

New Zealand.

ANNO TRICESIMO PRIMO

V I C T O R I Æ R E G I N Æ .

No. 6.

AN ACT to consolidate and amend the
Statute Law relating to Malicious
Injuries to Property. Title.

[10th October 1867.]

WHEREAS it is expedient to consolidate and amend the statute law relating to malicious injuries to property Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

INJURIES BY FIRE TO BUILDINGS AND GOODS THEREIN.

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. Setting fire to a church or chapel.
24 and 25 Vict. c. 97
s. 1.

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 dwelling-house any person being therein.
Ib. s. 2.

3. Whosoever shall unlawfully and maliciously set fire to any house stable coach-house outhouse warehouse office shop mill malt-house 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 a house outhouse manufactory farm building &c.
Ib. s. 3.

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 Setting fire to any railway station.
Ib. s. 4.

Malicious Injuries to Property.

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.

24 and 25 Vict. c. 97
s. 5.

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 Superintendent of a Province on behalf of such Province or to the council or body corporate of any county shire city town borough or place or to the board of any road district or belonging to any university 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.

Ib. s. 6.

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.

Ib. s. 7.

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 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.

Attempting to set fire to buildings.

Ib. s. 8.

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.

Ib. s. 9.

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 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 or under against or near any building any gunpowder or other explosive substance with intent to destroy or damage any

Malicious Injuries to Property.

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.

24 and 25 Vict. c. 97
s. 10.

INJURIES TO BUILDINGS BY RIOTERS ETC.

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 the Superintendent of any Province on behalf of such Province or to the council or body corporate of any county shire city town borough or place or to the board of any road district or belonging to any university 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.

Rioters demolishing
church building &c.

Ib. s. 11.

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 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 guilty of a misdemeanour 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.

Rioters injuring
building machinery
&c.

Ib. s. 12.

INJURIES TO BUILDINGS BY TENANTS.

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

Tenants of houses
&c. maliciously
injuring them.

Ib. s. 13.

Malicious Injuries to Property.

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 misdemeanour.

INJURIES TO MANUFACTURES MACHINERY ETC.

Destroying goods in process of manufacture certain machinery &c.

24 and 25 Vict. c. 97 s. 14.

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 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.

Ib. s. 15.

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.

Ib. s. 16.

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 if a male under the age of sixteen years with or without whipping.

Malicious Injuries to Property.

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.

Setting fire to stacks of corn &c.

24 and 25 Vict. c. 9 s. 17.

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.

Attempting to set fire to any crops of corn &c. or to any stack or steer.

Ib. s. 18.

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 hopbinds.

Ib. s. 19.

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 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. to the value of more than £1 growing in a pleasure ground &c.

Ib. s. 20.

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.

Destroying or damaging trees shrubs &c. to the value of more than £5 growing elsewhere than in a pleasure ground &c.

Ib. s. 21.

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 any public gaol there to be imprisoned only or to be imprisoned and kept to hard

Damaging trees wheresoever growing to the amount of 1s.

Ib. s. 22.

Malicious Injuries to Property.

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 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 any public gaol 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 misdemeanour 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.

Destroying any fruit or vegetable production in a garden.

24 and 25 Vict. c. 97 s. 23.

Second offence.

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 any public gaol 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 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.

Destroying &c. vegetable productions not growing in gardens &c.

Ib. s. 24.

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 enclosed 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 any public gaol 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 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 any public gaol 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.

Ib. s. 25.

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

Malicious Injuries to Property.

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 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 any public gaol 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.

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.

Setting fire to a coal mine.

24 and 25 Vict. c. 97 s. 26.

27. Whosoever shall unlawfully and maliciously by an 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.

Attempting to set fire to a mine.

Ib. s. 27.

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 down fill up or obstruct or damage with intent to destroy obstruct or render useless any airway waterway drain pit level shaft or drive 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 under ground by any owner of any adjoining mine in working the same or by any person duly employed in such working.

Conveying water into a mine obstructing the shaft &c.

Ib. s. 28.

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 tramway or trunk for conveying minerals from any mine whether such engine staith building erection bridge waggonway tramway 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

Damaging steam engines staiths waggonways &c. for working mines.

Ib. s. 29.

Malicious Injuries to Property.

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 ETC.

