

THE MALICIOUS INJURIES TO PROPERTY ACT

ARRANGEMENT OF SECTIONS

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Injuries by Fire to Buildings, and Goods therein

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7. Thing in or under building.
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MALICIOUS INJURIES TO PROPERTY

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THE MALICIOUS INJURIES TO PROPERTY ACT

Cap. 234.
Acts
42 of 1969
3rd Sch.,
17 of 1982
3rd Sch.,
13 of 2000.

[1864]

1. This Act may be cited as the Malicious Injuries to Property Act.

Short title.

Injuries by Fire to Buildings, and Goods therein

2. 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 to be imprisoned for life with or without hard labour.

Church or chapel.

42/1969
3rd Sch.

3. 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 to be imprisoned for life, with or without hard labour.

Dwelling-house,
person being therein.
42/1969
3rd Sch.

4. Whosoever shall unlawfully and maliciously set fire to any house, stable, coach-house, outhouse, warehouse, office, shop, mill, storehouse, granary, hovel, shed, or fold or to any plantation, pen, or settlement, or to any sugar works, or works on any coffee plantation, or to any building, or to any trash-house on any sugar estate, or to any erection used for the purpose of manufacturing, or preparing, or for preserving when manufactured and prepared, any of the products of such plantation, pen, settlement, or sugar estate 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,

House,
outhouse,
etc.

42/1969
3rd Sch. being convicted thereof, shall be liable to be imprisoned for life, with or without hard labour.

Building belonging to railway, port or harbour. 5. Whosoever shall unlawfully and maliciously set fire to any station, engine-house, warehouse, or other building, or to any bridge belonging or appertaining to any railway, tramway, port, or harbour, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for life, with or without hard labour.

42/1969
3rd Sch.

Other buildings of a public character. 6. 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, city, parish, or place, 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 to be imprisoned for life, with or without hard labour.

42/1969
3rd Sch.

Thing in or under building. 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 to be imprisoned for fourteen years, with or without hard labour.

42/1969
3rd Sch.

Other buildings than those already mentioned. 8. Whosoever shall unlawfully and maliciously set fire to any building other than such as are in this Act mentioned shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for a term not exceeding fourteen years, with or without hard labour.

42/1969
3rd Sch.

Attempting to set fire to building. 9. Whosoever shall unlawfully and maliciously, by any overt act, attempt to set fire to any building, or any matter or thing, in section 7 mentioned, under such circumstances

that, if the same were set fire to the offender would be guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for a term not exceeding fourteen years, with or without hard labour.

42/1969
3rd Sch.

Injuries by Explosive Substances to Buildings and Goods Therein

10. 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, to be imprisoned for life, with or without hard labour.

Destroying house by explosion of gunpowder, person being therein.

42/1969
3rd Sch.

11. Whosoever shall unlawfully and maliciously place or throw in, into, upon, under, against or near any building any gunpowder or other explosive substances, with intent to destroy or damage any building, or any engine, machinery, working tools, fixtures, goods or chattels, shall, whether or not any explosion takes place, and whether or not any damage be caused, be guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for a term not exceeding fourteen years with or without hard labour.

Attempting to destroy building by explosion of gunpowder.

42/1969
3rd Sch.

Injuries to Buildings by Rioters, etc.

12. 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, or 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, barn, granary, shed, hovel, or fold, of any building or erection used in farming land, or in carrying on

Demolishing of buildings by rioters.

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, city, parish, or place, or devoted or dedicated to any 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 cattle-mill, water-mill, or other engine or mill for the purposes of manufacture, or for making sugar, or for preparing coffee or other produce, or any building or erection used in conducting the business of such manufacture, or for the preparing of such produce, or any bridge, waggon, wain, truck for conveying any manufacture whatever from the place where it was prepared, every offender shall be guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for life, with or without hard labour.

42/1969
3rd Sch.

Injury to
buildings by
rioters.

13. 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, building, erection, machinery, engine, bridge, waggon, wain, or truck as is mentioned in section 12, every such offender shall be guilty of a misdemeanour, and being convicted thereof, shall be liable to be imprisoned for a term not exceeding seven years, with or without hard labour:

42/1969
3rd Sch.

Provided, that if, upon the trial of any person for any felony mentioned in section 12, 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.

Injuries to Buildings by Tenants

14. 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 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
buildings by
tenants

Injuries to Manufactures, Machinery, etc.

