

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1842.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1842.

5 Victoria – Chapter 33

**An Act further to amend the Law relating to Offences against the Person. Passed 4th April 1842.**

'Whereas it is expedient to amend the Law relating to offences against the Person by repealing the eighth Section of an Act passed in the Session of the General Assembly held in the Ninth and Tenth Years of the Reign of King George the Fourth, intituled *An Act to amend the Statute Law relative to offences against the Person, and to provide for the more effectual punishment of such offences*' which relates to persons who shall use means to procure the miscarriage of Women and by making other provisions with regard to such offences.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said eighth Section of the said recited Act shall continue in force until and throughout the thirtieth day of April, one thousand eight hundred and forty two, and shall from and after that day be repealed, except as to offences committed before or upon the said thirtieth day of April, which shall be dealt with and punished as if this Act had not been passed.

II. And be it enacted, That whosoever with intent to procure the miscarriage of any Woman, 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 being convicted thereof, shall be liable at the discretion of the Court, to be imprisoned for the term of the natural life of such offender, or for any term not less than three years.

III. And be it enacted, That whosoever shall unlawfully and maliciously send or deliver to, or cause to be taken or received by any person, any explosive substance, or any other dangerous or noxious thing, or shall cast or throw upon, or otherwise apply to any person, any corrosive fluid or other destructive matter with intent in any of the cases aforesaid to burn, maim, disfigure, or disable any person or to do some other grievous bodily harm to any person, and whereby in any of the cases aforesaid, any person shall be burnt, maimed, disfigured or disabled, or receive some other grievous bodily harm shall be guilty of Felony, and being convicted thereof, shall be liable at the discretion of the Court to be imprisoned for the term of the natural life of such offender, or for any term not less than three years.

IV. And be it enacted, That 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 with death or otherwise, 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 to be imprisoned for any term not exceeding two years.

V. And be it enacted, That on the trial of any person for any of the offences hereinbefore mentioned, or for any Felony whatever when the crime charged shall include an assault against the person, it shall be lawful for the Jury to acquit of the Felony, and to find a verdict of Guilty of Assault, against the person indicted, if the evidence shall warrant such finding ; and when such verdict shall be found the Court shall have power to imprison the person so found guilty of an assault for any term not exceeding three years.

VI. And be it enacted, That when any person shall be convicted of any offence punishable under this Act, for which imprisonment may be awarded it shall be lawful for the Court to sentence the offender to be imprisoned or to be imprisoned and kept to hard labour in the Common Gaol or House of Correction, or the Provincial Penitentiary, and also to direct that the offender shall be kept in Solitary Confinement for any portion or portions of such imprisonment, or of such imprisonment with hard labour not exceeding one month at any one time, and not exceeding three months in any one year, as to the Court in its discretion shall seem meet.

VII. And be it enacted, That this Act shall commence and take effect on the first day of May, one thousand eight hundred and forty two.