

TRINIDAD AND TOBAGO.

No. 10—1925.

C.

I ASSENT,

[L.S.]

H. A. BYATT,
Governor.

3rd April, 1925.

AN ORDINANCE to consolidate and amend the law
relating to Offences against the Person.

[3rd April, 1925.]

BE it enacted by the Governor of Trinidad and Tobago
with the advice and consent of the Legislative Council
thereof as follows :—

1. This Ordinance may be cited as the Offences against Short title.
the Person Ordinance, 1925.

2. In this Ordinance, unless the context otherwise ^{Interpre-}
requires, the expression " Constable " means any member ^{tation.}
of the Constabulary Force, and includes any Rural,
Estate, City, or Borough constable.

3. Whosoever shall do or commit any act or acts which ^{Rule of}
if done or committed in England would amount to or ^{construction.}
constitute the offence of murder, manslaughter, buggery,
or rape, shall be deemed guilty of murder, manslaughter,
buggery, or rape, as the case may be ; and every offence

[Price 1/-]

mentioned in this Ordinance which would be a felony or misdemeanor according to the law of England shall be and be deemed to be a felony or misdemeanor, as the case may be, in the Colony.

Homicide.

Murder. 4.—(1) Every person convicted of murder shall suffer death as a felon.

(2) Every accessory after the fact to murder shall be liable to be imprisoned for any term not exceeding four years, with or without hard labour.

Conspiring or soliciting to commit murder. 5. All persons who shall conspire, confederate, and agree to murder any person, whether he be a subject of His Majesty or not, and whether he be within the King's dominions or not, and whosoever shall solicit, encourage, persuade, or endeavour to persuade, or shall propose to any person to murder any other person, whether he be a subject of His Majesty or not, and whether he be within the King's dominions or not, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned for any term not exceeding seven years, with or without hard labour.

Man-slaughter. 6. Whosoever shall be convicted of manslaughter shall be liable to be imprisoned for life or for any term of years, with or without hard labour, or to pay such fine as the Court shall award.

Excusable homicide. 7. No punishment shall be incurred by any person who shall kill another by misfortune or in his own defence, or in any other manner without felony.

Murder, &c., where hurt abroad and death in Colony, or vice versa. 8. Where any person, being feloniously stricken, poisoned, or otherwise hurt upon the sea, or at any place out of the Colony, shall die of such stroke, poisoning, or hurt in the Colony, or, being feloniously stricken, poisoned, or otherwise hurt in the Colony, shall die of such stroke, poisoning, or hurt upon the sea, or at any place out of the Colony, 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, inquired of, tried, determined, and punished in the Colony in the same manner in all respects as if such offence had been wholly committed in the Colony.

Attempts to murder.

9. Whosoever shall administer to or cause to be administered to or to be taken by any person any poison or other destructive thing, or shall by any means whatsoever wound or cause any grievous bodily harm to any person, with intent in any of the cases aforesaid to commit murder, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for life or for any term of years, with or without hard labour.

Administering poison, or wounding, with intent to murder.

10. Whosoever, by the explosion of gunpowder or other explosive substance, shall destroy or damage any building with intent to commit murder, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for life or for any term of years, with or without hard labour.

Destroying building with gunpowder with intent to murder.

11. Whosoever shall set fire to any ship or vessel or any part thereof, or any part of the tackle, apparel, or furniture thereof, or any goods or chattels being therein, or shall cast away or destroy any ship or vessel, with intent in any of such cases to commit murder, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for life or for any term of years, with or without hard labour.

Setting fire to ship with intent to murder.

12. Whosoever shall attempt to administer to or shall attempt to cause to be administered to or to be taken by any person any poison or other destructive thing, or shall shoot at any person, or shall, by drawing a trigger or in any other manner, attempt to discharge any kind of loaded arms at any person, or shall attempt to drown, suffocate, or strangle any person, with intent in any of the cases aforesaid to commit murder, shall, whether any bodily injury be effected or not, be guilty of felony, and being convicted thereof shall be liable to be imprisoned for life or for any term of years, with or without hard labour.

Attempting to administer poison, shooting or attempting to drown, &c., with intent to murder.

