

CYPRUS

CRIMINAL CODE

CHAPTER 154 OF THE LAWS

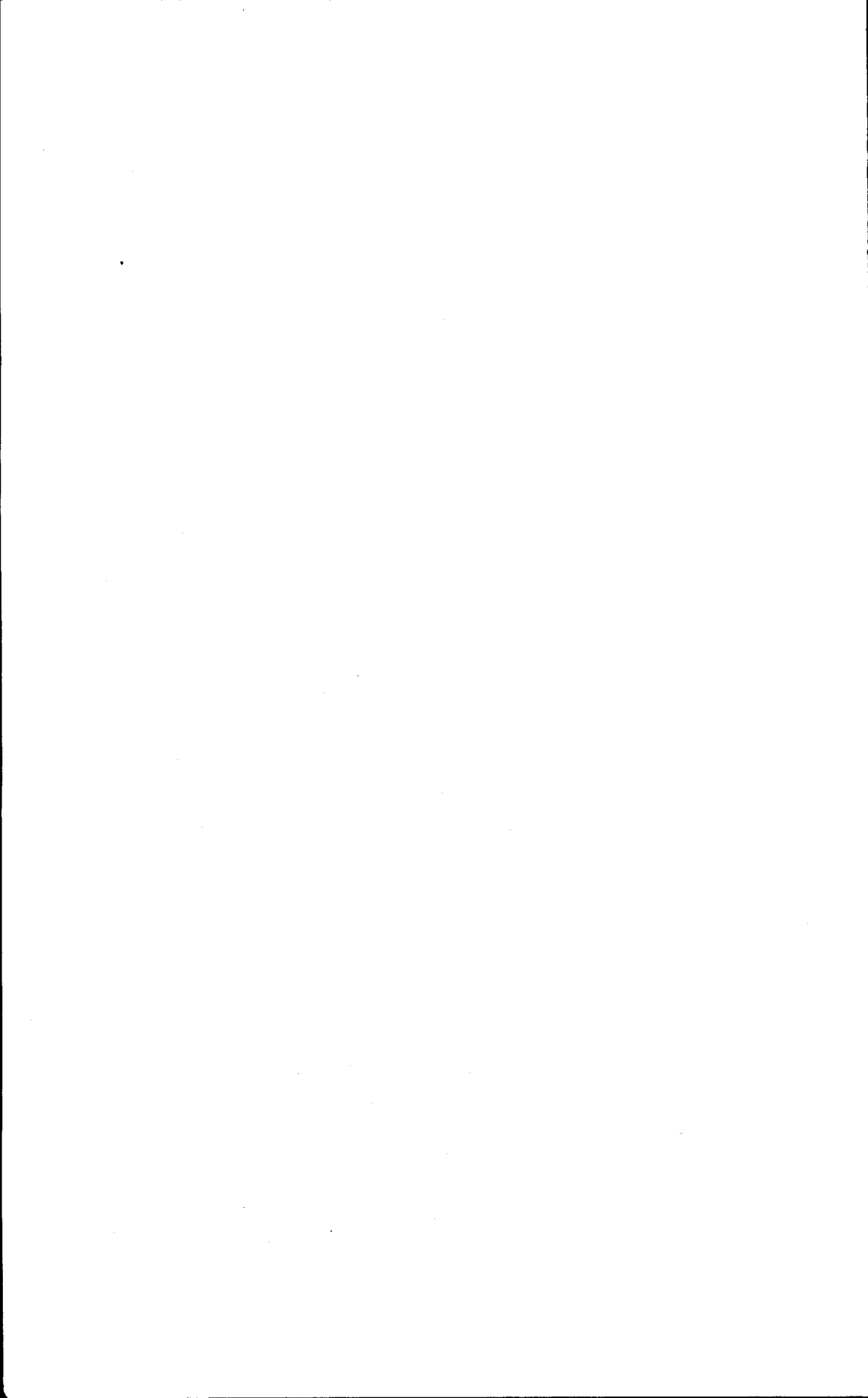
1959 EDITION

PRINTED BY

C. F. ROWORTH LIMITED, 54, GRAFTON WAY, LONDON, W.1.

[Appointed by the Government of Cyprus the Government Printers of this Edition of Laws within the meaning of the Evidence (Colonial Statutes) Act, 1907.]

