

ANNO VICESIMO QUARTO & VICESIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. XCVII.

An Act to consolidate and amend the Statute Law of *England* and *Ireland* relating to Malicious Injuries to Property. [6th *August* 1861.]

WHEREAS it is expedient to consolidate and amend the Statute Law of *England* and *Ireland* relating to Malicious Injuries to Property: 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, as follows:

Injuries by Fire to Buildings, and Goods therein.

Setting fire to a Church or Chapel.

1. Whosoever shall unlawfully and maliciously set fire to any Church, Chapel, Meeting House, or other Place of Divine Worship, 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.

2. Whoso-

Setting fire to a Dwelling House, any Person being therein.

2. Whosoever shall unlawfully and maliciously set fire to any Dwelling House, any Person being therein, 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.

Setting fire to a House, Outhouse, Manufactory, Farm Building, &c.

3. Whosoever shall unlawfully and maliciously set fire to any House, Stable, Coach-house, Outhouse, Warehouse, Office, Shop, Mill, Malthouse, Hop-oast, Barn, Storehouse, Granary, Hovel, Shed, or Fold, or to any Farm Building, or to any Building or Erection used in farming Land, or in carrying on any Trade or Manufacture or any Branch thereof, whether the same shall then be in the Possession of the Offender or in the Possession of any other Person, with Intent thereby to injure or defraud any Person, 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.

Setting fire to any Railway Station.

4. Whosoever shall unlawfully and maliciously set fire to any Station, Engine House, Warehouse, or other Building belonging or appertaining to any Railway, Port, Dock, or Harbour, or to any Canal or other 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 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, if a Male under the Age of Sixteen Years, with or without Whipping.

Setting fire to any Public Building.

5. Whosoever shall unlawfully and maliciously set fire to any Building other than such as are in this Act before mentioned, belonging to the Queen, or to any County, Riding, Division, City, Borough, Poor Law Union, Parish, or Place, or belonging to any University, or College or Hall of any University, or to any Inn of Court, or devoted or dedicated to Public Use or Ornament, or erected or maintained by Public Subscription or Contribution, 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,

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

Setting fire to other Buildings.

6. Whosoever shall unlawfully and maliciously set fire to any Building other than such as are in this Act 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 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, if a Male under the Age of Sixteen Years, with or without Whipping.

Setting fire to Goods in any Building the setting fire to which is Felony.

7. Whosoever shall unlawfully and maliciously set fire to any Matter or Thing, being in, against, or under any Building, under such Circumstances that if the Building were thereby set fire to the Offence would amount to 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, if a Male under the Age of Sixteen Years, with or without Whipping.

Attempting to set fire to Buildings.

8. Whosoever shall unlawfully and maliciously by any overt Act attempt to set fire to any Building, or any Matter or Thing in the last preceding Section mentioned, under such Circumstances that if the same were thereby set fire to 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.

Injuries by explosive Substances to Buildings and Goods therein.

Destroying or damaging a House with Gunpowder, any Person being therein.

9. Whosoever 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, or of any Building whereby the Life of any Person shall be endangered, 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,

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

Attempting to destroy Buildings with Gunpowder.

10. Whosoever shall unlawfully and maliciously place or throw in, into, upon, under, against, or near any Building any Gunpowder or other explosive Substance, with Intent to destroy or damage any Building, or any Engine, Machinery, Working Tools, Fixtures, Goods, or Chattels, shall, whether or not any Explosion take place, and whether or not any Damage be caused, 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.

Injuries to Buildings by Rioters, &c.

Rioters demolishing Church, Building, &c.

11. If any Persons riotously and tumultuously assembled together to the Disturbance of the Public Peace shall unlawfully and with Force demolish, or pull down or destroy, or begin to demolish, pull down, or destroy, any Church, Chapel, Meeting House, or other Place of Divine Worship, or any House, Stable, Coach-house, Outhouse, Warehouse, Office, Shop, Mill, Malthouse, Hop-oast, Barn, Granary, Shed, Hovel, or Fold, or any Building or Erection used in farming Land, or in carrying on any Trade or Manufacture or any Branch thereof, or any Building other than such as are in this Section before mentioned, belonging to the Queen, or to any County, Riding, Division, City, Borough, Poor Law Union, Parish, or Place, or belonging to any University, or College or Hall of any University, or to any Inn of Court, or devoted or dedicated to Public Use or Ornament, or erected or maintained by Public Subscription or Contribution, or any Machinery, whether fixed or moveable, prepared for or employed in any Manufacture or in any Branch thereof, or any Steam Engine or other Engine for sinking, working, ventilating, or draining any Mine, or any Staith, Building, or Erection used in conducting the Business of any Mine, or any Bridge, Waggonway, or Trunk for conveying Minerals from any Mine, every such Offender 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.