13. Whosoever shall, by any means other than those specified in any of the preceding sections of this Ordinance, attempt to commit murder, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for life or for any term of years, with or without hard labour.

By any other means attempting to commit murder.

Letters threatening to murder.

Sending
letters
threatening
to murder.

14. Whosoever shall maliciously send, deliver, or utter, or directly or indirectly cause to be received, knowing the contents thereof, any letter or writing threatening to kill or murder any person, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding seven years, with or without hard labour.

Acts causing or tending to cause danger to life or bodily harm.

Impeding a
person en-
deavouring
to save him-
self from
shipwreck.

15. Whosoever shall unlawfully and maliciously prevent or impede any person, being on board of or having quitted any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, in his endeavour to save his life, or shall unlawfully and maliciously prevent or impede any person in his endeavour to save the life of any such person as in this section first aforesaid, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding seven years, with or without hard labour.

Shooting or
wounding
with intent
to do
grievous
bodily harm.

16. Whosoever shall unlawfully and maliciously by any means whatsoever wound or cause any grievous 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 maim, disfigure, or disable any person, or to do some other grievous bodily harm to 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 fifteen years, with or without hard labour.

What shall
constitute
loaded arms.

17. Any gun, pistol, or other arms which shall be loaded in the barrel with gunpowder or any other explosive substance, and ball, shot, slug, or other destructive material, shall be deemed to be loaded arms within the meaning of this Ordinance, although the attempt to discharge the same may fail from want of proper priming or from any other cause.

18. Whosoever shall unlawfully and maliciously wound or inflict any grievous bodily harm upon any other person, either with or without any weapon or instrument, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned for any term not exceeding five years, with or without hard labour.

Inflicting injury with or without weapon.

19. Whosoever shall, by any means whatsoever, attempt to choke, suffocate, or strangle any other person, or shall, by any means calculated to choke, suffocate, or strangle, attempt to render any other person insensible, unconscious, or incapable of resistance, with intent in any of such cases thereby to enable himself or any other person to commit, or with intent in any of such cases thereby to assist any other person in committing, any indictable offence, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding fifteen years, with or without hard labour.

Attempting to choke, &c., in order to commit any indictable offence.

20. Whosoever shall unlawfully apply or administer to, or cause to be taken by, or attempt to apply or administer to, or attempt to cause to be administered to or taken by, any person, any chloroform, laudanum, or other stupefying or overpowering drug, matter, or thing, with intent in any of such cases thereby to enable himself or any other person to commit, or with intent in any of such cases thereby to assist any other person in committing, any indictable offence, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding fifteen years, with or without hard labour.

Using chloroform, &c., with intent to commit offence.

21. Whosoever 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, or so as thereby to inflict upon such person any grievous bodily harm, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding fifteen years, with or without hard labour.

Administering poison so as to endanger life or inflict grievous bodily harm.

22. Whosoever 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 annoy such person,

Administering poison, &c., with intent to injure or annoy.

shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned for any term not exceeding five years, with or without hard labour.

If jury be
not satisfied
of felony
they may
find mis-
demeanor.

23. If, upon the trial of any person for any felony in section 21 of this Ordinance 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 section 22 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.

Not provid-
ing appren-
tices or
servants with
food, &c.,
whereby life
endangered.

24. Whosoever, being legally liable, either as a master or mistress, to provide for any apprentice or servant necessary food, clothing, or lodging, shall wilfully and without lawful excuse refuse or neglect to provide the same, or shall unlawfully and maliciously do or cause to be done any bodily harm to any such apprentice or servant, so that the life of such apprentice or servant shall be endangered, or the health of such apprentice or servant shall have been or shall be likely to be permanently injured, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned for any term not exceeding five years, with or without hard labour.

Exposing
children
whereby life
endangered.

25. 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 liable to be imprisoned for any term not exceeding five years, with or without hard labour.

Causing
bodily
injury by
explosive
substance.

26. Whosoever shall unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, burn, maim, disfigure, disable, or do any grievous bodily harm to any person, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for life or for any term of years, with or without hard labour, and, if a male under the age of sixteen years, with or without corporal punishment.

