



BY AUTHORITY.

ANNO VICESIMO QUINTO VICTORIÆ REGINÆ.

CAP. X.

An Act to amend the Law relating to offences against the Person.

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 intention to injure.
6. Penalty to persons getting unlawful possession of any child under fourteen years.
7. Definition of term "imprisoned."

Passed 23rd April 1862.

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 annoy 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.

CAP. XI.

An Act to amend the Revised Statutes, Title xxxvii, Chapter 137, 'Of the jurisdiction of Justices in Civil Suits.'

Section.

1. Payment by defendant into Court, if sufficient, bars further costs.
2. Defendant in custody may be brought before Justice; Sheriff not liable if he escape.
3. Defendant on Bail may render himself, or be rendered in certain cases.

Section.

4. When suit against Bail may be discontinued.
5. Where process (except a Subpœna) cannot be served.
6. Fees to Justice, Sheriff, or Gaoler.

Passed 23rd April 1862.

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

1. The defendant in a suit in a Justice's Court may pay to the Justice, at any time before the trial, a sum of money as compensation for the debt or damages claimed, which the plaintiff may except in full, and may take judgment and issue execution for the costs incurred up to the time of such payment. If the plaintiff proceeds with the suit after notice of such payment, and does not recover a greater sum than the amount so paid, he shall not be entitled to any costs incurred after such notice; but such subsequent costs shall be paid by the plaintiff, and shall be deducted by the Justice out of such money, or out of the costs payable to the plaintiff.

2. Any defendant imprisoned for want of bail on a capias issued by a Justice, may be brought before the Justice to attend the trial in the said suit by an Order (A), and after the trial may be recommitted to prison; and no Sheriff or Gaoler acting in obedience to such order shall be liable to an action for an escape.

3. A defendant arrested, and having given bail, may render himself, or be rendered in discharge of his bail to the gaol of the County where he may be, by an Order (B) of any Justice of the County, which order shall be delivered to the gaoler, who shall thereupon give a Certificate (C); the certificate shall be forthwith filed with the Justice who issued the capias, and he shall thereupon mark a discharge (D) upon the memorandum of bail, and the bail shall thereupon be discharged from liability, except in the case hereinafter provided.

4. If a suit shall have been commenced against the bail, before such order of render obtained and certificate filed, the Justice shall discontinue the same, on the filing such certificate and payment of the costs up to that time.

5. No process (except a subpœna) issued by a Justice of the Peace, shall run into or be served within any City or Town in which a local Court for the trial of causes under ten pounds is established.