

ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

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CAP. XXV.

An Act for preventing malicious Injuries to Persons and Property by Fire, or by explosive or destructive Substances. [26th *June* 1846.]

WHEREAS the unlawful and malicious Destruction of Buildings, and Attempts to injure Persons and Property, by Fire, or by Gunpowder and other explosive or destructive Substances, is not adequately punishable by Law: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whoever shall unlawfully and maliciously, by the Explosion of Gunpowder or other explosive Substance, destroy, throw down, or damage the whole or any Part of any Dwelling House, any Person being therein, shall be guilty of Felony. Persons maliciously blowing up Dwelling Houses, any one being therein, guilty of Felony;

II. And be it enacted, That whoever shall unlawfully and maliciously, by the Explosion of Gunpowder or other explosive Substance, destroy or damage any Building with Intent to murder any Person, or whereby the Life of any Person shall be endangered, shall be guilty of Felony. or blowing up Buildings with Intent to murder, guilty of Felony;

III. And be it enacted, That whoever shall unlawfully and maliciously, by the Explosion of Gunpowder or other explosive Substance, or injuring Persons by explosive Substances,

guilty of Felony; Substance, burn, maim, disfigure, disable, or do any grievous bodily Harm to any Person, shall be guilty of Felony.

or attempting to do bodily Injury by sending, &c. explosive or dangerous Substances, guilty of Felony. IV. And be it enacted, That whoever 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 cast or throw at or upon or otherwise apply to any Person any corrosive Fluid or other 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, although no bodily Injury be effected, be guilty of Felony.

Punishment for Felonies herein-before specified. V. And be it enacted, That whoever shall be convicted of any Felony herein-before mentioned shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of his natural Life, or for any Term not less than Fifteen Years, or to be imprisoned for any Term not exceeding Three Years.

Punishment for Persons attempting to blow up Buildings, &c. VI. And be it enacted, That whoever shall unlawfully and maliciously place or throw in, into, upon, against, or near any Building or Vessel any Gunpowder or other explosive Substance with Intent to do any bodily Damage to any Person, or to destroy or damage any Building or Vessel, or any Machinery, working Tools, Fixtures, Goods, or Chattels, shall, whether or not any Explosion take place, and whether or not any Injury is effected to any Person, or any Damage to any Building, Vessel, Machinery, working Tools, Fixtures, Goods, or Chattels, be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not exceeding Fifteen Years, or to be imprisoned for any Term not exceeding Two Years.

Punishment for Persons attempting to set fire to Buildings. VII. And be it enacted, That whoever shall unlawfully and maliciously by any overt Act attempt to set fire to any Building, Vessel, or Mine, or to any Stack or Steer, or to any Vegetable Produce of such Kind, and with such Intent that if the Offence were complete the Offender would be guilty of Felony, and liable to be transported beyond the Seas for the Term of his natural Life, shall, although such Building, Vessel, Mine, Stack, Steer, or Vegetable Produce be not actually set on fire, be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not exceeding Fifteen Years, or to be imprisoned for any Term not exceeding Two Years.

Punishment for Persons manufacturing, &c. explosive Substances for the Purpose of committing Offences against this Act. VIII. And be it enacted, That whoever shall knowingly have in his Possession, or make or manufacture, any Gunpowder, explosive Substance, or any dangerous or noxious Thing, or any Machine, Engine, Instrument, or Thing, with Intent by means thereof to commit, or for the Purpose of enabling any other Person to commit, any Offence against this Act, shall be guilty of a Misdemeanor, and on Conviction thereof shall be liable to be imprisoned for any Term not exceeding Two Years.

IX. And

Male Offenders under Eighteen Years of Age convicted under this Act may be publicly or privately whipped.

IX. And be it enacted, That every Male Person under the Age of Eighteen Years who shall be convicted of any Offence under this Act, or who shall be convicted of feloniously setting fire to any Building, Vessel, or Mine, or to any Stack or Steer, shall be liable, at the Discretion of the Court before which he shall be convicted, in addition to any other Sentence which may be passed upon him, to be publicly or privately whipped in such Manner and as often, not exceeding Thrice, as the Court shall direct.

As to the Punishment of Accessories before and after the Fact.