27. Whosoever shall unlawfully and maliciously cause any gunpowder or other explosive substance to explode, or send or deliver to, or cause to be taken or received by, any person any gunpowder or other explosive substance, or any other dangerous or noxious thing, or put or lay at any place, or cast or throw at or upon or otherwise apply to any person, any corrosive fluid or any destructive or explosive substance, with intent in any of the cases aforesaid to burn, maim, disfigure, or disable any person, or to do some grievous bodily harm to any person, shall, whether any bodily injury be effected or not, be guilty of felony, and being convicted thereof shall be liable to be imprisoned for life or for any term of years, with or without hard labour.

Use of explosive substance or other noxious thing, with intent to do grievous bodily harm.

28. Whosoever shall unlawfully and maliciously place or throw in, into, upon, against, or near any building, ship, or vessel any gunpowder or other explosive substance, with intent to do any bodily injury to any person, shall, whether or not any explosion take place, and whether or not any bodily injury be effected, be guilty of felony, and being convicted thereof shall be liable to be imprisoned for life or for any term of years, with or without hard labour.

Attempt to blow up buildings, &c.

29. Whosoever shall set or place, or cause to be set or placed, any spring-gun, man-trap, or other engine calculated to destroy human life or inflict grievous bodily harm, with the intent that the same or whereby the same may destroy or inflict grievous bodily harm upon a trespasser or other person coming in contact therewith, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned for any term not exceeding five years, with or without hard labour; and whosoever shall knowingly and wilfully permit any such spring-gun, man-trap, or other engine which may have been set or placed in any place then being in or afterwards coming into his possession or occupation by some other person to continue so set or placed, shall be deemed to have set and placed such gun, trap, or engine with such intent as aforesaid: Provided that nothing in this section contained shall extend to make it illegal to set or place any gin or trap such as may have been or may be usually set or placed with the intent of destroying vermin: Provided also that nothing in this section shall be deemed to make it unlawful to set or place or cause to be set

Setting spring-guns, man-traps, &c.

Traps for vermin.

Protection of
dwelling
house.

or placed, or to be continued set or placed, from sunset to sunrise, any spring-gun, man-trap, or other engine which shall be set or placed, or caused or continued to be set or placed, in a dwelling-house, for the protection thereof.

Drivers
of vehicles
injuring
persons
by furious
driving.

30.—(1) Whosoever, having the charge of any vehicle, shall, by wanton or furious driving, or other wilful misconduct, or by wilful neglect, do or cause to be done any bodily harm to any person whatsoever, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned for any term not exceeding four years, with or without hard labour.

(2) For the purposes of this section the expression "vehicle" includes a carriage, hackney carriage, motor car, motor cab, motor van, motor lorry, motor omnibus, motor cycle, tram car, cart, agricultural cart, hand cart, tricycle and bicycle.

Assaults.

Obstructing
or assaulting
a clergyman
or other
minister in
the discharge
of his duties.

31. Whosoever shall, by threats or force, obstruct or prevent, or endeavour to obstruct or prevent, any clergyman or other minister in or from celebrating divine service or otherwise officiating in any church, chapel, meeting house, or other place of divine worship, or in or from the performance of his duty in the lawful burial of the dead in any church-yard or other burial place, or shall strike or offer any violence to, or shall, upon any civil process, or under the pretence of executing any civil process, arrest any clergyman or other minister who is engaged in, or to the knowledge of the offender is about to engage in, any of the rites or duties in this section aforesaid, or who to the knowledge of the offender shall be going to perform the same or returning from the performance thereof, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned for any term not exceeding four years, with or without hard labour.

Assaults on
persons
saving ship-
wrecked
property.

32. Whosoever shall assault and strike or wound any magistrate, officer, or other person whatsoever lawfully authorised, in or on account of the exercise of his duty in or concerning the preservation of any vessel in distress, or of any vessel, goods, or effects wrecked, stranded, or

cast on shore, or lying under water, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned for any term not exceeding four years, with or without hard labour.

33. Whosoever shall assault any person with intent to commit felony, or shall assault, resist, or wilfully obstruct any Magistrate, Justice of the Peace, constable, peace officer, or revenue officer in the due execution of his duty, or any person acting in aid of such Magistrate, Justice of the Peace, constable, peace officer, or revenue officer, or shall assault any person with intent to resist or prevent the lawful apprehension or detainer of himself or of any other person for any offence, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned for any term not exceeding four years, with or without hard labour.