Destroying any sea bank or any wall on any canal.

24 and 25 Vict. c. 97
s. 30.

30. Whosoever shall unlawfully and maliciously break down or cut down or otherwise damage or destroy any sea bank or sea wall 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.

Ib. s. 31.

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.

Ib. s. 32.

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 misdemeanour and being convicted thereof shall be liable at the discretion of the Court to be

Malicious Injuries to Property.

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.

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.

Injury to a public bridge.

24 and 25 Vict. c. 97 s. 33.

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 payable or directed to be paid by or under any Act or Ordinance 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 misdemeanour.

Destroying a turnpike gate toll house &c.

Ib. s. 34.

INJURIES TO RAILWAY CARRIAGES AND TELEGRAPHS.

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 years with or without whipping and whosoever shall unlawfully and maliciously break injure damage throw down or destroy any part of any railway or other works connected therewith shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to any of the punishments which the Court may award as in this section before mentioned.

Placing wood &c. on railway with intent to obstruct or overthrow any engine.

Ib. s. 35.

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 misdemeanour 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.

Obstructing engines or carriages on railways.

Ib. s. 36.

37. Whosoever shall unlawfully and maliciously cut break throw down destroy injure or remove any battery machinery wire cable post

Injuries to electric or magnetic telegraphs.

Malicious Injuries to Property.

24 and 25 Vict. c. 97
s. 37.

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 misdemeanour 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 some public gaol 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.

Ib. s. 38.

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 any public gaol 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.

INJURIES TO WORKS OF ART.

Destroying or damag-
ing works of art in
museums churches
&c. or in public places.

Ib. s. 39.

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 the Government of New Zealand or to the Superintendent of any Province for or on behalf of such Province or to the council or body corporate of any county shire city town borough or place or to the board of any road district or to any university or in any street square churchyard cemetery 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 misdemeanour 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 injuries so committed.

INJURIES TO CATTLE AND OTHER ANIMALS.

Killing or maiming
cattle.

Ib. s. 40.

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

Malicious Injuries to Property.

to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement.

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 any public gaol 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 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 any public gaol there to be kept to hard labour for such term not exceeding twelve months as the convicting Justice shall think fit.

Killing or maiming other animals.

24 and 25 Vict. c. 97 s. 41.

Second offence.

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 a ship.

Ib. s. 42.

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.

Setting fire to ships to prejudice the owner or underwriters.

Ib. s. 43.

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.

Attempting to set fire to a vessel.

Ib. s. 44.

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.

Placing gunpowder near a vessel with intent to damage it.

Ib. s. 45.

Malicious Injuries to Property.

Damaging ships otherwise than by fire.

24 and 25 Vict. c. 97 s. 46.

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.

Ib. s. 47.

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 hereinbefore 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.

Ib. s. 48.

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 wrecks or any articles belonging thereto.

Ib. s. 49.

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.

Ib. s. 50.

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.

Malicious Injuries to Property.

INJURIES NOT BEFORE PROVIDED FOR.

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 herebefore provided the damage injury or spoil being to an amount exceeding five pounds shall be guilty of a misdemeanour 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 be imprisoned for any term not exceeding two years with or without hard labour.

Persons committing malicious injuries not before provided for exceeding the amount of £5.

24 and 25 Vict. c. 97 s. 51.

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 herebefore provided shall on conviction thereof before a Justice of the Peace at the discretion of the Justice either be committed to any public gaol 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 any public gaol 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.

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.

Ib. s. 52.

Application of the money awarded.

Not to extend to certain cases herein named.

Preceding section to extend to trees.

Ib. s. 53.

MAKING GUNPOWDER TO COMMIT OFFENCES AND SEARCHING FOR THE SAME.

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 in this Act mentioned shall be guilty of a misdemeanour 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.

Making or having gunpowder &c. with intent to commit any felony against this Act.

Ib. s. 54.

Malicious Injuries to Property.

Justices may issue warrants for searching houses &c. for such gunpowder &c.

24 and 25 Vict. c. 97 s. 55.

