



Malicious Damage Act 1861

1861 CHAPTER 97

Injuries to Railway Carriages and Telegraphs

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

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.

36 Obstructing Engines or Carriages on Railways.

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.

37 Injuries to Electric or Magnetic Telegraphs.

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

Status: This is the original version (as it was originally enacted).

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.

38 Attempt to Injure such Telegraphs.

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.