12. If

Malicious Injuries to Property.

Rioters injuring Building, Machinery, &c.

12. If any Persons, riotously and tumultuously assembled together to the Disturbance of the Public Peace, shall unlawfully and with Force injure or damage any such Church, Chapel, Meeting House, Place of Divine Worship, House, Stable, Coach-house, Out-house, Warehouse, Office, Shop, Mill, Malthouse, Hop-oast, Barn, Granary, Shed, Hovel, Fold, Building, Erection, Machinery, Engine, Staith, Bridge, Waggonway, or Trunk, as is in the last preceding Section mentioned, every such Offender shall be guilty of a Misdemeanor, 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: Provided that if upon the Trial of any Person for any Felony in the last preceding Section mentioned the Jury shall not be satisfied that such Person is guilty thereof, but shall be satisfied that he is guilty of any Offence in this Section mentioned, then the Jury may find him guilty thereof, and he may be punished accordingly.

Injuries to Buildings by Tenants.

Tenants of Houses, &c. maliciously injuring them.

13. Whosoever, being possessed of any Dwelling House or other Building, or Part of any Dwelling House or other Building, held for any Term of Years or other less Term, or at Will, or held over after the Termination of any Tenancy, shall unlawfully and maliciously pull down or demolish, or begin to pull down or demolish, the same or any Part thereof, or shall unlawfully and maliciously pull down or sever from the Freehold any Fixture being fixed in or to such Dwelling House or Building, or Part of such Dwelling House or Building, shall be guilty of a Misdemeanor.

Injuries to Manufactures, Machinery, &c.

Destroying Goods in Process of Manufacture, certain Machinery &c.

14. Whosoever shall unlawfully and maliciously cut, break, or destroy, or damage with Intent to destroy or to render useless, any Goods or Article of Silk, Woollen, Linen, Cotton, Hair, Mohair, or Alpaca, or of any One or more of those Materials mixed with each other or mixed with any other Material, or any Framework-knitted Piece, Stocking, Hose, or Lace, being in the Loom or Frame, or on any Machine or Engine, or on the Rack or Tenters, or in any Stage, Process, or Progress of Manufacture, or shall unlawfully and maliciously cut, break, or destroy, or damage with Intent to destroy or to render useless, any Warp or Shute of Silk, Woollen, Linen, Cotton, Hair, Mohair, or Alpaca, or of any One or more of those Materials mixed with each other or mixed with any other Material, or shall unlawfully and maliciously cut, break,

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or destroy, or damage with Intent to destroy or render useless, any Loom, Frame, Machine, Engine, Rack, Tackle, Tool, or Implement, whether fixed or moveable, prepared for or employed in carding, spinning, throwing, weaving, fulling, shearing, or otherwise manufacturing or preparing any such Goods or Articles, or shall by Force enter into any House, Shop, Building, or Place, with Intent to commit any of the Offences in this Section 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 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.

Destroying Machines in other Manufactures, Threshing Machines, &c.

15. Whosoever shall unlawfully and maliciously cut, break, or destroy, or damage with Intent to destroy or to render useless, any Machine or Engine, whether fixed or moveable, used or intended to be used for sowing, reaping, mowing, thrashing, ploughing, or draining, or for performing any other Agricultural Operation, or any Machine or Engine, or any Tool or Implement, whether fixed or moveable, prepared for or employed in any Manufacture whatsoever (except the Manufacture of Silk, Woollen, Linen, Cotton, Hair, Mohair, or Alpaca Goods, or Goods of any One or more of those Materials mixed with each other or mixed with any other Material, or any Framework-knitted Piece, Stocking, Hose, or Lace), 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.

Injuries to Corn, Trees, and vegetable Productions.

Setting fire to Crops of Corn, &c.

16. 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,

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

Setting fire to Stacks of Corn, &c.

17. 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.

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

18. 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 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.

Destroying Hopbinds.

19. 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.

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

20. 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

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.

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

21. 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.

Damaging Trees, wheresoever growing, to the Amount of 1*s.*

22. 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 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.

Second Offence.

Third Offence.

23. Whoso-

Destroying any Fruit or vegetable Production in a Garden.

23. 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.

Second Offence.

Destroying, &c. vegetable Productions not growing in Gardens, &c.

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

Second Offence.

Injuries to Fences.

Destroying, &c. any Fence, Wall, Stile, or Gate.