1959



CHAPTER 154.

CRIMINAL CODE.

ARRANGEMENT OF SECTIONS.

PART I.

GENERAL PROVISIONS.

Section		Page
	<i>Preliminary.</i>	
1	Short title	9
2	Savings	9
	<i>Interpretation</i>	
3	General rule of construction of Law	9
4	Interpretation	10
	<i>Territorial application.</i>	
5	Extent of the jurisdiction of the Courts of the colony	14
6	Offences committed partly in one and partly in another or other Districts	14
	<i>General Rules as to Criminal Responsibility.</i>	
7	Ignorance of law	14
8	<i>Bona fide</i> claims of right	14
9	Intention : Motive	14
10	Mistake of fact	14
11	Presumption of sanity	15
12	Insanity	15
13	Intoxication	15
14	Criminal responsibility of children	15
15	Judicial officers	16
16	Compulsion	16
17	Necessity	16
18	Compulsion of husband	16
19	Person not to be twice criminally responsible for the same offence	16
	<i>Parties to Offences.</i>	
20	Principal offenders	17
21	Offences committed by joint offenders in prosecution of common purpose	17
22	Counselling another to commit an offence	17
23	Definition of accessories after the fact	18
24	Punishment of accessories after the fact to felonies	18
25	Punishment of accessories after the fact to misdemeanour	18
	<i>Punishments.</i>	
26	Kinds of punishments	18
27	Sentence of death	18
28	Commutation of death sentence to sentence of imprisonment	19
29	Imprisonment	20
30	Flogging and whipping	21
31	Fines	21
32	Security for keeping the peace	22
33	Security for coming up for judgment	22
34	Court may order supervision in certain cases	22
35	General punishment for misdemeanour	22

Section

Page

PART II.

OFFENCES AGAINST PUBLIC ORDER.

Treason and other Offences against the Sovereign's Authority.

36	Treason by the law of England	22
37	Instigating invasion	22
38	Concealment of treason	23
39	Treasonable felonies	23
40	Preparation of war or warlike undertaking	23
41	Use of armed force against the Government, etc.	24
42	Inciting to mutiny	24
43	Aiding soldiers or policemen in acts of mutiny	24
44	Inducing soldiers or policemen to desert	24
45	Aiding prisoners of war to escape	25
46	Definition of overt act	25
47	Seditious conspiracies and publications with seditious intention	25
48	{ Seditious intention defined	25
	{ Innocent intention defined	26
49	Evidence to rebut prima facie case of publication by agent	26
50	Publication of false news with intent to cause fear and alarm to the public	27
51	Encouraging violence and promoting ill-will	27
52	Unlawful oaths to commit capital offences	28
53	Other unlawful oaths to commit offences	28
54	Compulsion how far a defence	29
55	Unlawful drilling	29

Offences against the Constitution and existing Social Order.

56	Membership of an unlawful association illegal	29
57	Advocating and encouraging unlawful association	30
58	Giving or soliciting contributions for an unlawful association	30
59	Possession of documents having a seditious intention and publication of propaganda, etc. of unlawful association	30
60	Power of arrest and seizure	31
61	Power to examine packages	31
62	Onus of proof	32
63	Definition of unlawful association	32
64	Industrial disturbances. Proclamation of emergency	33
65	Persons taking part in lock-outs and strikes during operation of a proclamation	33
66	Offences against the maintenance of the public service transport etc.	34
67	Prosecution by Attorney-General	34

Offences affecting relations with Foreign States and External Tranquillity.

68	Defamation of foreign princes	34
69	Piracy	35

Unlawful Assemblies, Riots and other offences against Public Tranquillity.

