

1869 c. 36.

CAP. IV. *Supplement by Act*

An Act further to amend the Law relating to offences against the person.

Section.

Section.

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| <ol style="list-style-type: none"> 1. Certain offences against the person, how dealt with. 2. Abandonment of child deemed misdemeanor; penalty. 3. Concealment of birth, misdemeanor; penalty. | <ol style="list-style-type: none"> 4. Unlawful miscarriage, felony; penalty. 5. Aiding unlawful miscarriage, misdemeanor; penalty. 6. Second marriage during life of husband or wife, how dealt with; proviso. 7. Sections Revised Statutes repealed. |
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Passed 11th April, 1864.

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. When any person being feloniously stricken, poisoned or otherwise hurt at any place out of this Province, shall die of such stroke, poisoning or hurt in this Province, every offence committed in respect of any such case, whether the same shall amount to the offence of murder or of manslaughter, or of being accessory to murder or manslaughter, may be dealt with, enquired of, tried, determined and punished in the County or place in this Province in which such death shall happen, in the same manner in all respects as if such offence had been wholly committed in that County or place.

2. Whosoever shall unlawfully abandon or expose any child, being under the age of two years, whereby the life of such child shall be endangered, or the health of such child shall have been or shall be likely to be permanently injured, shall be guilty of a misdemeanor, and being convicted thereof shall be imprisoned in the Provincial Penitentiary for any term not exceeding two years, with hard labour.

3. If any woman shall be delivered of a child, every person who shall by any secret disposition of the dead body of the said child, whether such child died before, at or after its birth, endeavour to conceal the birth thereof, shall be guilty of a misdemeanor, and be imprisoned in the Provincial Penitentiary for any term not exceeding two years, with hard labour; provided that if any person tried for the murder of any child shall be acquitted thereof, it shall be lawful for the jury by whose verdict such person shall be acquitted, to find, in case it shall so appear in evidence that the child had recently been born, and that such person did, by some secret disposition of the dead body of such child, endeavour to conceal the birth thereof, and thereupon the Court may pass such sentence as if such person had been convicted upon an indictment for the concealment of the birth.

4. Every woman, being with child, who, with intent to procure her own miscarriage, shall unlawfully administer to herself any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever, with the like intent; and whosoever with intent to procure the miscarriage of any woman, whether she be or be not with child, shall unlawfully administer to her, or cause to be taken by her, any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever, with the like intent, shall be guilty of felony, and be imprisoned in the Provincial Penitentiary for any term not exceeding fourteen years, with hard labour.

5. Whosoever shall unlawfully supply or procure any poison or other noxious thing, or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used or employed, with intent to procure the miscarriage of any woman, whether she be or be not with child, shall be guilty of a misdemeanor, and be imprisoned in the Provincial Penitentiary for any term not exceeding two years, with hard labour.

6. Whosoever being married, shall marry any other person during the life of the former husband or wife, whether the second marriage shall have taken place in this Province or elsewhere, shall be guilty of felony, and be imprisoned in the Provincial Penitentiary for any term not exceeding two years, with hard labour; and any such offence may be dealt with, inquired of, tried, determined and punished in any County or place in this Province where the offender shall be apprehended or be in custody, in the same manner in all respects as if the offence had been actually committed in that County or place; provided that nothing in this Section contained shall extend to any second marriage contracted out of this Province by any person not being a British subject, or to any person marrying a second time whose husband or wife shall have been continually absent from such person for the space of seven years then last past, and shall not have been known by such person to be living within that time, or shall extend to any person who at the time of such second marriage shall have been divorced from the bond of the first marriage, or to any person whose former marriage shall have been declared void by the sentence of any Court of competent jurisdiction.

7. The following enactments of the Revised Statutes are hereby severally repealed, that is to say:—Section 1 of Chapter 146; Sections 13 and 14 of Chapter 149; Section 8 of Chapter 158; and Section 15 of Chapter 159.

CAP. V.

An Act to explain an Act intituled *An Act to amend the Act relating to the administration of Justice in Equity.*

Passed 11th April, 1864.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—

That the twenty third Section of the Act passed in the twenty sixth year of Her Majesty's Reign, intituled *An Act to amend the Act relating to the administration of Justice in Equity*, shall not apply or be construed to apply to any suit or proceeding commenced or pending at the time of the passing of the said Act.

CAP. VI. Repealed by *form Act*

1869 Chap 36
An Act relating to Larceny and other similar offences.

Section.

1. Bailee of any chattel when deemed guilty of larceny.
2. When several counts may be inserted in same indictment.
3. Offences punishable as for larceny.
4. Person indicted for robbery may be convicted of assault with intent to rob.
5. Persons sending threatening letters, &c.; penalty.
6. Violent entry into any Church, &c.; penalty.
7. Persons found with offensive weapons or burglar's tools under suspicious circumstances; penalty.

Section.

8. Public servants stealing articles belonging to or in possession of the Crown, entrusted to them as such; penalty.
9. Embezzlement by public servants; penalty.
10. Embezzlement, how prosecuted.
11. In actions for embezzlement, may be convicted for larceny, and *vice versa*.
12. Money, &c. procured under false pretences; penalty.
13. When constable, &c. may arrest without warrant.

Passed 11th April, 1864.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

I. Whoever being a bailee of any chattel, money, or valuable security, shall fraudulently take or convert the same to his own use, or the use of any person other than the owner thereof, although he shall not break bulk or otherwise determine the bailment, shall be guilty of larceny, and may be convicted thereof upon an indictment for larceny; but this