25. Whosoever shall unlawfully and maliciously cut, break, throw down, or in anywise destroy any Fence of any Description whatsoever, or any Wall, Stile, or Gate, or any Part thereof respectively, shall, on Conviction thereof before a Justice of the Peace, for the First Offence forfeit 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 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.

Second Offence.

Injuries to Mines.

Setting fire to a Coal Mine.

26. Whosoever shall unlawfully and maliciously set fire to any Mine of Coal, Cannel Coal, Anthracite, or other Mineral Fuel, 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.

Attempting to set fire to a Mine.

27. Whosoever shall unlawfully and maliciously by any overt Act attempt to set fire to any Mine, under such Circumstances that if the Mine were thereby set fire to 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.

Conveying Water into a Mine, obstructing the Shaft, &c.

28. Whosoever shall unlawfully and maliciously cause any Water to be conveyed or run into any Mine, or into any subterraneous Passage communicating therewith, with Intent thereby to destroy or damage such Mine, or to hinder or delay the working thereof, or shall with the like Intent unlawfully and maliciously pull

pull down, fill up, or obstruct, or damage with Intent to destroy, obstruct, or render useless, any Airway, Waterway, Drain, Pit, Level, or Shaft of or belonging to any Mine, 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: Provided that this Provision shall not extend to any Damage committed underground by any Owner of any adjoining Mine in working the same, or by any Person duly employed in such working.

Damaging Steam Engines, Staiths, Waggonways, &c. for working Mines.

29. Whosoever shall unlawfully and maliciously pull down or destroy, or damage with Intent to destroy or render useless, any Steam Engine or other Engine for sinking, draining, ventilating, or working, or for in anywise assisting in sinking, draining, ventilating, or working any Mine, or any Appliance or Apparatus in connexion with any such Steam or other Engine, or any Staith, Building, or Erection used in conducting the Business of any Mine, or any Bridge, Waggonway, or Trunk for conveying Minerals from any Mine, whether such Engine, Staith, Building, Erection, Bridge, Waggonway, or Trunk be completed or in an unfinished State, or shall unlawfully and maliciously stop, obstruct, or hinder the working of any such Steam or other Engine, or of any such Appliance or Apparatus as aforesaid, with Intent thereby to destroy or damage any Mine, or to hinder, obstruct, or delay the working thereof, or shall unlawfully and maliciously wholly or partially cut through, sever, break, or unfasten, or damage with Intent to destroy or render useless, any Rope, Chain, or Tackle, of whatsoever Material the same shall be made, used in any Mine, or in or upon any inclined Plane, Railway or other Way, or other Work whatsoever, in anywise belonging or appertaining to or connected with or employed in any Mine or the working or Business thereof, 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.

Injuries to Sea and River Banks, and to Works on Rivers, Canals, &c.

Destroying any Sea Bank, or

30. Whosoever shall unlawfully and maliciously break down or cut down or otherwise damage or destroy any Sea Bank or Sea Wall,

or Wall on any Canal.

or the Bank, Dam, or Wall of or belonging to any River, Canal, Drain, Reservoir, Pool, or Marsh, whereby any Land or Building shall be or shall be in danger of being overflowed or damaged, or shall unlawfully and maliciously throw, break, or cut down, level, undermine, or otherwise destroy, any Quay, Wharf, Jetty, Lock, Sluice, Floodgate, Weir, Tunnel, Towing-path, Drain, Watercourse, or other Work belonging to any Port, Harbour, Dock, or Reservoir, or on or belonging to any navigable River or Canal, 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.

Removing the Piles of any Sea Bank, &c., or doing any Damage to obstruct the Navigation of a River or Canal.

31. Whosoever shall unlawfully and maliciously cut off, draw up, or remove any Piles, Chalk, or other Materials fixed in the Ground, and used for securing any Sea Bank or Sea Wall, or the Bank, Dam, or Wall of any River, Canal, Drain, Aqueduct, Marsh, Reservoir, Pool, Port, Harbour, Dock, Quay, Wharf, Jetty, or Lock, or shall unlawfully and maliciously open or draw up any Floodgate or Sluice, or do any other Injury or Mischief to any navigable River or Canal, with Intent and so as thereby to obstruct or prevent the carrying on, completing, or maintaining the Navigation thereof, 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.

Injuries to Ponds.

Breaking down the Dam of a Fishery, &c. or Mill Dam, or poisoning Fish.

