



Malicious Damage Act 1861

1861 CHAPTER 97

Injuries to Cattle and other Animals

40 Killing or maiming Cattle.

Whosoever shall unlawfully and maliciously kill, maim, or wound any Cattle 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 Fourteen 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.

41 Killing or maiming other Animals.

Whosoever shall unlawfully and maliciously kill, maim, or wound any Dog, Bird, Beast, or other Animal, not being Cattle, but being either the Subject of Larceny at Common Law, or being ordinarily kept in a State of Confinement, or for any domestic Purpose, 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 Six Months, or else shall forfeit and pay, over and above the Amount of Injury done, such Sum of Money not exceeding Twenty Pounds as to the Justice shall seem meet; and whosoever, having been convicted of any such Offence, shall afterwards commit any of the said Offences in this Section before mentioned, and shall be convicted thereof in like Manner, shall be committed to the Common Gaol or House, of Correction, there to be kept to Hard Labour for such Term not exceeding Twelve Months as the convicting Justice shall think fit.

42 Setting fire to a Ship.

Whosoever shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any Ship or Vessel, whether the same be complete or in an unfinished State, 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

Status: This is the original version (as it was originally enacted).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

Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping.

43 Setting fire to Ships to prejudice the Owner or Underwriters.

Whosoever shall unlawfully and maliciously set fire to, or cast away, or in anywise destroy any Ship or Vessel, with Intent thereby to prejudice any Owner or Part Owner of such Ship or Vessel, or of any Goods on board the same, or any Person that has underwritten or shall underwrite any Policy of Insurance upon such Ship or Vessel, or on the Freight thereof, or upon any Goods on board the same, 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.

44 Attempting to set fire to a Vessel.

Whosoever shall unlawfully and maliciously, by any overt Act, attempt to set fire to, cast away, or destroy any Ship or Vessel, under such Circumstances that if the Ship or Vessel were thereby set fire to, cast away, or destroyed, the Offender would be guilty of Felony, 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 Fourteen, 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.

45 Placing Gunpowder near a Vessel with Intent to damage it.

Whosoever shall unlawfully and maliciously place or throw in, into, upon, against, or near any Ship or Vessel any Gunpowder or other explosive Substance, with Intent to destroy or damage any Ship or Vessel, or any Machinery, Working Tools, Goods, or Chattels, shall, whether or not any Explosion take place, and whether or not any 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 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.

46 Damaging Ships otherwise than by Fire.

Whosoever shall unlawfully and maliciously damage, otherwise than by Fire, Gunpowder, or other explosive Substance, any Ship or Vessel, whether complete or in an unfinished State, with Intent to destroy the same or render the same useless, 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 Seven 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.

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

47 Exhibiting false Signals, &c.

Whosoever shall unlawfully mask, alter, or remove any Light or Signal, or unlawfully exhibit any false Light or Signal, with Intent to bring any Ship, Vessel, or Boat into Danger, or shall unlawfully and maliciously do anything tending to the immediate Loss or Destruction of any Ship, Vessel, or Boat, and for which no Punishment is herein-before provided, 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.

48 Removing or concealing Buoys and other Sea Marks.

Whosoever shall unlawfully and maliciously cut away, cast adrift, remove, alter, deface, sink, or destroy, or shall unlawfully and maliciously do any Act with Intent to cut away, cast adrift, remove, alter, deface, sink, or destroy, or shall in any other Manner unlawfully and maliciously injure or conceal any Boat, Buoy, Buoy Rope, Perch, or Mark used or intended for the Guidance of Seamen or the Purpose of Navigation, 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 Seven 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.

49 Destroying Wrecks or any Articles belonging thereto.

Whosoever shall unlawfully and maliciously destroy any Part of any Ship or Vessel which shall be in Distress, or wrecked, stranded, or cast on shore, or any Goods, Merchandise, or Articles of any Kind belonging to such Ship or Vessel, 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 Fourteen 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.