

9. When any of the Lines of Railway in this Act mentioned, or the said Branches or Extensions, shall pass through Crown Lands, the Governor in Council shall grant, for the purposes of such Roads, necessary Crown Lands for tracks, sidings, and stations.

10. That for the purpose of securing the due and efficient completion of all or any of the said Lines of Railway, or Branches and Extensions in the first Section of this Act mentioned, any moneys advanced or paid to any Company or Body Corporate under the provisions of this Act, shall attach and stand, and are hereby declared to be a primary mortgage or first charge in favour of the Queen, for the benefit of this Province, upon such Line or Lines of Railway, and the Branches and Extensions undertaken to be built by such Company or Body Corporate, and upon the stations, station houses, rolling stock, and property of every description, and shall attach immediately upon the advance or payment of any portion of the said aid, upon all property owned by such Company or Body Corporate; and in order to fix and ascertain the amounts from time to time advanced or paid to such Company or Body Corporate, the President and Treasurer of the same shall deliver to the Provincial Treasurer a certificate under their hands, stating the amount so received; which certificate shall be sufficient evidence of such primary mortgage or first charge under this Act; provided always, that on the completion of the Road according to the terms of the agreement, such mortgage or first charge shall cease and determine.

11. Every such Company or Body Corporate as aforesaid, shall be bound to provide such conveyance for the Officers and Soldiers of Her Majesty's Forces, Ordnance Corps, Marines, Militia, or Police Forces, at such time or times, (whether the same shall be the usual hours of starting Trains or not,) as shall be required or appointed by any Officer duly authorized by the Governor for that purpose, and with the whole resources of such Company or Body Corporate, at fares not exceeding two cents per mile for each officer, soldier, marine, or private of such Forces respectively, and also for each wife, widow, or child above twelve years of age, of a soldier, entitled by Act of Parliament or other competent authority to be sent to their destination at the public expense; children under three years of age so entitled to be taken free of charge; and children of three years of age and upwards, but under twelve years, so entitled, being taken at half price of an adult; provided that every officer conveyed shall be entitled to take with him one hundred weight of personal luggage without extra charge; and every soldier, marine, private, wife, or widow, shall be entitled to take with him or her half a hundred weight of personal luggage without extra charge; all the excess of the above weights of personal luggage being paid for at the rate of not more than eighty cents per one hundred weight per hundred miles; and all public baggage, stores, arms, ammunitions, and other necessary things, except gunpowder and other combustible matters, shall be conveyed at charges not exceeding four cents per ton per mile, the assistance of the military or others being given in loading and unloading such goods.

CAP. IV.

An Act further to amend the Law relating to offences against the person.

Section.

1. Certain offences against the person, how dealt with.
2. Abandonment of child deemed misdemeanor; penalty.
3. Concealment of birth, misdemeanor; penalty.

Section.

4. Unlawful miscarriage, felony; penalty.
5. Aiding unlawful miscarriage, misdemeanor; penalty.
6. Second marriage during life of husband or wife, how dealt with; proviso.
7. Sections Revised Statutes repealed.

Passed 11th April, 1864.

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

1. When any person being feloniously stricken, poisoned or otherwise hurt at any place out of this Province, shall die of such stroke, poisoning or hurt in this Province, 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, enquired of, tried, determined and punished in the County or place in this Province in which such death shall happen, in the same manner in all respects as if such offence had been wholly committed in that County or place.

2. 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 imprisoned in the Provincial Penitentiary for any term not exceeding two years, with hard labour.

3. 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 be imprisoned in the Provincial Penitentiary for any term not exceeding two years, with hard labour; 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.

4. 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 be imprisoned in the Provincial Penitentiary for any term not exceeding fourteen years, with hard labour.

5. 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 be imprisoned in the Provincial Penitentiary for any term not exceeding two years, with hard labour.