32. Whosoever shall unlawfully and maliciously cut through, break down, or otherwise destroy the Dam, Floodgate, or Sluice of any Fish Pond, or of any Water which shall be private Property, or in which there shall be any private Right of Fishery, with Intent thereby to take or destroy any of the Fish in such Pond or Water, or so as thereby to cause the Loss or Destruction of any of the Fish, or shall unlawfully and maliciously put any Lime or other noxious Material in any such Pond or Water, with Intent thereby to destroy any of the Fish that may then be or that may thereafter be put therein, or shall unlawfully and maliciously cut through, break down, or otherwise destroy the Dam or Floodgate of any Mill Pond, Reservoir, or Pool, shall be guilty of a Misdemeanor, and being

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.

Injuries to Bridges, Viaducts, and Toll Bars.

Injury to a public Bridge.

33. Whosoever shall unlawfully and maliciously pull or throw down or in anywise destroy any Bridge (whether over any Stream of Water or not), or any Viaduct or Aqueduct, over or under which Bridge, Viaduct, or Aqueduct any Highway, Railway, or Canal shall pass, or do any Injury with Intent and so as thereby to render such Bridge, Viaduct, or Aqueduct, or the Highway, Railway, or Canal passing over or under the same, or any Part thereof, dangerous or impassable, 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.

Destroying a Turnpike Gate, Toll House, &c.

34. Whosoever shall unlawfully and maliciously throw down, level, or otherwise destroy, in whole or in part, any Turnpike Gate or Toll Bar, or any Wall, Chain, Rail, Post, Bar, or other Fence belonging to any Turnpike Gate or Toll Bar, or set up or erected to prevent Passengers passing by without paying any Toll directed to be paid by any Act of Parliament relating thereto, or any House, Building, or Weighing Engine erected for the better Collection, Ascertainment, or Security of any such Toll, shall be guilty of a Misdemeanor.

Injuries to Railway Carriages and Telegraphs.

Placing Wood, &c. on Railway with Intent to obstruct or overthrow any Engine, &c.

35. Whosoever shall unlawfully and maliciously put, place, cast, or throw upon or across any Railway any Wood, Stone, or other Matter or Thing, or shall unlawfully and maliciously take up, remove, or displace any Rail, Sleeper, or other Matter or Thing belonging to any Railway, or shall unlawfully and maliciously turn, move, or divert any Points or other Machinery belonging to any Railway, or shall unlawfully and maliciously make or show, hide or remove, any Signal or Light upon or near to any Railway, or shall unlawfully and maliciously do or cause to be done any other Matter or Thing, with Intent, in any of the Cases aforesaid, to obstruct, upset, overthrow, injure, or destroy any Engine, Tender, Carriage,

or Truck using such Railway, 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, if a Male under the Age of Sixteen, with or without Whipping.

Obstructing Engines or Carriages on Railways.

36. Whosoever, by any unlawful Act, or by any wilful Omission or Neglect, shall obstruct or cause to be obstructed any Engine or Carriage using any Railway, or shall aid or assist therein, 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.

Injuries to Electric or Magnetic Telegraphs.

37. Whosoever shall unlawfully and maliciously cut, break, throw down, destroy, injure, or remove any Battery, Machinery, Wire, Cable, Post, or other Matter or Thing whatsoever, being Part of or being used or employed in or about any Electric or Magnetic Telegraph, or in the working thereof, or shall unlawfully and maliciously prevent or obstruct in any Manner whatsoever the sending, Conveyance, or Delivery of any Communication by any such Telegraph, 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: Provided that if it shall appear to any Justice, on the Examination of any Person charged with any Offence against this Section, that it is not expedient to the Ends of Justice that the same should be prosecuted by Indictment, the Justice may proceed summarily to hear and determine the same, and the Offender shall, on Conviction thereof, 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 and pay such Sum of Money not exceeding Ten Pounds as to the Justice shall seem meet.

Attempt to injure such Telegraphs.

38. Whosoever shall unlawfully and maliciously, by any overt Act, attempt to commit any of the Offences in the last preceding Section mentioned, 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 and pay such Sum of Money not exceeding Ten Pounds as to the Justice shall seem meet.

Malicious Injuries to Property.

Injuries to Works of Art.

Destroying or damaging Works of Art in Museums, Churches, &c., or in Public Places.

