

TRINIDAD AND TOBAGO.

No. 12—1928.

I ASSENT,

[L.S.]

H. A. BYATT,
Governor.

6th June, 1928.

AN ORDINANCE to provide that a woman who wilfully causes the death of her newly-born child may under certain conditions be convicted of infanticide.

*Repealed by 19 of 1936.
S. 17.*

[6th June, 1928.]

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

Short title.

1. This Ordinance may be cited as the Infanticide Ordinance, 1928.

Conviction for infanticide in certain cases.

2.—(1) Where a woman by any wilful act or omission causes the death of her newly-born child, but at the time of the act or omission she had not fully recovered from the effect of giving birth to such child, and by reason thereof the balance of her mind was then disturbed, she shall, notwithstanding that the circumstances were such that but for this Ordinance the offence would have amounted

to murder, be guilty of felony, to wit of infanticide, and may for such offence be dealt with and punished as if she had been guilty of the offence of manslaughter of such child.

(2) Where upon the trial of a woman for the murder of her newly-born child, the jury are of opinion that she by any wilful act or omission caused its death, but that at the time of the act or omission she had not fully recovered from the effect of giving birth to such child, and that by reason thereof the balance of her mind was then disturbed, the jury may, notwithstanding that the circumstances were such that but for the provisions of this Ordinance they might have returned a verdict of murder, return in lieu thereof a verdict of infanticide.

(3) Nothing in this Ordinance shall affect the power of the jury upon an indictment for the murder of a newly-born child to return a verdict of manslaughter, or a verdict of guilty but insane, or a verdict of concealment of birth in pursuance of section 59 of the Offences against the Person Ordinance.

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(4) The said section 59 shall apply in the case of the acquittal of a woman upon indictment for infanticide as it applies upon the acquittal of a woman for murder, and upon the trial of any person over the age of sixteen for infanticide it shall be lawful for the jury, if they are satisfied that the accused is guilty of an offence under section 3 of the Children Ordinance, to find the accused guilty of such an offence, and in that case that section shall apply accordingly.

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Passed in Council this twenty-fifth day of May, in the year of Our Lord one thousand nine hundred and twenty-eight.

E. F. AANENSEN,

Acting Clerk of the Council.