



Malicious Damage Act 1861

1861 CHAPTER 97

Injuries to Corn, Trees, and Vegetable Productions

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.