39. Whosoever shall unlawfully and maliciously destroy or damage any Book, Manuscript, Picture, Print, Statue, Bust, or Vase, or any other Article or Thing kept for the Purposes of Art, Science, or Literature, or as an Object of Curiosity, in any Museum, Gallery, Cabinet, Library, or other Repository, which Museum, Gallery, Cabinet, Library, or other Repository is either at all Times or from Time to Time open for the Admission of the Public or of any considerable Number of Persons to view the same, either by the Permission of the Proprietor thereof or by the Payment of Money before entering the same, or any Picture, Statue, Monument, or other Memorial of the Dead, painted Glass, or other Ornament or Work of Art, in any Church, Chapel, Meeting House, or other Place of Divine Worship, or in any Building belonging to the Queen, or to any County, Riding, Division, City, Borough, Poor Law Union, Parish, or Place, or to any University, or College or Hall of any University, or to any Inn of Court, or in any Street, Square, Churchyard, Burial Ground, Public Garden or Ground, or any Statue or Monument exposed to Public View, or any Ornament, Railing, or Fence surrounding such Statue or Monument, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable to be imprisoned for any Term not exceeding Six Months, with or without Hard Labour, and, if a Male under the Age of Sixteen Years, with or without Whipping; provided that nothing herein contained shall be deemed to affect the Right of any Person to recover, by Action at Law, Damages for the Injury so committed.

Injuries to Cattle and other Animals.

Killing or maiming Cattle.

40. 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.

Killing or maiming other Animals.

41. 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

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.

Second Offence.

Setting fire to a Ship.

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

Setting fire to Ships to prejudice the Owner or Underwriters.

43. 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.

Attempting to set fire to a Vessel.

44. 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. Whoso-

Placing Gunpowder near a Vessel with Intent to damage it.

45. 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.

Damaging Ships otherwise than by Fire.

46. 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.

Exhibiting false Signals, &c.

47. 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.

Removing or concealing Buoys and other Sea Marks.

48. 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.

Destroying Wreeks or any Articles belonging thereto.

49. 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.

Sending Letters threatening to burn or destroy.

Sending Letters threatening to burn or destroy Houses, Buildings, Ships, &c.

50. Whosoever shall send, deliver, or utter, or directly or indirectly cause to be received, knowing the Contents thereof, any Letter or Writing threatening to burn or destroy any House, Barn, or other Building, or any Rick or Stack of Grain, Hay, or Straw, or other Agricultural Produce, or any Grain, Hay, or Straw, or other Agricultural Produce in or under any Building, or any Ship or Vessel, or to 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 Ten 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.

Injuries not before provided for.

Persons committing malicious Injuries not before provided for exceeding the Amount of 5*l.*

51. 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 case 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

to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

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 5*l.*

52. 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 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.

Application of the Money awarded.

Not to extend to certain Cases herein named.

Preceding Section to extend to Trees.

53. 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.

Making Gunpowder to commit Offences, and searching for the same.

Making or having Gunpowder, &c. with Intent to commit any Felony against this Act.

54. Whosoever shall make or manufacture, or knowingly have in his Possession, any Gunpowder or other explosive Substance, or any dangerous or noxious Thing, or any Machine, Engine, Instrument, or Thing, with Intent thereby or by means thereof to commit, or for the Purpose of enabling any other Person to commit, any of the Felonies

Felonies in this Act 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.

Justices may issue Warrants for searching Houses, &c. for such Gunpowder, &c.

55. Any Justice of the Peace of any County or Place in which any Machine, Engine, Implement, or Thing, or any Gunpowder or other explosive, dangerous, or noxious Substance, is suspected to be made, kept, or carried for the Purpose of being used in committing any of the Felonies in this Act mentioned, upon reasonable Cause assigned upon Oath by any Person, may issue a Warrant under his Hand and Seal for searching in the Daytime any House, Mill, Magazine, Storehouse, Warehouse, Shop, Cellar, Yard, Wharf, or other Place, or any Carriage, Waggon, Cart, Ship, Boat, or Vessel, in which the same is suspected to be made, kept, or carried for such Purpose as herein-before mentioned; and every Person acting in the Execution of any such Warrant shall have, for seizing, removing to proper Places, and detaining every such Machine, Engine, Implement, and Thing, and 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 any such Offence, and the Barrels, Packages, Cases, and other Receptacles in which the same shall be, the same Powers and Protections which are given to Persons searching for unlawful Quantities of Gunpowder under the Warrant of a Justice by the Act passed in the Session holden in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and thirty-nine, intituled *An Act to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks.*

Other Matters.

Principals in the Second Degree and Accessories.

Abettors in Misdemeanors.

56. 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, 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 every Person who shall aid, abet, counsel, or procure the Commission of any

any Misdemeanor punishable under this Act shall be liable to be proceeded against, indicted, and punished as a principal Offender.

A Person loitering at Night, and suspected of any Felony against this Act, may be apprehended.