Assault with intent to commit felony or on peace officers, &c.

34. Whosoever shall be convicted upon an indictment of any assault occasioning actual bodily harm shall be liable to be imprisoned for any term not exceeding five years, with or without hard labour; and whosoever shall be convicted upon an indictment for a common assault shall be liable to a fine not exceeding one hundred pounds, or to be imprisoned for any term not exceeding two years, with or without hard labour, or to both such fine and imprisonment.

Assault occasioning bodily harm.

Common assault.

Rape, Abduction, and Defilement of women, &c.

35.—(1) Whosoever shall be convicted of the crime of rape shall be guilty of felony, and shall be liable to be imprisoned for life or for any term of years, with or without hard labour.

Rape.

(2) Every person who induces a married woman to permit him to have connection with her by personating her husband shall be deemed to be guilty of rape.

36. Any person who unlawfully and carnally knows any girl under the age of thirteen years shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding five years, nor less than two years, with or without hard labour, and with or without corporal punishment.

Carnal knowledge of girl under 13.

Any person who attempts to have unlawful carnal knowledge of any girl under the age of thirteen years shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned for any term not exceeding four years, with or without hard labour, and with or without corporal punishment.

Carnal
knowledge of
girl between
13 and 14.

37. Any person who—

Idiots or
imbeciles.

(1) Unlawfully and carnally knows or attempts to have unlawful carnal knowledge of any girl being of or above the age of thirteen years and under the age of fourteen years ; or

(2) Unlawfully and carnally knows or attempts to have unlawful carnal knowledge of any female idiot or imbecile woman or girl, under circumstances which do not amount to rape, but which prove that the offender knew at the time of the commission of the offence that the woman or girl was an idiot or imbecile,

shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned for any term not exceeding four years, with or without hard labour.

Provided that it shall be a sufficient defence to any charge under sub-section (1) of this section if it shall be made to appear to the Court or jury before whom the charge shall be brought that the person so charged had reasonable cause to believe that the girl was of or above the age of fourteen years.

Householder,
&c., per-
mitting
defilement of
young girl on
his premises.

38. Any person who, being the owner or occupier of any premises, or having, or acting or assisting in, the management or control thereof, induces or knowingly suffers any girl of such age as is in this section mentioned to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally,

(1) shall, if such girl is under the age of thirteen years, be guilty of felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding five years, with or without hard labour ; and

- (2) shall, if such girl is of or above the age of thirteen and under the age of fourteen years, be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

Provided that it shall be a sufficient defence to any charge under this section if it shall be made to appear to the Court or jury before whom the charge shall be brought that the person so charged had reasonable cause to believe that the girl was of or above the age of fourteen years.

39. Any person who —

Procurator.

- (1) Procures or attempts to procure any girl or woman under twenty-one years of age, not being a common prostitute, or of known immoral character, to have unlawful carnal connection either within or without the Colony, with any other person or persons ; or
- (2) Procures or attempts to procure any woman or girl to become, either within or without the Colony, a common prostitute ; or
- (3) Procures or attempts to procure any woman or girl to leave the Colony, with intent that she may become an inmate of or frequent a brothel elsewhere ; or
- (4) Procures or attempts to procure any woman or girl to leave her usual place of abode in the Colony (such place not being a brothel), with intent that she may, for the purposes of prostitution, become an inmate of or frequent a brothel within or without the Colony,

shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour, and, if a male, with or without corporal punishment.

Provided that no person shall be convicted of an offence under this section upon the evidence of one witness only, unless such witness be corroborated in some material particular by evidence implicating the accused.

A constable may take into custody without a warrant any person whom he shall have good cause to suspect of having committed, or of attempting to commit, any offence against this section.

40. Any person who —

Procuring
defilement of
woman or
girl by
threats, false
pretences or
use of drugs,
&c.

