be committed between the Hours of Nine of the Clock in the Evening and Six of the Clock in the next Morning, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Five Years and not less than Three, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

52 Persons committing Damage to any Property, in any Case not previously provided for, may be committed or fined and compelled by a Justice to pay Compensation not exceeding 5l. Application of the Money awarded. Not to extend to certain Cases herein named.

Whosoever shall wilfully or maliciously commit any Damage, Injury, or Spoil to or upon any Real or Personal Property whatsoever, either of a public or private Nature, for which no Punishment is herein-before provided, shall, on Conviction thereof before a Justice of the Peace, at the Discretion of the Justice, either be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to Hard Labour, for any Term not exceeding Two Months, or else shall forfeit and pay such Sum of Money not exceeding Five Pounds as to the Justice shall seem meet, and also such further 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 last-mentioned Sum of Money shall, in the Case of private Property, be paid to the Party aggrieved; and in the Case of Property of

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

a public Nature, or wherein any public Right is concerned, the Money shall be applied in the same Manner as every Penalty imposed by a Justice of the Peace under this Act; and if such Sums of Money, together with Costs (if ordered), shall not be paid either immediately after the Conviction, or within such Period as the Justice shall at the Time of the Conviction appoint, the Justice may commit the Offender to the Common Gaol 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 Months, unless such Sums and Costs be sooner paid: Provided that nothing herein contained shall extend to any Case where the Party acted under a fair and reasonable Supposition that he had a Right to do the Act complained of, nor to any Trespass, not being wilful and malicious, committed in hunting, fishing, or in the Pursuit of Game, but that every such Trespass shall be punishable in the same Manner as if this Act had not passed.

53 Preceding Section to extend to Trees.

The Provisions in the last preceding Section contained shall extend to any Person who shall wilfully or maliciously commit any Injury to any Tree, Sapling, Shrub, or Underwood, for which no Punishment is herein-before provided.