57. Any Constable or Peace Officer may take into Custody, without Warrant, any 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 against this Act, and shall take such Person as soon as reasonably may be before a Justice of the Peace, to be dealt with according to Law.

Malice against Owner of Property unnecessary.

58. Every Punishment and Forfeiture by this Act imposed on any Person maliciously committing any Offence, whether the same be punishable upon Indictment or upon summary Conviction, shall equally apply and be enforced, whether the Offence shall be committed from Malice conceived against the Owner of the Property in respect of which it shall be committed or otherwise.

Provisions of this Act shall apply to Persons in possession of the Property injured.

59. Every Provision of this Act not herein-before so applied shall apply to every Person who, with Intent to injure or defraud any other Person, shall do any of the Acts herein-before made penal, although the Offender shall be in possession of the Property against or in respect of which such Act shall be done.

Intent to injure or defraud particular Persons need not be stated in any Indictment.

60. It shall be sufficient in any Indictment for any Offence against this Act, where it shall be necessary to allege an Intent to injure or defraud, to allege that the Party accused did the Act with Intent to injure or defraud (as the Case may be), without alleging an Intent to injure or defraud any particular Person; and on the Trial of any such Offence it shall not be necessary to prove an Intent to injure or defraud any particular Person, but it shall be sufficient to prove that the Party accused did the Act charged with an Intent to injure or defraud (as the Case may be).

Persons in the Act of committing any Offence may be apprehended without a Warrant.

61. Any Person found committing any Offence against this Act, whether the same be punishable upon Indictment or upon summary Conviction, may be immediately apprehended, without a Warrant, by any Peace Officer, or the Owner of the Property injured, or his Servant, or any Person authorized by him, and forthwith taken before some neighbouring Justice of the Peace, to be dealt with according to Law.

Mode of compelling the Appearance of Persons punish-

62. Where any Person shall be charged on the Oath of a credible Witness before any Justice of the Peace with any Offence punishable on summary Conviction under this Act, the Justice may

able on summary Conviction.

may summon the Person charged to appear at a Time and Place to be named in such Summons; and if he shall not appear accordingly, then (upon Proof of the due Service of the Summons upon such Person by delivering the same to him personally, or by leaving the same at his usual Place of Abode,) the Justice may either proceed to hear and determine the Case *ex parte*, or issue his Warrant for apprehending such Person and bringing him before himself or some other Justice of the Peace; or the Justice before whom the Charge shall be made may (if he shall so think fit), without any previous Summons (unless where otherwise specially directed), issue such Warrant; and the Justice before whom the Person charged shall appear or be brought shall proceed to hear and determine the Case.

Abettors in Offences punishable on summary Conviction.

63. Whosoever shall aid, abet, counsel, or procure the Commission of any Offence which is by this Act punishable on summary Conviction, either for every Time of its Commission, or for the First and Second Time only, or for the First Time only, shall, on Conviction before a Justice of the Peace, be liable, for every First, Second, or subsequent Offence of aiding, abetting, counselling, or procuring, to the same Forfeiture and Punishment to which a Person guilty of a First, Second, or subsequent Offence as a principal Offender is by this Act made liable.

Application of Forfeitures and Penalties upon summary Convictions.

64. Every Sum of Money which shall be forfeited for the Amount of any Injury done shall be assessed in each Case by the convicting Justice, and shall be paid to the Party aggrieved, except where he is unknown, and in that Case such Sum shall be applied in the same Manner as a Penalty; and every Sum which shall be imposed as a Penalty by any Justice of the Peace, whether in addition to such Amount or otherwise, shall be paid and applied in the same Manner as other Penalties recoverable before Justices of the Peace are to be paid and applied in Cases where the Statute imposing the same contains no Directions for the Payment thereof to any Person: Provided that where several Persons shall join in the Commission of the same Offence, and shall, upon Conviction thereof, each be adjudged to forfeit a Sum equivalent to the Amount of the Injury done, in every such Case no further Sum shall be paid to the Party aggrieved than such Value or Amount; and the remaining Sum or Sums forfeited shall be applied in the same Manner as any Penalty imposed by a Justice of the Peace is hereinbefore directed to be applied.

Proviso where several Persons join in Commission of same Offence.

If a Person summarily convicted

65. In every Case of a summary Conviction under this Act, where the Sum which shall be forfeited for the Amount of the Injury done,

done, or which shall be imposed as a Penalty by the Justice, 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 convicting Justice (unless where otherwise specially directed) 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, according to the Discretion of the Justice, for any Term not exceeding Two Months, where the Amount of the Sum forfeited, or of the Penalty imposed, or of both, (as the Case may be,) together with the Costs, shall not exceed Five Pounds; and for any Term not exceeding Four Months where the Amount, with Costs, shall not exceed Ten Pounds; and for any Term not exceeding Six Months in any other Case; the Commitment to be determinable in each of the Cases aforesaid upon Payment of the Amount and Costs.

shall not pay, &c., the Justice may commit him.