- (1) By threats or intimidation procures or attempts to procure any woman or girl to have any unlawful carnal connection, either within or without the Colony ; or
- (2) By false pretences or false representations procures any woman or girl, not being a common prostitute, or of known immoral character, to have any unlawful carnal connection, either within or without the Colony ; or
- (3) Applies, administers to, or causes to be taken by any woman or girl any drug, matter or thing, with intent to stupefy or overpower so as thereby to enable any person to have unlawful carnal connection with such woman or girl,

shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour :

Provided that no person shall be convicted of an offence under this section upon the evidence of one witness only, unless such witness be corroborated in some material particular by evidence implicating the accused.

Abduction of
girl under 16,
with intent
to have
carnal know-
ledge.

41. Any person who, with intent that any unmarried girl under the age of sixteen years should be unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man, or generally, takes or causes to be taken such girl out of the possession and against the will of her father or mother, or any other person having the lawful care or charge of her, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

Provided that it shall be a sufficient defence to any charge under this section if it shall be made to appear to the Court or jury before whom the charge shall be brought that the person so charged had reasonable cause to believe that the girl was of or above the age of sixteen years.

42. Any person who detains any woman or girl against her will — Detention with intent to have carnal knowledge.

(1) In or upon any premises with intent that she may be unlawfully and carnally known by any man, whether any particular man, or generally, or

(2) In any brothel,

shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

Where a woman or girl is in or upon any premises for the purpose of having any unlawful carnal connection, or is in any brothel, a person shall be deemed to detain such woman or girl in or upon such premises or in such brothel, if, with intent to compel or induce her to remain in or upon such premises or in such brothel, such person withholds from such woman or girl any wearing apparel or other property belonging to her, or, where wearing apparel has been lent or otherwise supplied to such woman or girl by or by the direction of such person, such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel so lent or supplied.

No legal proceedings, whether civil or criminal, shall be taken against any such woman or girl for taking away or being found in possession of any such wearing apparel as was necessary to enable her to leave such premises or brothel.

43. If upon the trial of any indictment for rape, or any offence made felony by section 36 of this Ordinance, the jury shall be satisfied that the defendant is guilty of an offence under sections 36, 37 or 40 of this Ordinance, or of an indecent assault, but are not satisfied that the defendant is guilty of the felony charged in such indictment, or of an attempt to commit the same, then and in every such case the jury may acquit the defendant of such felony, and find him guilty of such offence as aforesaid, or of an indecent assault, and thereupon such defendant shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such offence as aforesaid, or for the offence of indecent assault. On indictment for rape jury may convict of certain misdemeanors.

Power of
search in
case of de-
tention for
immoral
purposes.

44. If it appears to any Justice of the Peace, on complaint made before him on oath by any parent, relative, or guardian of any woman or girl, or any other person who, in the opinion of the Justice, is *bonâ fide* acting in the interest of any woman or girl, that there is reasonable cause to suspect that such woman or girl is unlawfully detained for immoral purposes by any person in any place within the Colony, such Justice may issue a warrant authorizing any person named therein to search for, and, when found, to take to and detain in a place of safety such woman or girl until she can be brought before a Magistrate, and the Magistrate before whom such woman or girl is brought may cause her to be delivered up to her parents or guardians, or otherwise dealt with as circumstances may permit and require.

The Justice of the Peace issuing such warrant may, by the same or any other warrant, cause any person accused of so unlawfully detaining such woman or girl to be apprehended and brought before a Magistrate, and proceedings to be taken for punishing such person according to law.

A woman or girl shall be deemed to be unlawfully detained for immoral purposes if she is so detained for the purpose of being unlawfully and carnally known by any man, whether any particular man or generally, and

- (a) Either is under the age of thirteen years ; or
- (b) If of or over the age of thirteen years, and under the age of sixteen years, is so detained against her will, or against the will of her father or mother or of any other person having the lawful care or charge of her ; or
- (c) If of or above the age of sixteen years is so detained against her will.

Any person authorized by warrant under this section to search for any woman or girl so detained as aforesaid may enter (if need be by force) any house, building, or other place specified in such warrant, and may remove such woman or girl therefrom. Provided always, that every warrant issued under this section shall be addressed to and executed by some commissioned or non-commissioned officer of Constabulary, who shall be accompanied by the parent,

relative, or guardian or other person making the information if such person so desire unless the Justice shall otherwise direct.