70	Definitions	35
71	Punishment of unlawful assembly	35
72	Punishment of riot	35
73	Making proclamation for rioters to disperse	35
74	Dispersion of rioters after proclamation made	36
75	Rioting after proclamation	36
76	Preventing or obstructing the making of proclamation	36
77	Rioters demolishing buildings, etc.	36
78	Rioters injuring buildings, machinery, etc.	36
79	Riotously preventing the sailing of ship	37
80	Carrying arms to terrorise	37
81	Daggers	37
82	Carrying knives outside house prohibited	37
83	Knives at weddings, etc., prohibited	38
84	Claspknives	38
85	Forfeiture	38
86	Definitions	39
87	Forcible entry	39
88	Forcible detainer	39
89	Affray	39

Section	Page
90 Challenge to fight a duel	39
91 Threatening violence	39
92 Possessing firearms with intent to injure	40
93 Assembling for the purposes of smuggling	40
94 Drunkenness	40
95 Disturbance	40
96 Destruction of notices	41
97 Moslem feasts	41
98 Prevention of election by force or threats	41
99 Public insult	41

PART III.

OFFENCES AGAINST THE ADMINISTRATION OF LAWFUL
AUTHORITY.*Corruption and the Abuse of Office.*

100 Official corruption	41
101 Extortion by public officers	42
102 Public officers receiving property to show favour	42
103 Officers charged with administration of property of a special character or with special duties	42
104 False claims by officials	43
105 Abuse of office	43
106 Prosecutions by Attorney-General	43
107 False certificates by public officers	43
108 False assumption of authority	43
109 Personating public officers	44

Offences relating to Administration of Justice.

110 Perjury and subornation of perjury	44
111 Punishment of perjury	45
112 Evidence on charge of perjury	45
113 Contradictory statements by witnesses	45
114 Giving false information to police officers	46
115 Effecting public mischief	46
116 Fabricating evidence	46
117 False swearing	46
118 Inducing witnesses to give false or to withhold true testimony	47
119 Deceiving witnesses	47
120 Destroying evidence	47
121 Conspiracy to defeat justice and interference with witnesses	47
122 Deterrence of judges, etc., and interference with judicial proceedings	47
123 Compounding felonies	48
124 Compounding penal actions	48
125 Advertisements for stolen property	48
126 Corruptly taking a reward	48

Rescues, Escapes and obstructing Officers of Court of Law.

127 Rescue from lawful custody	49
128 Escape from lawful custody	49
129 Aiding prisoners to escape	49
130 Refusal or neglect to aid public officer in prevention of crime	49
131 Removal, etc., of property under lawful seizure	49
132 Obstructing Court officers	50

Miscellaneous Offences against Public Authority.

133 Frauds and breaches of trust by public officers	50
134 Neglect of official duty	50
135 Disclosure of official secrets	50
136 Disobedience to statutory duty	50
137 Disobedience of lawful orders	51

PART IV.

OFFENCES INJURIOUS TO THE PUBLIC IN GENERAL.

Offences relating to Religion.