66. Where any Person shall be summarily convicted before a Justice of the Peace of any Offence against this Act, and it shall be a First Conviction, the Justice may, if he shall so think fit, discharge the Offender from his Conviction upon his making such Satisfaction to the Party aggrieved for Damages and Costs, or either of them, as shall be ascertained by the Justice.

The Justice may discharge the Offender in certain Cases.

67. When any Person convicted of any Offence punishable upon summary Conviction by virtue of this Act shall have paid the Sum adjudged to be paid, together with Costs, under such Conviction, or shall have received a Remission thereof from the Crown, or the Lord Lieutenant or other Chief Governor of *Ireland*, or shall have suffered the Imprisonment awarded for Nonpayment thereof, or the Imprisonment awarded in the first instance, or shall have been so discharged from his Conviction by any Justice as aforesaid, he shall be released from all further or other Proceedings for the same Cause.

A summary Conviction shall be a Bar to any other Proceeding for the same Cause.

68. In all Cases where the Sum adjudged to be paid on any summary Conviction shall exceed Five Pounds, or the Imprisonment adjudged shall exceed One Month, or the Conviction shall take place before One Justice only, any Person who shall think himself aggrieved by any such Conviction may appeal to the next Court of General or Quarter Sessions which shall be holden not less than Twelve Days after the Day of such Conviction, for the County or Place wherein the Cause of Complaint shall have arisen; provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days after such Conviction, and Seven clear Days at the least before

Appeal.

before such Sessions, and shall also either remain in Custody until the Sessions, or shall enter into a Recognizance, with Two sufficient Sureties, before a Justice of the Peace, conditioned personally to appear at the said Sessions and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; or if such Appeal shall be against any Conviction whereby only a Penalty or Sum of Money shall be adjudged to be paid, shall deposit with the Clerk of the convicting Justice such a Sum of Money as such Justice shall deem to be sufficient to cover the Sum so adjudged to be paid, together with the Costs of the Conviction and the Costs of the Appeal; and upon such Notice being given, and such Recognizance being entered into, or such Deposit being made, the Justice before whom such Recognizance shall be entered into, or such Deposit shall be made, shall liberate such Person if in Custody; and the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet; and in case of the Dismissal of the Appeal, or the Affirmance of the Conviction, shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment; and in any Case where after any such Deposit shall have been made as aforesaid the Conviction shall be affirmed, the Court may order the Sum thereby adjudged to be paid, together with the Costs of the Conviction and the Costs of the Appeal, to be paid out of the Money deposited, and the Residue thereof, if any, to be repaid to the Party convicted; and in any Case where after any such Deposit the Conviction shall be quashed, the Court shall order the Money deposited to be repaid to the Party convicted; and in every Case where any Conviction shall be quashed on Appeal as aforesaid, the Clerk of the Peace or other proper Officer shall forthwith indorse on the Conviction a Memorandum that the same has been quashed; and whenever any Copy or Certificate of such Conviction shall be made, a Copy of such Memorandum shall be added thereto, and shall be sufficient Evidence that the Conviction has been quashed in every Case where such Copy or Certificate would be sufficient Evidence of such Conviction.

No Certiorari, &c.

69. No such Conviction, or Adjudication made on Appeal therefrom, shall be quashed for Want of Form, or be removed by Certiorari into any of Her Majesty's Superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

70. Every

Convictions to be returned to the Quarter Sessions.

How far Evidence in future Cases.

70. Every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall transmit the Conviction to the next Court of General or Quarter Sessions which shall be holden for the County or Place wherein the Offence shall have been committed, there to be kept by the proper Officer among the Records of the Court; and upon any Indictment or Information against any Person for a subsequent Offence, a Copy of such Conviction, certified by the proper Officer of the Court, or proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the former Offence, and the Conviction shall be presumed to have been unappealed against until the contrary be shown.

Venue in Proceedings against Persons acting under this Act.

Notice of Action.

General Issue, &c.

