



Malicious Damage Act 1861

1861 CHAPTER 97

Injuries to Buildings by Rioters, &c

11 Rioters demolishing Church, Building, &c.

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, Waggon way, 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 Rioters injuring Building, Machinery, &c.

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, Outhouse, 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

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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.