15. Whosoever shall unlawfully and maliciously cut, break, or destroy, or damage with intent to destroy or to render useless, any goods or articles of manufacture, whilst in any stage, process, or progress of manufacture, or shall by force enter into any house, shop, store, 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 to be imprisoned for life, with or without hard labour.

Injuries to
manu-
factures, etc

42/1969
3rd Sch

16. 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 mowing, 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, shall be guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for a term not exceeding seven years, with or without hard labour.

Injuries to
machinery,
etc

42/1969
3rd Sch

Injuries to Corn, Trees, and Vegetable Productions

Setting fire
to corn-
piece, &c

17. Whosoever shall unlawfully and maliciously set fire to any corn-piece, grass-piece, pimento-walk, coffee-piece, or pasture, or plantation, or to any cultivated vegetable produce, whether standing or cut down, or to any part of any wood, coppice, or plantation of trees, wheresoever the same may be growing, shall be guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for a term not exceeding fourteen years, with or without hard labour.

42/1969
3rd Sch

Setting fire
to stack of
grain, &c

18. Whosoever shall unlawfully and maliciously set fire to any stack of grain, straw, or of any cultivated vegetable produce, or of coals, charcoal, wood, or bark, shall be guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for life, with or without hard labour.

42/1969
3rd Sch

Attempting
to set fire to
anything in
last two
sections

19. Whosoever shall unlawfully and maliciously, by any overt act, attempt to set fire to any such matter or thing as is mentioned in either section 17 or section 18 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 to be imprisoned for a term not exceeding seven years, with or without hard labour.

42/1969
3rd Sch

Destroying
or damaging
trees in
garden, &c
13/2000
S 2

20.—(1) A person commits an offence if he unlawfully or maliciously cuts, breaks, barks, roots up or otherwise destroys or damages the whole or any part of any tree, sapling or shrub, or any underwood, growing in any pleasure ground, garden, orchard, avenue or in any ground adjoining or belonging to any dwelling-house, or in any other place.

(2) A person who commits an offence under subsection (1) shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding ten thousand dollars or three times the value of the injury done, whichever is the greater, and in default of payment thereof to imprisonment for a term not exceeding one year.

21. *[Repealed by Act 13 of 2000.]*

22. *[Repealed by Act 13 of 2000.]*

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, or nursery-ground, shall, on summary conviction thereof in a Resident Magistrate's Court, be liable to imprisonment with or without hard labour, for a 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 four thousand dollars, as to the Court

Destroying
or damaging
plants in
garden, etc.
17/1982
3rd Sch.

13/2000
S. 4.

Second
offence

42/1969
3rd Sch

shall seem meet; and whosoever, having been so convicted of any such offence, either against this or any former enactment 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 to be imprisoned for a term not exceeding three years with or without hard labour.

Injury to
cultivated
roots or
plants
17/1982
3rd Sch

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 distillery, 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 summary conviction thereof in a Resident Magistrate's Court and at the discretion of the Court, be liable to imprisonment with or without hard labour, for a 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 four thousand dollars, as to the Court shall seem meet; and, in default of payment thereof, together with the costs if ordered, shall be committed as aforesaid for a term not exceeding six months, unless payment be sooner made; and whosoever, having been convicted of any such offence, either against this or any former enactment, shall afterwards commit any of the said offences in this section before-mentioned, and shall be convicted thereof in like manner, shall be liable to imprisonment with hard labour for such term not exceeding two years, as the Court shall think fit.

13/2000
S. 4

Injuries to Fences, etc.

Injuries to
fences,
walls, etc
17/1982
3rd Sch

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 summary conviction thereof, in a Resident Magistrate's Court, for the first offence forfeit and pay, over and above the amount of the injury done, such sum of money not exceeding four thousand dollars as to the Court shall seem meet; and whosoever, having been convicted of any such offence, either against this or any former enactment, shall afterwards commit any of the said offences in this section before-mentioned, and shall be convicted thereof in like manner, shall be liable to imprisonment with hard labour for such term not exceeding three years as the Court shall think fit.

13/2000
S 4

Injuries to Bridges and Viaducts

26. 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, tramway, or canal shall pass, or do an injury, with intent and so as to thereby render such bridge, viaduct or aqueduct, or the highway, railway, tramway, 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 to be imprisoned for life, with or without hard labour.

Injuries to
bridges, etc

42/1969
3rd Sch.

Injuries to Railway or Tramway Carriages and Telegraphs

27. Whosoever shall unlawfully and maliciously put, place, cast, or throw upon or across any railway or tramway, 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 tramway, or shall unlawfully and maliciously turn, move, or divert any points or other machinery belonging to any railway or

Placing
wood on
railway to
obstruct
engines, etc.