138 Insult to religion of any class	51
---	----

<i>Section</i>	<i>Page</i>
139 Disturbing religious assemblies	51
140 Trespassing on burial places	51
141 Uttering words with the intent to wound religious feelings	51
142 Publications insulting religion	52
<i>Destruction.</i>	
143 Destroying or damaging public buildings and trees.	52
<i>Offences against Morality.</i>	
144 Definition of rape	52
145 Punishment of rape	52
146 Attempt to commit rape	52
147 Incest	52
138 Abduction	52
149 Abduction of girls under sixteen	53
150 Compulsion of marriage	53
151 Indecent assault on females	53
152 Indecent assault on males	53
153 Defilement of girls under thirteen years of age	53
154 Defilement of girls between thirteen and sixteen years of age	53
155 Defilement of idiots or imbeciles	53
156 Suppression of brothels	53
157 Procuration	55
158 Allowing child or young person to frequent a brothel	55
159 Procuring defilement of woman by threats, or fraud or administering drugs	56
160 Householder, etc., permitting defilement of woman under thirteen years age on his premises	56
161 Householder, etc., permitting defilement of woman under sixteen years of age on his premises	56
162 Detention with intent or in brothel	57
163 Power of search	57
164 Person living on earnings of prostitution or persistently soliciting	58
165 Woman aiding, etc., for gain prostitution of another woman	59
166 Conspiracy to defile	59
167 Attempts to procure abortion	59
168 The like by woman with child	59
169 Supplying drugs or instruments to procure abortion	59
170 Knowledge of age of female immaterial	59
171 Unnatural offence	60
172 Unnatural offence with violence	60
173 Attempts	60
174 Unnatural offences with child under thirteen	60
175 Bestiality	60
176 Indecency	60
177 Obscene publications and exhibitions	60
<i>Offences relating to Marriage and Domestic Obligations</i>	
178 Fraudulent pretence of marriage	61
179 Bigamy	61
180 Marriage ceremony fraudulently gone through without lawful marriage	61
181 Exposure of child	61
182 Neglect of filial duty	62
183 Power to the Court to make maintenance orders	62
184 Master not providing for servants or apprentices	63
185 Child stealing	63
<i>Nuisances.</i>	
186 Common nuisance	63
187 Use of sound amplifying instruments on or near public places	64
188 Idle and disorderly persons	65
189 Rogues and vagabonds	65
190 Negligent act likely to spread infection of diseases dangerous to life	66
191 Fouling water	66
192 Fouling air	66
193 Offensive trades	66
<i>Defamation.</i>	
194 Definition of libel	66

Section	Page
195 Definition of defamatory matter	66
196 Publishing or threatening to publish libel, or proposing to abstain from publishing anything with intent to extort	67
197 Definition of publication	67
198 Definition of unlawful publication	67
199 Cases in which publication of defamatory matter is absolutely privileged	67
200 Cases in which publication of defamatory matter is conditionally privileged	69
201 Explanation as to good faith	70
202 Presumption as to good faith	70

PART V

OFFENCES AGAINST THE PERSON

Murder and Manslaughter.

203 Manslaughter	70
204 Murder	71
205 Punishment of murder	71
206 Punishment of manslaughter	71
207 Malice aforethought	71
208 Killing on provocation	71
209 Infanticide	72
210 Causing death by want of precaution or by carelessness	72
211 Causing death defined	72
212 When child deemed to be a person	73
213 Limitation as to time of death	73

Offences connected with Murder and Suicide.

214 Attempt to murder	74
215 Attempt to murder by convict	74
216 Written threats to murder	74
217 Conspiracy to murder	74
218 Abetting suicide	74
219 Attempting suicide	74
220 Concealing the birth of child	74

Duties relating to the Preservation of Life and Health.

221 Responsibility of person who has the charge of another	75
222 Duty of head of family	75
223 Duty of master	75
224 Duty of persons doing dangerous acts	75
225 Duty of persons in charge of dangerous things	75

Offences endangering Life or Health.

226 Disabling in order to commit felony or misdemeanour	76
227 Stupefying in order to commit felony or misdemeanour	76
228 Acts intended to cause grievous harm or prevent arrest	76
229 Preventing escape from wreck	77
230 Intentionally endangering safety of persons travelling by railway	77
231 Grievous harm	77
232 Attempting to injure by explosive substances	77
233 Maliciously administering poison with intent to harm	77
234 Wounding and similar acts	78
235 Failure to supply necessaries	78

Criminal Recklessness and Negligence.

236 Reckless and negligent acts	78
237 Other negligent acts causing harm	79
238 Endangering safety of persons travelling by railway	79
239 Exhibition of false light, mark or buoy	79
240 Conveying persons by water for hire in unsafe or overloaded vessel	79
241 Danger of obstruction in public way or line of navigation	79

Assault.

242 Common Assault	79
243 Assaults causing actual bodily harm	79
244 Assaults punishable with two years' imprisonment	79

<i>Section</i>	<i>Offences against Liberty.</i>	<i>Page</i>
245	Definition of kidnapping from the colony	80
246	Definition of kidnapping from lawful guardianship	80
247	Definition of abduction	80
248	Punishment of kidnapping	80
249	Kidnapping or abducting in order to murder	80
250	Kidnapping or abducting with intent secretly and wrongfully to confine person	81
251	Kidnapping or abducting in order to subject person to grievous hurt, etc.	81
252	Wrongfully concealing or keeping in confinement, kidnapped or abducted person	81
253	Kidnapping or abducting child under fourteen years with intent to steal from the person	81
254	Unlawful compulsory labour	81

PART VI.

