



# Malicious Damage Act 1861

## CHAPTER 97

### MALICIOUS DAMAGE ACT 1861

#### *Injuries by Fire to Buildings, and Goods therein*

- 1 Setting fire to a Church or Chapel.
- 2 Setting fire to a Dwelling House, any Person being therein.
- 3 Setting fire to a House, Outhouse, Manufactory, Farm Building, &c.
- 4 Setting fire to any Railway Station.
- 5 Setting fire to any Public Building.
- 6 Setting fire to other Buildings.
- 7 Setting fire to Goods in any Building the setting fire to which is Felony.
- 8 Attempting to set fire to Buildings.

#### *Injuries by explosive Substances to Buildings and Goods therein*

- 9 Destroying or damaging a House with Gunpowder, any Person being therein.
- 10 Attempting to destroy Buildings with Gunpowder.

#### *Injuries to Buildings by Rioters, &c*

- 11 Rioters demolishing Church, Building, &c.
- 12 Rioters injuring Building, Machinery, &c.

#### *Injuries to Buildings by Tenants*

- 13 Tenants of Houses, &c. maliciously injuring them.

#### *Injuries to Manufactures, Machinery, &c*

- 14 Destroying Goods in Process of Manufacture, certain Machinery, &c.
- 15 Destroying Machines in, other Manufactures, Threshing Machines, &c.

*Injuries to Corn, Trees, and Vegetable Productions*

- 16 Setting fire to Crops of Corn, &c.
- 17 Setting fire to Stacks of Corn, &c.
- 18 Attempting to set fire to any Crops of Corn, &c. or to any Stack or Steer.
- 19 Destroying Hopbinds.
- 20 Destroying or damaging Trees, Shrubs, &c. to the Value of more than 1l. growing in a Pleasure Ground, &c.
- 21 Destroying or damaging Trees, Shrubs, &c. to the Value of more than 5l. growing elsewhere than in a Pleasure Ground, &c.
- 22 Damaging Trees, wheresoever growing, to the Amount of 1s. Second Offence. Third Offence.
- 23 Destroying any Fruit or vegetable Production in a Garden. Second Offence.
- 24 Destroying &c. vegetable Productions not growing in Gardens, &c. Second Offence.

*Injuries to Fences*

- 25 Destroying, &c. any Fence, Wall, Stile, or Gate. Second Offence.

*Injuries to Mines*

- 26 Setting fire to a Coal Mine.
- 27 Attempting to set fire to a Mine.
- 28 Conveying Water into a Mine, obstructing the Shaft, &c.
- 29 Damaging Steam Engines, Staiths, Waggon ways, &c. for working Mines.

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

- 30 Destroy any Sea Bank, or Wall on any Canal.
- 31 Removing the Piles of any Sea Bank, &c., or doing any Damage to obstruct the Navigation of a River or Canal.

*Injuries to Ponds*

- 32 Breaking down the Dam of a Fishery, &c. or Milldam, or poisoning Fish.

*Injuries to Bridges, Viaducts, and Toll Bars*

- 33 Injury to a public Bridge.
- 34 Destroying a Turnpike Gate, Toll House, &c.

*Injuries to Railway Carriages and Telegraphs*

- 35 Placing Wood, &c. on Railway with Intent to obstruct, or overthrow any Engine, &c.
- 36 Obstructing Engines or Carriages on Railways.
- 37 Injuries to Electric or Magnetic Telegraphs.
- 38 Attempt to Injure such Telegraphs.

*Injuries to Works of Art*

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

*Injuries to Cattle and other Animals*

- 40 Killing or maiming Cattle.  
41 Killing or maiming other Animals.  
42 Setting fire to a Ship.  
43 Setting fire to Ships to prejudice the Owner or Underwriters.  
44 Attempting to set fire to a Vessel.  
45 Placing Gunpowder near a Vessel with Intent to damage it.  
46 Damaging Ships otherwise than by Fire.  
47 Exhibiting false Signals, &c.  
48 Removing or concealing Buoys and other Sea Marks.  
49 Destroying Wrecks or any Articles belonging thereto.

*Sending Letters threatening to burn or destroy*

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

*Injuries not before provided for*

- 51 Person committing malicious Injuries not before provided for exceeding the Amount of 5l.  
52 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 5l. Application of the Money awarded. Not to extend to certain Cases herein named.  
53 Preceding Section to extend to Trees.

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

- 54 Making or having Gunpowder, &c. with Intent to commit any Felony against this Act.  
55 Justices may issue Warrants for searching Houses, &c. for such Gunpowder, &c.

*Other Matters*

- 56 Principals in the Second Degree and Accessories.  
57 A Person loitering at Night and suspected of any Felony against this Act may be apprehended.  
58 Malice against Owner of Property unnecessary.  
59 Provisions of this Act shall apply to Persons in possession of the Property injured.  
60 Intent to injure or defraud particular Persons need not be stated in any Indictment.  
61 Persons in the Act of committing any Offence may be apprehended without a Warrant.  
62 Mode of compelling the Appearance of Persons punishable on summary Conviction.  
63 Abettors in Offences punishable on summary Conviction.

- 64 Application of Forfeitures and Penalties upon summary Convictions.  
Proviso where several Persons join in Commission of same Offence.
- 65 If a Person summarily convicted shall not pay, &c., the Justice may  
commit him.
- 66 The Justice may discharge the Offender in certain Cases.
- 67 A summary Conviction shall be a Bar to any other Proceeding for the  
same Cause.
- 68 Appeal.
- 69 No Certiorari, &c.
- 70 Convictions to be returned to the Quarter Sessions. How far Evidence in  
future Cases.
- 71 Venue in Proceedings against Persons acting under this Act. General  
Issue, &c
- 72 Offences committed within the Jurisdiction of the Admiralty.
- 73 Fine and Sureties for keeping the Peace; in what Cases.
- 74 Hard Labour.
- 75 Solitary Confinement and Whipping.
- 76 Summary Proceedings in England may be under the 11 & 12 Vict.  
c. 43., and in Ireland under the 14 & 15 Vict. c. 93. ; except in London  
and the Metropolitan Police District.
- 77 The Costs of the Prosecution of Misdemeanors against this Act may be  
allowed.
- 78 Act not to extend to Scotland.
- 79 Commencement of Act.