45. Where on the trial of any offence under this Ordinance it is proved to the satisfaction of the Court that the seduction or prostitution of a girl under the age of thirteen has been caused, encouraged, or favoured by her father, mother, guardian, master, or mistress, it shall be in the power of the Court to divest such father, mother, guardian, master, or mistress of all authority over her, and to appoint any person or persons willing to take charge of such girl to be her guardian until she has attained the age of twenty-one, or any age below this as the Court may direct, and the Court shall have the power from time to time to rescind or vary such order by the appointment of any other person or persons as such guardian, or in any other respect.

Custody of girl under thirteen.

46.—(1) Whosoever shall be convicted of any indecent assault upon any female shall be liable to be imprisoned for any term not exceeding three years, with or without hard labour.

Indecent assault, &c.

(2) It shall be no defence to a charge or indictment for an indecent assault on a young person under the age of thirteen years to prove that he or she consented to the act of indecency.

47. Where any woman of any age shall have any interest, whether legal or equitable, present or future, absolute, conditional, or contingent, in any real or personal estate, or shall be an heiress or presumptive next of kin to any one having such interest, whosoever shall, from motives of lucre, take away or detain such woman against her will, with intent to marry or carnally know her, or cause her to be married or carnally known by any other person, and whosoever shall fraudulently allure, take away, or detain such woman, being under the age of twenty-one years, out of the possession and against the will of her father or mother, or of any person having the lawful care or charge of her, with intent to marry or carnally know her, or cause her

Abduction of woman against her will from motives of lucre.

Fraudulent abduction of girl under age.

to be married or carnally known by any other person, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding four years, with or without hard labour.

Forcible
abduction of
any woman
with intent
to marry her.

48. Whosoever shall, by force, take away or detain against her will any woman of any age, with intent to marry or carnally know her, or cause her to be married or carnally known by any other person, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding four years, with or without hard labour.

Abduction of
girl from
parents or
guardians.

49. Whosoever shall unlawfully take, or cause to be taken, any unmarried girl, being under the age of fourteen years, out of the possession and against the will of her father or mother, or of any other person having the lawful care or charge of her, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

Brothels—
suppression
of.

50. Any person who—

- (1) keeps or manages or acts or assists in the management of a brothel, or
- (2) being the tenant, lessee, occupier, or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel or for the purposes of habitual prostitution, or
- (3) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same or any part thereof with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof as a brothel,

shall, on summary conviction before a Magistrate, be liable,

- (a) to a fine not exceeding twenty pounds, or to imprisonment for any term not exceeding three months, with or without hard labour; and

- (b) on a second conviction to a fine not exceeding forty pounds, or to imprisonment for any term not exceeding four months, with or without hard labour; and
- (c) on a third or subsequent conviction, to a fine not exceeding one hundred pounds, or to imprisonment for any term not exceeding twelve months, with or without hard labour, and in addition to any such penalty or imprisonment, to be required by the Court to enter into a recognizance, with or without sureties, to be of good behaviour for any period not exceeding twelve months, and in default of entering into such recognizance to be imprisoned for a period not exceeding three months, with or without hard labour, in addition to any term of imprisonment awarded in respect of any such conviction.

51.—(1) Upon the conviction of the tenant, lessee, or occupier of any premises, of knowingly permitting the premises, or any part thereof, to be used as a brothel, the landlord or lessor shall be entitled to require the person so convicted to assign the lease or other contract under which the said premises are held by him to some person approved by the landlord or lessor, which approval shall not be unreasonably withheld, and, in the event of the person so convicted failing within three months to assign the lease or contract as aforesaid, the landlord or lessor shall be entitled to determine the lease or other contract but without prejudice to the rights or remedies of any party to such lease or contract accrued before the date of such determination. If the landlord or lessor should so determine the lease or other contract of tenancy, the Court which has convicted the tenant, lessee, or occupier shall have power to make a summary order for delivery of possession to the landlord or lessor.

Determination of tenancy of premises on conviction for permitting use as brothel, &c.

