

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1862.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1862.

25 Victoria – Chapter 10

**An Act to amend the Law relating to offences against the Person. Passed 23rd April 1862.**

Section.

1. Penalty for using fire arms with intent to injure the person.
2. Fire arms, when deemed loaded.
3. Penalty for administering poison, &c. with intent to kill.
4. Penalty for administering poison, &c. with intent to injure.

Section.

5. Person tried for administering poison &c. with intent to kill, Jury may convict of intencion to injure.
6. Penalty to persons getting unlawful possession of any child under fourteen years.
7. Defninition of term "imprisoned."

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

1. Whoever shall unlawfully and maliciously, by any means whatsoever, wound or cause any bodily harm to any person, or shoot at any person, or by drawing a trigger, or in any other manner attempt to discharge any kind of loaded arms at any person, with intent in any of the cases aforesaid to main, disfigure, or disable any person, or with intent to resist or prevent the lawful apprehension or detainer of any person, shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years.
2. Any gun, pistol or other arms which shall be loaded with gunpowder or any other explosive substance, and with ball, shot, slug, or other destructive material, shall be deemed to be loaded arms within the meaning of this Act, although the attempt to discharge the same may fail for want of proper priming or from any other cause.
3. Whoever shall unlawfully and maliciously administer to, or cause to be administered to or taken by any other person, any poison or other destructive or noxious thing, so as thereby to endanger the life of such person, shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years.
4. Whoever shall unlawfully and maliciously administer to, or cause to be administered to or taken by any other person, any poison or other destructive or noxious thing, with intent to injure, aggrieve, or anoy such person, shall be guilty of a misdemeanor, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding two years.
5. If upon the trial of any person for any felony in the last but one 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 misdemeanor in the last preceding Section mentioned, then and in every such case, the Jury may acquit the accused of such felony, and find him guilty of such misdemeanor, and

thereupon he shall be liable to be punished in the same manner as if convicted upon an indictment for such misdemeanor.

6. Whoever shall unlawfully, either by force or fraud, lead or take away, or decoy or entice away, or detain any child under the age of fourteen years, with intent to deprive any parent, guardian, or other person having the lawful care or charge of such child, of the possession of such child, or with intent to steal any article upon or about the person of such child, to whomsoever such article may belong; and whosoever shall, with any such intent, receive or harbour any such child, knowing the same to have been by force or fraud led, taken, decoyed, enticed away, or detained, as in this Section before mentioned, shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years; provided that no person who shall have any right to the possession of such child, or shall be the mother, or shall be the father of an illegitimate child, shall be liable to be prosecuted by virtue hereof on account of the getting possession of such child, or taking such child out of the possession of the person having the lawful charge thereof.

7. The term "imprisoned" in this Act shall mean and include imprisonment with or without hard labour, either in the Provincial Penitentiary or in the common gaol of the County where the offender may be tried, at the discretion of the Court before which the trial may be had.