X. And be it enacted, That in the Case of every Felony punishable under this Act, every Principal in the Second Degree and every Accessory before the Fact shall be punishable in the same Manner as the Principal in the First Degree is by this Act punishable; and every Accessory after the Fact to any Felony punishable under this Act shall, on Conviction, be liable to be imprisoned for any Term not exceeding Two Years.

Persons convicted of Offences for which Imprisonment may be awarded, may be kept to hard Labour, and in solitary Confinement.

XI. And be it enacted, That where any Person shall be convicted of any Offence punishable under this Act for which Imprisonment may be awarded, it shall be lawful for the Court to sentence the Offender to be imprisoned, or to be imprisoned and kept to hard Labour, in the Common Gaol or House of Correction, and also to direct that the Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, or of such Imprisonment with hard Labour, not exceeding One Calendar Month at any One Time, and not exceeding Three Calendar Months in any One Year, as to the Court in its Discretion shall seem meet.

Justices may issue Warrants for searching any House, &c. in which any explosive Substance is suspected to be made or kept.

Persons executing such Warrants to have same Powers as given by 12 G. 3. c. 61.

XII. And be it enacted, That any Justice of the Peace of any County, Riding, Division, Liberty, Borough, or Place in which any Gunpowder or other explosive, dangerous, or noxious Substance is suspected to be made or kept for the Purpose of being used in committing an Offence under this Act, upon reasonable Cause assigned upon Oath by any Person or Persons, may issue a Warrant or Warrants under his Hand and Seal for searching in the Daytime any House, Shop, Cellar, Yard, or other Place, or any Vessel, in which such Gunpowder or other explosive, dangerous, or noxious Substance is suspected to be made or kept for such Purpose as aforesaid; and that every Person acting in the Execution of any such Warrant shall have, for seizing, removing to proper Places, and detaining all such Gunpowder, explosive, dangerous, or noxious Substances, found upon such Search, which he shall have good Cause to suspect to be intended to be used in committing an Offence under this Act, and the Barrels, Packages, and Cases in which the same shall be, the same Powers which are given to Persons searching for unlawful Quantities of Gunpowder under the Warrant of a Justice by an Act passed in the Twelfth Year of the Reign of King *George* the Third, intituled *An Act to regulate the making, keeping, and Carriage of Gunpowder within* Great Britain, *and to repeal the Laws heretofore made for any of those Purposes.*

Any Person loitering at Night sus-

XIII. And be it enacted, That it shall be lawful for any Constable or Peace Officer to take into Custody, without a Warrant, any Person

pected of Felony under this Act may be taken into Custody without Warrant;

Person whom he shall find lying or loitering in any Highway, Yard, or other Place during the Night, and whom he shall have good Cause to suspect of having committed or being about to commit any Felony under this Act, and to detain such Person until he can be brought before a Justice of the Peace to be dealt with according to Law.

but not to be detained after Noon of the following Day.

XIV. Provided always, and be it enacted, That no such Person having been so apprehended shall be detained after Noon of the following Day without being brought before a Justice of the Peace.

Offences under this Act not to be tried by Justices, &c. at Sessions.

XV. And be it enacted, That neither the Justices of the Peace acting in and for any County, Riding, Division, or Liberty, nor the Recorder of any Borough, shall at any Session of the Peace, or at any Adjournment thereof, try any Person or Persons for any Offence under this Act.

Nothing in this Act to affect Powers of 5 & 6 W. 4. c. 38. and 4 G. 4. c. 64.

XVI. And be it enacted, That nothing in this Act contained shall be construed to extend to the Alteration or Repeal of any of the Powers, Provisions, or Regulations contained in an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act for effecting greater Uniformity of Practice in the Government of the several Prisons in* England *and* Wales, *and for appointing Inspectors of Prisons in* Great Britain, or in an Act passed in the Fourth Year of the Reign of King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in* England *and* Wales.

As to Offences committed within the Admiralty Jurisdiction.

XVII. And be it enacted, That where any Felony punishable under this Act shall be committed within the Jurisdiction of the Admiralty of *England* or of *Ireland*, the same shall be dealt with, inquired of, tried, and determined in the same Manner as any other Felony committed within that Jurisdiction.

Not to extend to Scotland.

XVIII. And be it enacted, That nothing in this Act contained shall extend to *Scotland*.

Act may be amended, &c.

XIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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