(2) If the landlord or lessor, after such conviction has been brought to his notice, fails to exercise his rights under the foregoing provisions of this section, and subsequently during the subsistence of the lease or contract any such offence is again committed in respect of the premises, the

landlord or lessor shall be deemed to have knowingly aided or abetted the commission of that offence, unless he proves that he had taken all reasonable steps to prevent the recurrence of the offence.

(3) Where a landlord or lessor determines a lease or other contract under the powers conferred by this section, and subsequently grants another lease or enters into another contract of tenancy to, with, or for the benefit of the same person without causing to be inserted in such lease or contract all reasonable provisions for the prevention of a recurrence of any such offence as aforesaid, he shall be deemed to have failed to exercise his rights under the foregoing provisions of this section, and any such offence as aforesaid committed during the subsistence of the subsequent lease or contract shall be deemed, for the purposes of this section, to have been committed during the subsistence of the previous lease or contract.

Male person
living on
earnings of
prostitute or
persistently
soliciting.

52.—(1) Every male person who —

- (a) knowingly lives wholly or in part on the earnings of prostitution ; or
- (b) in any public place persistently solicits or importunes for immoral purposes ;

shall, on summary conviction before a Magistrate, be liable to be imprisoned for any term not exceeding six months, with or without hard labour.

(2) If it is made to appear to any Justice of the Peace, by complaint on oath, that there is reason to suspect that any house or any part of a house is used by a female for purposes of prostitution, and that any male person residing in or frequenting the house is living wholly or in part on the earnings of the prostitute, such Justice may issue a warrant authorising any constable to enter and search the house and to arrest that male person.

(3) Where a male person is proved to live with or to be habitually in the company of a prostitute, or is proved to have exercised control, direction, or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting, or compelling her prostitution with any other person or generally, he shall, unless he can satisfy the Court to the contrary, be deemed to be knowingly living on the earnings of prostitution.

53. Every female person who is proved to have, for the purposes of gain, exercised control, direction, or influence over the movements of a prostitute in such a manner as to show that she is aiding, abetting, or compelling her prostitution with any person or generally, shall be liable, on summary conviction before a magistrate, to be imprisoned for any term not exceeding six months, with or without hard labour.

Woman
aiding in
prostitution.

54. A person charged with an offence under sections 52 or 53 of this Ordinance may, instead of being proceeded against summarily, be proceeded against on indictment, and on conviction on indictment shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour; and, in the case of a second or subsequent conviction, such second or subsequent conviction being a conviction on indictment, the Court may, in addition to any term of imprisonment awarded, sentence the offender, if a male, to undergo corporal punishment.

Trial of
summary
offences on
indictment.

Child stealing.

55. Whosoever shall unlawfully, either by force or fraud, lead or take away, or decoy or entice away or detain, any child under the age of ten years, with intent to deprive any parent or 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 mentioned, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding five years, with or without hard labour, and, if a male under the age of sixteen years, with or without corporal punishment: Provided that no person who shall have claimed to be the father of an illegitimate child, or to have any right to the possession of such 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 mother or any other person having the lawful charge thereof.

Child
stealing.

Fathers
taking their
illegitimate
children.

Bigamy.

Bigamy.

56. Whosoever, being married, shall marry any other person during the lifetime of the former husband or wife, whether the second marriage shall have taken place in the Colony or elsewhere, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding four years, with or without hard labour : Provided that nothing in this section contained shall extend 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.

*Attempts to procure abortion.*Procuring
abortion.

57. 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 being convicted thereof shall be liable to be imprisoned for any term not exceeding four years, with or without hard labour.

Procuring
drugs, &c.
to cause
abortion.

58. 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 being convicted thereof shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

Concealing the birth of a child.

59. 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 being convicted thereof shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

Concealment
of birth.

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.

Unnatural Offences.

60. Whosoever shall be convicted of the abominable crime of buggery, committed either with mankind or with any animal, shall be liable to be imprisoned for any term not exceeding five years, nor less than two years, with or without hard labour, and, if a male, with or without corporal punishment.

Sodomy.

61. Whosoever shall attempt to commit the said abominable crime, or shall be guilty of any assault with intent to commit the same, or of any indecent assault upon any male person, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned for any term not exceeding five years, with or without hard labour.

Attempt to
commit an
infamous
crime.