42/1969
3rd Sch.

tramway, or shall unlawfully and maliciously make or show, hide or remove any signal or light upon or near to any railway or tramway, 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 or tramway, shall be guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for life, with or without hard labour.

Obstructing
carriage on
railway, etc.

28. 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 tramway, or any traction engine or waggon using any ordinary public road, or shall aid or assist therein, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable, to be imprisoned for any term not exceeding two years, with or without hard labour.

Destroying
electric
telegraph,
etc.

29. 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 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 to be imprisoned for a term not exceeding two years, with or without hard labour:

Provided, that if it shall appear to the Justices, 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 Justices may proceed summarily to hear and determine the same, and the offender shall, on conviction thereof, at the discretion of the Justices, be liable to imprisonment with or without hard labour, for a term not exceeding three months, or else shall forfeit and pay such sum of money, not exceeding four thousand dollars, as to the Justices shall seem meet.

13/2000
S. 5.

Injuries to Cattle and Other Animals

30. Whosoever shall unlawfully and maliciously kill, maim, or wound any cattle, shall be guilty of felony, and, being convicted thereof shall be liable to be imprisoned for a term not exceeding fourteen years, with or without hard labour.

Killing or
wounding
cattle.
42/1969
3rd Sch.

31. Any person who unlawfully and maliciously kills, maims or wounds 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 summary conviction in a Resident Magistrate's Court be liable—

Animals
other than
cattle.
17/1982
3rd Sch.

(a) to a fine not exceeding two thousand dollars or three times the value of the thing killed, maimed or wounded, whichever is greater; and

(b) to pay to the party aggrieved such compensation as the Resident Magistrate determines,

or in default of payment thereof to imprisonment for a term not exceeding three years.

Drugging of Animals

32.—(1) If any person shall wilfully, without any reasonable cause or excuse, administer to any horse, cattle, or domestic animal, or cause or procure, or being the owner

Penalty on
persons
administering
drugs to ani-
mals in cer-
tain cases.

permit the administration of any poisonous or injurious drug or substance or shall wilfully without any reasonable cause or excuse cause any such substance to be taken by any horse, cattle, or domestic animal such person shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a penalty not exceeding forty thousand dollars or alternatively or in addition thereto to imprisonment with or without hard labour for a term not exceeding three years.

17/1982
3rd Sch.
13/2000
S. 6.

(2) Nothing in this section shall exempt a person from liability to any greater or other punishment under any other provision of law, so that he be not more than once punished for the same offence.

Destruction of or Damage to Ships, etc.

Setting fire
to ship, etc.

33. Whosoever shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any ship or vessel, whether the same to be complete or in an unfinished state, shall be guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for life, with or without hard labour.

42/1969
3rd Sch.

Setting fire
to ship to
prejudice
owner or
underwriter,
etc.

34. 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 to be imprisoned for life, with or without hard labour.

42/1969
3rd Sch.

Attempting
to set fire
to ship, etc.

35. 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 to be imprisoned for a term not exceeding fourteen years, with or without hard labour.

42/1969
3rd Sch.

36. Whosoever shall unlawfully or 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 to be imprisoned for a term not exceeding fourteen years, with or without hard labour.

Placing
gunpowder
near ship
with intent
to damage,
etc.

42/1969
3rd Sch.

37. 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 to be imprisoned for a term not exceeding seven years, with or without hard labour.

Damaging
ship other-
wise than by
fire, etc.

42/1969
3rd Sch.

38. 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 or 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 to be imprisoned for life, with or without hard labour.

Exhibiting
false signals.

42/1969
3rd Sch.

39. Whosoever shall unlawfully and maliciously cut away, cast adrift, remove, alter, deface, sink and destroy,

Removing
buoys, etc.

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, pile 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 to be imprisoned for a term not exceeding seven years, with or without hard labour.

42/1969
3rd Sch.

Destroying
wrecks, etc.

40. 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 to be imprisoned for a term not exceeding fourteen years, with or without hard labour.

42/1969
3rd Sch.

Sending Letters Threatening to Burn or Destroy

Letters
threatening
to burn or
destroy.

41. 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 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 to be imprisoned for a term not exceeding ten years, with or without hard labour.

42/1969
3rd Sch.

Injuries not before provided for

Injury to
property to
amount
exceeding
ten dollars.

