



# Malicious Damage Act 1861

## 1861 CHAPTER 97

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

#### Setting fire to a Church or Chapel.

- 1      Whoever shall unlawfully and maliciously 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 of 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 Dwelling House, any Person being therein.

- 2      Whosoever shall unlawfully and maliciously set fire to an 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, 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.