

CHAPTER 4. No. 4.

CRIMINAL OFFENCES.

AN ORDINANCE TO MAKE PROVISION FOR THE PUNISHMENT
OF CERTAIN OFFENCES.

Ordinances
Ch. 4. No. 4-
1940.
No. 3-1945.

[22nd July, 1844.]

Commence-
ment.

1. This Ordinance may be cited as the Criminal Offences
Ordinance.

Short title.

2. Every offence which, if done or committed in England,
would amount to a felony or misdemeanor at Common Law
shall, if done or committed in the Colony, be taken to be a
felony or misdemeanor, as the case may be, and shall be
liable to be and shall be punished in the same manner as it
would be in England, under or by virtue of any special or
general Statute providing for the punishment of such
offence, or, if there be no such Statute, by the Common
Law: Provided always, that nothing herein contained shall
be construed as limiting or affecting the power of the
Governor and Legislative Council to make express provision,
by Ordinance, for the punishment of any such felony or
misdemeanor.

Common
Law
offences.

3. If any person shall falsely and deceitfully personate
any person, or the heir, executor, administrator, wife,
widow, next of kin, or relation of any person, with intent
fraudulently to obtain any land, estate, chattel, money,
valuable security, or property, he shall be guilty of felony
and liable to be imprisoned for five years: Provided that
nothing in this section shall prevent any person from being
proceeded against and punished under any other Ordinance
or at Common Law in respect of any offence punishable as

Personation.

well under this section as under any other Ordinance or at Common Law.

Breaking
out of
prison.

Rescue.

4. When any person shall be convicted of any of the following offences; that is to say, breaking out of any prison in which such person shall be detained under sentence for any felony, or to which such person shall have been committed for any felony or on suspicion thereof; the rescue of, or attempt to rescue or set at liberty, any person convicted of any capital felony going to execution or during execution; or the rescue of, or aiding or assisting in the rescue of, any person convicted of felony, or of any person charged with, or suspected of, or committed for, any felony or on suspicion thereof, where the person so charged, suspected, or committed shall be afterwards convicted of the felony; every such offender shall be guilty of felony and liable to be imprisoned for three years.

Attempt to
commit
felony.

Blasphemy.

Blasphemous
libel.

Bribery.

Conspiracy.

Escape.

Breaking
prison.

Rescue.

Gaming-
house.

Bawdy-
house.

Disorderly
house.

Challenge.

Sedition.

Seditious
libel.

Obscene
print.

5. When any person shall be convicted of any of the following offences; that is to say, any attempt to commit any offence being felony at Common Law, or made felony by any Statute of the Imperial Parliament, Order in Council, or Ordinance in force in the Colony at the time of such attempt being made; blasphemy, writing and publishing, or printing and publishing, any blasphemous libel; bribery, conspiracy, escape, or aiding or assisting in, or voluntarily or negligently permitting, any escape; breaking out of any prison in which such person shall be lawfully detained on any civil process, or under sentence for any misdemeanor, or to which such person shall have been committed on any charge of misdemeanor; any rescue of, or attempt to rescue, any person, when such offence shall not be punishable as a felony; keeping a common gaming-house, or common bawdy-house, or a common ill-governed and disorderly house; sending any challenge with intent to provoke, or otherwise endeavouring to provoke, any person to commit a breach of the peace; sedition; writing and publishing, or printing and publishing, any seditious libel, or publishing any obscene print, writing, or picture; every such offender shall be guilty of a misdemeanor and shall suffer such punishment by fine, or imprisonment for two years, or by both fine and imprisonment, as the Court shall think fit to direct.

6. When any person shall be convicted of any of the following offences; that is to say, wilfully and knowingly selling any unwholesome provisions; or any nuisance of a public nature; every such offender shall be guilty of a misdemeanor and shall suffer such punishment by fine, or imprisonment for one year, or by both fine and imprisonment, as the Court shall think fit to direct.

Selling unwholesome provisions.
Public nuisance.

7. When any person shall be convicted of any of the following offences as an indictable misdemeanor; that is to say, effecting a public mischief; any cheat or fraud punishable at Common Law; any conspiracy to cheat or defraud, or to extort money or goods, or falsely to accuse of any crime, or to obstruct, prevent, pervert or defeat the course of public justice; any escape or rescue from lawful custody on a criminal charge; any public and indecent exposure of the person; any public selling or exposing for public sale or to public view of any obscene book, print, picture, or other indecent exhibition; it shall be lawful for the Court to sentence the offender to be imprisoned for any term warranted by law, and also to be kept to hard labour during the whole or any part of such term of imprisonment.

Cheat or fraud—
Effecting a public mischief.
Conspiracy to defraud.
Escape or rescue.
Indecent exposure.
Indecent books, etc.

8. All and every act or acts which, if done or committed in England, would, according to the law of England, amount to or constitute any of the offences specified in sections 4, 5, and 6, shall be held to amount to and constitute the same offence in the Colony.

Offences under sections 4, 5 and 6.

9. If any clerk, officer, or servant, whether in the public service or otherwise, shall wilfully, and with intent to defraud, remove, conceal, destroy, alter, mutilate, or falsify any book, paper writing, valuable security, or account which belongs to or is in the possession of the Government or of his employer, or has been received by him for or on behalf of the Government or of his employer, or shall wilfully, and with intent to defraud, make or concur in making any false entry in, or omit or alter, or concur in omitting or altering, any material particular from or in any such book, or any document or account, every such offender shall be guilty of a misdemeanor and liable to be imprisoned for five years.

Falsification of accounts.

Advertising
reward for
return of
stolen
property
under certain
conditions.

10. Whosoever shall publicly advertise a reward for the return of any property whatsoever which shall have been stolen or lost, and shall in such advertisement use any words purporting that no questions will be asked, or shall make use of any words in any public advertisement purporting that a reward will be given or paid for any property which shall have been stolen or lost, without seizing or making any enquiry after the person producing such property, or shall promise or offer in any such public advertisement to return to any pawnbroker or other person who may have bought or advanced money, by way of loan, upon any property stolen or lost, the money so paid or advanced or any other sum of money or reward for the return of such property, or if any person shall print or publish any such advertisement, in any of the above cases every such person shall forfeit the sum of two hundred and forty dollars for every such offence to any person who will sue for the same by action of debt, to be recovered with full costs of suit.

Abolition of
presumption
of coercion
of wife by
husband.

11. Any presumption of law that an offence committed by a wife in the presence of her husband is committed under the coercion of her husband is abolished, but on a charge against a wife for any offence other than treason or murder it shall be a good defence to prove that the offence was committed in the presence of, and under the coercion of, the husband.