OFFENCES RELATING TO PROPERTY.

<i>Stealing.</i>		
255	Definition	81
256	Special cases	82
257	Funds, etc., held under direction	82
258	Funds, etc., received by agents for sale	83
259	Money received for another	83
260	Theft by persons having an interest in the thing stolen	83
261	Husband and wife	84
262	General punishment for theft	84
263	Stealing wills	84
264	Stealing postal matter, etc.	84
265	Stealing cattle, crops, etc.	84
266	Stealing from the person ; stealing goods in transit, etc.	84
267	Stealing by persons in public service	85
268	Stealing by clerks and servants	85
269	Stealing by directors of companies	85
270	Stealing by agents, etc.	85
271	Stealing by tenants or lodgers	86
272	Stealing after previous convictions	86
<i>Offences allied to Stealing.</i>		
273	Concealing registers	86
274	Concealing wills	86
275	Concealing deeds	87
276	Killing animals with intent to steal	87
277	Severing with intent to steal	87
278	Fraudulently dealing with minerals in mines	87
279	Fraudulent appropriation of power and running water	87
<i>Criminal Trespass.</i>		
280	Entering upon property of another with intent to commit an offence, etc.	87
281	Unauthorised cultivation	88
<i>Robbery and Extortion.</i>		
282	Definition of robbery	88
283	Punishment of robbery	88
284	Attempted robbery	88
285	Assault with intent to steal	89
286	Entering upon property of another armed, with intent to steal	89
287	Demanding property by written threats	89
288	Attempts at extortion by threats	89
289	Procuring execution of deeds, etc., by threats	90
290	Demanding property with menaces with intent to steal	90
<i>Burglary, Housebreaking and similar Offences.</i>		
291	Definitions	91
292	Housebreaking and burglary	91
293	Entering dwelling house with intent to commit felony	91
294	Breaking into building and committing felony	92

Section	Page
295 Breaking into building with intent to commit felony ..	92
296 Person found armed, etc., with intent to commit felony ..	92

False Pretences.

297 Definition of false pretences	93
298 Obtaining goods by false pretences	93
299 Obtaining execution of security by false pretences	93
300 Cheating	93
301 Obtaining credit, etc., by false pretence	93
302 Conspiracy to defraud	94
303 Fraud on sale or mortgage of property	94
304 Pretending to exercise witchcraft or tell fortunes	94
305 Obtaining registration, etc., by false pretences	94

Receivers.

306 Receiving, etc.	95
307 Receiving property fraudulently obtained	95
308 Receiving after change of ownership	95
309 Unlawful possession of property	95

Frauds by Trustees and Persons in a Position of Trust, and False Accounting.

310 Trustees fraudulently disposing of trust property	95
311 Directors and officers of corporations or companies fraudulently appropriating property, or keeping fraudulent accounts or falsifying books or accounts	96
312 False statements by officials of companies	97
313 Fraudulent false accounting	97
314 False accounting by public officers	97

PART VII.

MALICIOUS INJURIES TO PROPERTY.

Offences causing Injury to Property.

315 Arson	98
316 Attempt to commit arson	98
317 Setting fire to crops and growing plants	98
318 Attempting to set fire to crops, etc.	99
319 Setting fire to goods in buildings	99
320 Attempting to set fire to goods in buildings	99
321 Casting away ships	99
322 Attempts to cast away ships	99
323 Injuring animals	99
324 Punishment for malicious injuries	100
325 Attempts to destroy property by explosives	101
326 Communicating infectious diseases to animals	101
327 Removing boundary marks with intent to defraud	101
328 Wilful damage, etc., to survey and boundary marks	101
329 Penalties for damage, etc., to railway works	102
330 Threats to burn, etc.	102

PART VIII.

