

No. 16.—1877.

20th December.

AN ORDINANCE to amend the Law as to Offences against the Person.

(L.S.) G. WILLIAM DES VŒUX.

31st December, 1877.

BE it enacted by His Excellency the Governor, with the advice and consent of the Legislative Council, as follows:—

Short title. 1. This Ordinance may be cited as “The Offences against the Person Ordinance, 1877.”

Conspiring or soliciting to commit murder. 2. All persons who conspire, confederate, and agree to murder any person, whether he be a subject of Her Majesty or not, and whether he be within the Queen’s dominions or not, and whosoever solicits, encourages, persuades or endeavours to persuade, or proposes to any person to murder any other person, whether he be a subject of Her Majesty or not, and whether he be within the Queen’s dominions or not, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned with or without hard labour for any term not exceeding seven years.

3. Whosoever being under sentence of imprisonment for life attempts to commit murder shall suffer death as a felon.

Administering poison or wounding with intent to murder. 4. Whosoever not being a person under sentence of imprisonment for life administers to or causes to be administered to or to be taken by any person any poison or other destructive thing, or by any means whatsoever wounds or causes 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, with or without hard labour, for life or for any term of years.

Attempting to administer poison, or shooting or attempting to shoot, or attempting to 5. Whosoever not being a person under sentence of imprisonment for life attempts to administer to or attempts to cause to be administered to or to be taken by any person any poison or other destructive thing, or shoots at any person, or by drawing a trigger or in any

other manner attempts to discharge any kind of loaded arms at any person, or attempts 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 with or without hard labour for life or for any term of years.

drown, &c.,
with intent to
murder.

6. Whosoever not being a person under sentence of imprisonment for life by any means other than those specified in any of the preceding sections of this Ordinance attempts to commit murder, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned with or without hard labour for life or for any term of years.

By any other
means
attempting to
commit
murder.

7. Whosoever unlawfully and maliciously by any means whatsoever wounds or causes any grievous bodily harm to any person, or shoots at any person, or by drawing a trigger, or in any other manner attempts 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, with or without hard labour, for any term not exceeding fifteen years.

Shooting or
attempting to
shoot, or
wounding
with intent
to do
grievous
bodily harm.

8. Any gun, pistol, or other arms 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.

What consti-
tute loaded
arms.

9. Whosoever unlawfully and maliciously wounds or inflicts 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, with or without hard labour, for any term not exceeding five years.

Inflicting
bodily injury
with or
without
weapon.

10. If upon the trial of any indictment for any felony, except murder or manslaughter, where the indictment alleges that the defendant wounded any person, the jury

Power to
convict of
misdemeanor
upon

indictment
for certain
felonious
assaults.

are 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, 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.

Not providing
apprentices or
servants with
food, &c.,
whereby life
endangered.

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

Exposing
children,
whereby life is
endangered.

12. Whosoever unlawfully abandons or exposes any child, being under the age of two years, so that the life of such child is endangered, or the health of such child is or is likely to be permanently injured, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned, with or without hard labour, for any term not exceeding five years.

Assault
occasioning
bodily harm.

13. Whosoever is convicted upon an indictment of any assault, occasioning actual bodily harm, shall be liable to be imprisoned, with or without hard labour, for any term not exceeding five years; And whosoever is convicted upon an indictment of a common assault shall be liable to be fined in any sum not exceeding one hundred pounds or to be imprisoned, with or without hard labour, for any term not exceeding two years, or, subject to the limitations aforesaid, to be punished both by fine and imprisonment.

Common
assault.

Indecent
assault, &c.

14. Whosoever is convicted of any indecent assault upon any female, or of any attempt to have carnal knowledge of any girl under ten years of age, shall be liable to be imprisoned, with or without hard labour, for any term not exceeding five years.

15. The enactments specified in the Schedule to this Ordinance are hereby repealed: Provided that every offence wholly or partly committed against any of the said enactments before this Ordinance comes into operation shall be dealt with, inquired of, tried, determined, and punished, and every penalty in respect of any such offence shall be recovered in the same manner as if the said enactments were not repealed; and that every act duly done, and every warrant and other instrument duly made or granted, before this Ordinance comes into operation, shall continue and be of the same force and effect as if the said enactments were not repealed; and that every right, liability, privilege and protection in respect of any matter or thing committed or done before this Ordinance comes into operation shall continue and be of the same force and effect as if the said enactments were not repealed, and that every action, prosecution, and other proceeding commenced before this Ordinance comes into operation, or commenced thereafter in respect of any such matter or thing, may be prosecuted, continued and defended in the same manner as if the said enactments were not repealed.

Repeal of
certain
enactments.

Passed in Council this twentieth day of December, in the year of our Lord one thousand eight hundred and seventy-seven

A. C. ROSS,

Clerk of the Council.

THE SCHEDULE.

No. of Ordinance.	Title.	Extent of Repeal.
No. 10 of 1842	For assimilating the Laws of the Colony relating to offences against the person to the Laws of England in the like cases.	Sections 3, 6, 7 & 8.
No. 9 of 1844 ...	To amend an Ordinance entitled An Ordinance for assimilating the Laws of the Colony relating to offences against the person to the Laws of England in the like cases.	The whole.
No. 5 of 1866 ...	An Ordinance for rendering the punishment for certain offences against the person more severe.	The whole.