42. 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 hereinbefore provided, the

damage, injury, or spoil being to an amount exceeding ten dollars, shall be guilty of a misdemeanour, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for a 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 to be imprisoned for a term not exceeding five years, with or without hard labour.

42/1969
3rd Sch.

43. 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 hereinbefore provided, shall, on summary conviction, be liable to imprisonment with or without hard labour, for a term not exceeding one year or else shall forfeit and pay such sum of money, not exceeding twenty thousand dollars, as to the Court shall seem meet, and also such further sum of money as shall appear to the Court to be a reasonable compensation for the damage, injury, or spoil so committed, not exceeding the sum of twenty thousand dollars; which last-mentioned sum 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 the Court under this Act; and if such sums of money, together with the costs (if ordered) shall not be paid either immediately after the conviction, or within such period as the Court shall, at the time of the conviction, appoint, the Court may commit the offender to imprisonment with or without hard labour, as the Court shall think fit, for a term not exceeding one year, unless such sum and costs be sooner paid:

Injury to
property for
which no
punishment
yet provided.
17/1982
3rd Sch.

13/2000
S. 7.

13/2000
S. 7.

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 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.

Preceding
section to
extend to
trees.

44. The provisions in section 43 shall extend to any person who shall wilfully or maliciously commit any injury to any tree, sapling, shrub, or underwood, for which no punishment is hereinbefore provided.

Other Matters

Principals
in second
degree and
accessories.

45. 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 a term not exceeding two years, with or without hard labour; 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, and punished as a principal offender.

Apprehen-
sion
without
warrant.

46. Any constable 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, that is to say the interval between 7 o'clock in the evening and 6 o'clock in the morning of the next succeeding day, 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, to be dealt with according to law.

47. 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 from malice conceived against the owner of the property in respect of which it shall be committed, or otherwise.

Malice
against
owner.

48. Every provision of this Act not hereinbefore so applied shall apply to every person who, with intent to injure or defraud any other person, shall do any of the acts hereinbefore made penal, although the offender shall be in the possession of the property against or in respect of which such act shall be done.

Act to
extend to
offender in
possession of
property
injured.

49. On the trial of any offence against this Act 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).

Intent to
injure or
defraud.
proof of,
unnecessary.

50. 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 constable, or the owner of the property injured, or his servant, or any person authorized by him, and forthwith taken before some neighbouring Justice, to be dealt with according to law.

Offender
may be
apprehended
without
warrant.

51. Where any person shall be charged, on the oath of a credible witness, before any Justice 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

Mode of
compelling
appearance
of parties
charged with
offences
under this
Act.

to him personally, or by leaving the same at his usual place of abode), the Justices may either proceed to hear and determine the case *ex parte*, or issue a warrant for apprehending such person, and bringing him before themselves, or some other Justices; 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 Justices before whom the person charged shall appear, or be brought, shall proceed to hear and determine the case.

Abettors in offences punishable on summary conviction.

52. 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 summary conviction, 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.

Application of forfeitures and penalties upon summary conviction.

53. Every sum of money which shall be forfeited for the amount of any injury done shall be assessed in each case by the convicting Justices 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 Justices, whether in addition to such amount or otherwise, shall be paid and applied in the same manner as other penalties recoverable before Justices are to be paid and applied in cases where the statute 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 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 Justices is hereinbefore directed to be applied.

54. Where any person shall be summarily convicted of any offence against this Act, and it shall be a first conviction, the Court may, if it 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 Court.

Justices may discharge offender in certain cases.

55. 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 shall have suffered the imprisonment awarded for non-payment thereof, or the imprisonment awarded in the first instance, or shall have been so discharged from his conviction by any Justices as aforesaid, he shall be released from all further or other proceedings for the same cause.

Conviction bar to further proceedings.

56. In all cases upon any summary conviction under this Act any person who shall think himself aggrieved by any such conviction may appeal.

Appeal.

57. No such conviction, or adjudication made on appeal therefrom shall be quashed for want of form, or be removed by *certiorari* into the Supreme Court, and no warrant of commitment shall be held void by reason of any defect

No conviction to be quashed for want of form.

therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

Fines, and sureties to keep the peace.

58. Whenever any person shall be convicted of any indictable misdemeanour punishable under this Act, the Court may, if it think fit, in addition to, or in lieu of any of the punishments authorized by this Act, 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 section for not finding sureties for any period exceeding one year.

Prerogative of mercy.

59. It shall be lawful for the Governor-General to extend the royal mercy to any person imprisoned by virtue of this Act, although he shall be imprisoned for non-payment of money to some person other than the Crown.