71. All Actions and Prosecutions to be commenced against any Person for anything done in pursuance of this Act shall be laid and tried in the County where the Fact was committed, and shall be commenced within Six Months after the Fact committed, and not otherwise; and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defendant One Month at least before the Commencement of the Action; and in any such Action the Defendant may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action brought, by or on behalf of the Defendant; and if a Verdict shall pass for the Defendant, or the Plaintiff shall become nonsuit, or discontinue any such Action after Issue joined, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant has by Law in other Cases; and though a Verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial shall be shall certify his Approbation of the Action.

Offences committed within the Jurisdiction of the Admiralty.

72. All indictable Offences mentioned in this Act which shall be committed within the Jurisdiction of the Admiralty of *England* or *Ireland* shall be deemed to be Offences of the same Nature and liable to the same Punishments as if they had been committed upon the Land in *England* or *Ireland*, and may be dealt with, inquired of, tried, and determined in any County or Place in *England* or *Ireland* in which the Offender shall be apprehended or be in Custody, in the same Manner in all respects as if they had been actually committed in that County or Place; and in any Indictment for any such Offence, or for being an Accessory to such an Offence, the

Venue in the Margin shall be the same as if the Offence had been committed in such County or Place, and the Offence shall be averred to have been committed "on the High Seas:" Provided that nothing herein contained shall alter or affect any of the Laws relating to the Government of Her Majesty's Land or Naval Forces.

ine and Sureties for keeping the Peace; in what Cases.

73. Whenever any Person shall be convicted of any indictable Misdemeanor punishable under this Act, the Court may, if it shall think fit, in addition to or in lieu of any of the Punishments by this Act authorized, fine the Offender, and require him to enter into his own Recognizances, and to find Sureties, both or either, for keeping the Peace and being of good Behaviour; and in case of any Felony punishable under this Act, the Court may, if it shall think fit, require the Offender to enter into his own Recognizances, and to find Sureties, both or either, for keeping the Peace, in addition to any Punishment by this Act authorized: Provided that no Person shall be imprisoned under this Clause for not finding Sureties for any Period exceeding One Year.

Hard Labour.

74. Whenever Imprisonment, with or without Hard Labour, may be awarded for any indictable Offence under this Act, the Court may sentence the Offender to be imprisoned, or to be imprisoned and kept to Hard Labour, in the Common Gaol or House of Correction.

Solitary Confinement and Whipping.

75. Whenever Solitary Confinement may be awarded for any indictable Offence under this Act, the Court may direct the Offender to be kept in Solitary Confinement for any Portion or Portions of his Imprisonment, or of his Imprisonment with Hard Labour, not exceeding One Month at any One Time, and not exceeding Three Months in any One Year; and whenever Whipping may be awarded for any indictable Offence under this Act, the Court may sentence the Offender to be once privately whipped; and the Number of Strokes, and the Instrument with which they shall be inflicted, shall be specified by the Court in the Sentence.

Summary Proceedings in England may be under the 11 & 12 Vict. c. 43., and in Ireland under the 14 & 15 Vict. c. 93.;

76. Every Offence hereby made punishable on summary Conviction may be prosecuted in *England* in the Manner directed by the Act of the Session holden in the Eleventh and Twelfth Years of Queen *Victoria*, Chapter Forty-three, so far as no Provision is hereby made for any Matter or Thing which may be required to be done in the Course of such Prosecution, and may be prosecuted in *Ireland* before Two or more Justices of the Peace, or One Metropolitan or Stipendiary Magistrate, in the Manner directed by the Act of the Session holden in the Fourteenth and Fifteenth Years of Queen *Victoria*, Chapter Ninety-three, or in such other Manner as may be directed

directed by any Act that may be passed for like Purposes, and all Provisions contained in the said Acts shall be applicable to such Prosecutions in the same Manner as if they were incorporated in this Act: Provided that nothing in this Act contained shall in any Manner alter or affect any Enactment relating to Procedure in the Case of any Offence punishable on Summary Conviction within the City of *London* or the Metropolitan Police District, or the Recovery or Application of any Penalty or Forfeiture for any such Offence.

except in London and the Metropolitan Police District.

77. The Court before which any indictable Misdemeanor against this Act shall be prosecuted or tried may allow the Costs of the Prosecution in the same Manner as in Cases of Felony; and every Order for the Payment of such Costs shall be made out, and the Sum of Money mentioned therein paid and repaid, upon the same Terms and in the same Manner in all respects as in Cases of Felony.

The Costs of the Prosecution of Misdemeanors against this Act may be allowed.

78. Nothing in this Act contained shall extend to *Scotland*, except as herein-before otherwise expressly provided.

Act not to extend to Scotland.

79. This Act shall commence and take effect on the First Day of *November* One thousand eight hundred and sixty-one.

Commencement of Act.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1861.