55. Any Justice of the Peace of the Colony or of any district 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 for any machine engine implement or thing or any gunpowder or other explosive dangerous or noxious substance 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 hereinbefore mentioned and every person acting in the execution of any such warrant shall seize 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 also the barrels packages cases and other receptacles in which the same shall be or be found to be made kept or carried contrary to this Act and shall convey everything so seized with all convenient speed after the seizure to some proper place and there detain the same and the barrels or other receptacles in which the same shall be till it shall be adjudged on a hearing before two or more Justices whether the same shall be forfeited and any two such Justices are hereby empowered to hear and determine whether the same shall or shall not be forfeited and such searcher or seizer shall not be liable to any suit for such detainer or for any loss of or damage which may happen to anything seized other than by his wilful act or neglect Provided that where anything is seized under this provision proceedings for the forfeiture thereof shall be commenced within twenty-eight days after such seizure.

OTHER MATTERS.

Principals in the second degree and accessories.

Ib. s. 56.

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 misdemeanour punishable under this Act shall be liable to be proceeded against indicted tried and punished as a principal offender.

A person loitering at night and suspected of any felony against this Act may be apprehended.

Ib. s. 57.

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.

Ib. s. 58.

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

59. Every provision of this Act not hereinbefore so applied shall apply to every person who with intent to injure or defraud any other

Malicious Injuries to Property.

person shall do any of the acts hereinbefore made penal although the offender shall be in possession of the property against or in respect of which such act shall be done.

60. It shall be sufficient in any indictment for any offence against this Act where it shall be necessary to allege an attempt 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).

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.

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 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.

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.

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 Act or Ordinance 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.

of the property injured.
24 and 25 Vict. c. 97
s. 59.

Intent to injure or defraud particular persons need not be stated in any indictment.

Ib. s. 60.

Persons in the act of committing any offence may be apprehended without a warrant.

Ib. s. 61.

Mode of compelling the appearance of persons punishable on summary conviction.

Ib. s. 62.

Abettors in offences punishable on summary conviction

Ib. s. 63.

Application of forfeitures and penalties upon summary convictions.

Ib. s. 64.

Proviso where several persons join in commission of same offence.

Malicious Injuries to Property.

If a person summarily convicted shall not pay &c. the Justice may commit him.

24 and 25 Vict. c. 97 s. 65.

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 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 any public gaol 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.

The Justice may discharge the offender in certain cases.

Ib. s. 66.

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.

A summary conviction shall be a bar to any other proceeding for the same cause.

Ib. s. 67.

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 Governor of the Colony or shall have suffered the imprisonment awarded for the non-payment 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.

No *certiorari*.

Ib. s. 69.

68. No summary conviction made under this Act or adjudication made on appeal therefrom shall be quashed for want of form nor shall any such conviction or adjudication made on appeal therefrom to any District Court be removed by *certiorari* or otherwise into the Supreme Court 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.

Conviction to be returned to Supreme Court.

Ib. s. 70.

69. Every Justice of the Peace before whom any person shall be convicted of any offence against this Act shall transmit the conviction to that office of the Supreme Court which is nearest to the place at which such person shall have been so convicted by such Justice 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.

How far evidence in future cases.

Actions when to be commenced.

Ib. s. 71.

70. All actions and prosecutions to be commenced against any person for anything done in pursuance of this Act shall be commenced within six months after the fact committed and not otherwise and notice in writing of such action and 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 a general denial 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

Malicious Injuries to Property.

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 solicitor 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.

71. Whenever any person shall be convicted of any indictable misdemeanour 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.

Fine and sureties for keeping the peace in what cases.

24 and 25 Vict. c. 97 s. 73.

72. 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 any public gaol.

Hard labour.

Ib. s. 74.

73. 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.

Solitary confinement and whipping.

Ib. s. 75.

74. Every offence hereby made punishable on summary conviction may be prosecuted in the manner directed by "The Justices of the Peace Act 1866" 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 or in such other manner as may be directed by any Act that may be passed for like purposes and all provisions contained in the said Act or in such other Act as aforesaid shall be applicable to such prosecutions in the same manner as if they were incorporated in this Act.

Summary proceedings may be under "The Justices of the Peace Act 1866."

Ib. s. 76.

75. The Short Title of this Act shall be "The Malicious Injuries to Property Act 1867."

Short Title.

76. This Act shall commence and take effect on the first day of November one thousand eight hundred and sixty-seven.

Commencement of Act.