62. Any male person who, in public or private, commits, or is a party to the commission of, or procures or attempts to procure the commission by any male person of, any act of gross indecency with another male person, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

Gross
indecentcy.

Making explosive substance to commit offence, and searching for the same.

Making or having explosive substances with intent to commit offence against this Ordinance.

63. Whosoever shall make or manufacture, or knowingly have in his possession, any gunpowder or other explosive substance, or any dangerous or noxious thing, or any machine, engine, instrument, or thing, with intent by means thereof to commit, or for the purpose of enabling any other person to commit, any of the felonies in this Ordinance mentioned, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour, and, if a male under the age of sixteen years, with or without corporal punishment.

Power to search and arrest suspected persons.

64. Where there is reasonable cause to suspect that any combustible or inflammable material is concealed or placed in, against, or under, any house, building, or other place for the purpose of being used in committing any of the felonies in this Ordinance mentioned, it shall be lawful for any Justice of the Peace, by warrant under his hand, to authorise any constable, with such assistance as may be necessary, to enter and search at any time of the day or night such house, building, or other place and any adjacent premises; and, if any combustible or inflammable material is found, to convey the same forthwith before any Magistrate, or to guard the same on the spot or in some place of security subject to the orders of any Magistrate, and to apprehend and convey before any Magistrate the person or persons in, against, or under, whose house, building, or place such material is found, if any constable acting under any such warrant as aforesaid has reasonable cause to suspect any such person of having been privy to the concealment or placing of such material, and also any other person found in or near such house, building, or place who appears to have been privy to the concealment or placing of such material.

Supplemental provisions.

Carnal knowledge defined.

65. Whenever, upon the trial for any offence punishable under this Ordinance, it may be necessary to prove carnal knowledge, it shall not be necessary to prove the actual

emission of seed in order to constitute a carnal knowledge, but the carnal knowledge shall be deemed complete upon proof of penetration only.

66. Any constable may take into custody, without a warrant, any person whom he shall find lying or loitering in any highway, yard, or other place during the night, and whom he shall have good cause to suspect of having committed or being about to commit any felony in this Ordinance mentioned, and shall take such person as soon as reasonably may be before a Justice of the Peace, to be dealt with according to law.

Persons loitering at night, suspected of felony may be apprehended.

67. If, upon the trial of any indictment for any felony, except murder or manslaughter, where the indictment shall allege that the defendant wounded any person, the jury shall be satisfied that the defendant is guilty of unlawfully and maliciously wounding as charged in such indictment, but are not satisfied that the defendant is guilty of the felony charged in such indictment, then and in every such case the jury may acquit the defendant of such felony, and find him guilty of the misdemeanor of unlawfully and maliciously wounding, and thereupon such defendant shall be liable to be imprisoned, with or without hard labour, for any term not exceeding five years.

Power to convict of misdemeanor upon indictment for certain felonious assaults.

68. Whenever any person shall be convicted of any indictable misdemeanor punishable under this Ordinance, the Court may, if it shall think fit, in addition to or in lieu of any punishment by this Ordinance authorized, 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 Ordinance otherwise than with death 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 Ordinance authorized; provided that no person shall be imprisoned under this section for not finding sureties for any period exceeding one year.

Fine, and sureties for keeping the peace; in what cases.

Repeal.

69. The Offences against the Person Ordinance, No. 14, and the Offences against the Person (Amendment) Ordinance, 1914, are hereby repealed.

Passed in Council this thirteenth day of March, in the year of Our Lord one thousand nine hundred and twenty-five.

JOHN DE NOBRIGA,
Clerk of the Council.

OBJECTS AND REASONS.

The Offences against the Person Ordinance, No. 14, is based on the Imperial Act 9 Geo. IV. c. 31. That Act was superseded in 1861 by the Offences against the Person Act, 1861 (24 & 25 Vic. c. 100), but our law has never been similarly revised, though from time to time additions have been made to it, notably by Ordinance 1 of 1889, which incorporated the Criminal Law Amendment Act of 1885.

It is proposed by this Bill to bring our law relating to offences against the person as far as possible into line with the law of England.

The Table prefixed to the Bill shows how the existing law has been dealt with, and the new provisions which have been inserted.