FORGERY, COINING, COUNTERFEITING, SIMILAR OFFENCES AND PERSONATION.

Definitions.

331 Definition of forgery	102
332 Document	102
333 Making a false document	103
334 Intent to defraud	103

Punishment for Forgery.

335 General punishment for forgery	104
336 Imprisonment for life	104
337 Imprisonment for ten years	104

<i>Section</i>	<i>Page</i>
338 Imprisonment for seven years	104
339 Uttering false documents	105
340 Uttering cancelled or exhausted documents	105
341 Procuring execution of documents by false pretences	105
342 Obliterating crossings on cheques	105
343 Making documents without authority	106
344 Demanding property upon forged testamentary instruments	106
345 Purchasing forged banknotes	106
346 Falsifying warrants for money payable under public authority	106
347 Falsification of registers	106
<i>Offences relating to Coin.</i>	
348 Definition	107
349 Counterfeiting coin	107
350 Preparations for coining	107
351 Clipping	108
352 Possession of clippings	108
353 Uttering counterfeit coin	108
354 Repeated uttering	109
355 Uttering foreign coin or metal as current coin	109
356 Exporting counterfeit coin	109
<i>Counterfeit Stamps.</i>	
357 Possession of die used for purpose of making stamps	109
358 Paper and dies for postage stamps	110
359 Possession of plate or instrument used for purpose of making seals	111
<i>Personation.</i>	
360 Personation in general	111
361 Falsely acknowledging deeds, recognisances, etc.	111
362 Personation of a person named in a certificate	112
363 Lending, etc., certificate for personation	112
364 Personation of a person named in a testimonial of character	112
365 Lending, etc., testimonial for personation	112
PART IX.	
ATTEMPTS AND CONSPIRACIES TO COMMIT CRIMES.	
<i>Attempts.</i>	
366 Attempt defined	112
367 Attempt to commit offences	113
368 Punishment for attempt to commit certain felonies	113
369 Neglect to prevent felony	113
370 Incitement to commit an offence	113
<i>Conspiracies.</i>	
371 Conspiracy to commit felony	114
372 Conspiracy to commit misdemeanour	114
373 Other conspiracies	114
PART X.	
MINOR OFFENCES.	
374 Various offences	114

A LAW TO PROVIDE FOR CERTAIN CRIMES AND THE
PUNISHMENT THEREFOR AND FOR OTHER MATTERS
RELATING TO THE CRIMINAL LAW OF THE COLONY.

[1st January, 1929]

1949 Cap. 13.

27 of 49.

12 of 51.

28 of 52.

4 of 53.

45 of 53.

28 of 54.

20 of 55.

13 of 56.

21 of 56.

27/58.

Short title.

2 of 45/53.

PART I.

GENERAL PROVISIONS.

Preliminary.

1. This Law may be cited as the Criminal Code.
2. Nothing in this Law shall affect—
 - (a) the liability, trial or punishment of a person for an offence against any Law in force in the Colony other than this Law ; or
 - (b) the liability of a person to be tried or punished for an offence under the provisions of any Law in force in the Colony relating to the jurisdiction of the Colonial Courts in respect of acts done beyond the ordinary jurisdiction of such Courts ; or
 - (c) the power of any Court to punish a person for contempt of such Court ; or
 - (d) the liability or trial of a person, or the punishment of a person under any sentence passed or to be passed in respect of any act done or commenced before the coming into operation of this Law ; or
 - (e) any power of Her Majesty, or of the Governor as the representative of Her Majesty, to grant or to remit or commute in whole or in part or to respite the execution of any sentence passed or to be passed ; or
 - (f) any Law for the time being in force for the government of Her Majesty's military or naval or air forces, or the military or police forces of the Colony :

Savings.

Provided that if a person does an act which is punishable under this Law and is also punishable under another Law of any of the kinds mentioned in this section, he shall not be punished for that act both under that Law and also under this Law.

Interpretation.

