



Malicious Damage Act 1861

1861 CHAPTER 97

Injuries to Corn, Trees, and Vegetable Productions

16 Setting fire to Crops of Corn, &c.

Whosoever shall unlawfully and maliciously set fire to any Crop of Hay, Grass, Corn, Grain, or Pulse or of any cultivated vegetable Produce, whether standing or cut down, or to any Part of any Wood, Coppice, or Plantation of Trees, or to any Heath, Gorse, Furze, or Fern, wheresoever the same may be growing, 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 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.

17 Setting fire to Stacks of Corn, &c.

Whosoever shall unlawfully and maliciously set fire to any Stack of Corn, Grain, Pulse, Tares, Hay, Straw, Haulm, Stubble, or of any cultivated vegetable Produce, or of Furze, Gorse, Heath, Fern, Turf, Peat, Coals, Charcoal, Wood, or Bark, or to any Steer of Wood or Bark, 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.

18 Attempting to set fire to any Crops of Corn, &c. or to any Stack or Steer.

Whosoever shall unlawfully and maliciously by any overt Act attempt to set fire to any such Matter or Thing as in either of the last Two preceding Sections mentioned, under such Circumstances that if the same were thereby set fire to the Offender would be, under either of such Sections, 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 Seven and not less than Three Years,—or to be

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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.

19 Destroying Hopbinds.

Whosoever shall unlawfully and maliciously cut or otherwise destroy any Hopbinds growing on Poles in any Plantation of Hops 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.

20 Destroying or damaging Trees, Shrubs, &c. to the Value of more than 1l. growing in a Pleasure Ground, &c.

Whosoever shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, growing in any Park, Pleasure Ground, Garden, Orchard, or Avenue, or in any Ground adjoining or belonging to any Dwelling House, (in case the Amount of the Injury done shall exceed the Sum of One Pound,) 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 the Term of 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.

21 Destroying or damaging Trees, Shrubs, &c. to the Value of more than 5l. growing elsewhere than in a Pleasure Ground, &c.

Whosoever shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, growing elsewhere than in any Park, Pleasure Ground, Garden, Orchard, or Avenue, or in any Ground adjoining to or belonging to any Dwelling House, (in case the Amount of Injury done shall exceed the Sum of Five Pounds,) 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 the Term of 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.

22 Damaging Trees, wheresoever growing, to the Amount of 1s. Second Offence. Third Offence.

Whosoever shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, wheresoever the same may be growing, the Injury done being to the Amount of One Shilling at the least, 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 Three Months, or else shall forfeit

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and pay, over and above the Amount of the Injury done, such Sum of Money, not exceeding Five Pounds, as to the Justice shall seem meet; and whosoever, having been convicted of any such Offence, either against this or any former Act of Parliament, shall afterwards commit any of the said Offences in this Section before mentioned, and shall be convicted thereof in like Manner, shall for such Second Offence 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; and whosoever, having been twice convicted of any such Offence (whether both or either of such Convictions shall have taken place before or after the passing of this Act), shall afterwards commit any of the said Offences in this Section before mentioned, 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 with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping.

23 Destroying any Fruit or vegetable Production in a Garden. Second Offence.

Whosoever shall unlawfully and maliciously destroy, or damage with Intent to destroy, any Plant, Root, Fruit, or vegetable Production, growing in any Garden, Orchard, Nursery Ground, Hothouse, Greenhouse, or Conservatory, 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 the 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, either against this or any former Act of Parliament, shall afterwards commit any of the said Offences in this Section before mentioned, 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 the Term of 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.

24 Destroying &c. vegetable Productions not growing in Gardens, &c. Second Offence.

Whosoever shall unlawfully and maliciously destroy, or damage with Intent to destroy, any cultivated Root or Plant used for the Food of Man or Beast, or for Medicine, or for distilling, or for dyeing, or for or in the course of any Manufacture, and growing in any Land open or inclosed, not being a Garden, Orchard, or Nursery Ground, 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 One Month, or else shall forfeit and pay, over and above the Amount of the Injury done, such Sum of Money not exceeding Twenty Shillings as to the Justice shall seem meet, and in default of Payment thereof, together with the Costs, if ordered, shall be committed as aforesaid for any Term not exceeding One Month, unless Payment be sooner made; and whosoever, having been convicted of any such Offence either against this or any former Act of Parliament, 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

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be kept to Hard Labour for such Term not exceeding Six Months as the convicting Justice shall think fit.