3. This Law shall be interpreted in accordance with the principles of legal interpretation obtaining in England, and

General
rule of
construction
of Law.

expressions used in it shall be presumed, so far as is consistent with their context, and except as may be otherwise expressly provided, to be used with the meaning attaching to them in English criminal law and shall be construed in accordance therewith.

Interpreta-
tion.

4. In this Law—

“ Court ” means a Court of competent jurisdiction ;

“ dwelling house ” includes any building or structure or part of a building or structure which is for the time being kept by the owner or occupier for the residence therein of himself, his family or servants or any of them, and it is immaterial that it is from time to time uninhabited ; a building or structure adjacent to or occupied or used for any purpose with a dwelling house is deemed to be part of the dwelling house if there is a communication between such building or structure and the dwelling house, either immediate or by means of a covered and enclosed passage leading from the one to the other, but not otherwise ;

“ felony ” means an offence which is declared by law to be a felony, or, if not declared to be a misdemeanour, is punishable, without proof of previous conviction, with death, or with imprisonment for three years or more ;

“ harm ” means any bodily hurt, disease or disorder whether permanent or temporary ;

“ dangerous harm ” means harm endangering life ;

“ grievous harm ” means any harm which amounts to a maim or dangerous harm or seriously or permanently injures health or comfort or which is likely so to injure health or comfort, or which extends to permanent disfigurement or to any permanent or serious injury to any external or internal organ, membrane or sense ;

“ judicial proceedings ” includes any proceeding had or taken in or before any Court, tribunal, commission of inquiry or person in which or before whom evidence may be taken on oath, whether such Court, tribunal, commission of inquiry or person takes evidence on oath or not ;

“ knowingly ” used in connection with any term denoting uttering or using implies knowledge of the character of the thing uttered or used ;

“ Law ” includes any orders or rules or regulations made under the authority of any Law ;

“ maim ” means the destruction or permanent disabling of any external or internal organ, membrane or sense ;

“ misdemeanour ” means any offence which is not a felony ;

“ money ” includes currency notes, bank notes, bank drafts, cheques and any other orders, warrants or requests for the payment of money ;

“ Municipal authority ” means a Municipal Council, Municipal Commission, or other body duly authorized by law to exercise Municipal authority and government ;

“ night ” or “ night time ” means the interval between half past six o'clock in the evening and half past six o'clock in the morning ;

“ oath ” includes affirmation or declaration ;

“ offence ” is an act, attempt or omission punishable by law ;

“ person ” and “ owner ” and other like term when used with reference to property includes corporations of all kinds and any other association of persons capable of owning property, and also when so used includes Her Majesty ;

“ person employed in the public service ” means any person holding any of the following offices or performing the duty thereof, whether as a deputy or otherwise, namely :—

(a) any civil office including the office of Governor, the power of appointing a person to which or of removing from which is vested in Her Majesty, or in the Governor or in the Governor in Council or in any public commission or board ; or

(b) any office to which a person is appointed or nominated by law or by election ; or

(c) any civil office, the power of appointing to which or removing from which is vested in any person or persons holding an office of any kind, included in either of the two

last preceding paragraphs of this definition ; or

- (d) any office of arbitrator or umpire in any proceeding or matter submitted to arbitration by order or with the sanction of any Court, or in pursuance of any Law ;

and the said term further includes :--

- (i) a member of a commission of inquiry appointed under or in pursuance of any Law ;
- (ii) any person employed to execute any process of a Court ;
- (iii) all persons belonging to the military or police forces of the Colony ;
- (iv) all persons in the employment of any Government Department ;
- (v) a person acting as a minister of religion of whatsoever denomination in so far as he performs functions in respect of the notification of intending marriage or in respect of the solemnization of marriage, or in respect of the making or keeping of any register or certificate of marriage, birth, baptism, death or burial, but not in any other respect ;
- (vi) a person in the employ of a Municipal authority ;
- (vii) the mukhtar and azas for the time being of any village ;

“ possession ”--

- (a) “ be ” or “ have in his possession ” includes not only having in one’s own personal possession, but also knowingly having in the actual possession or custody of any other person, or having anything in any place (whether belonging to, or occupied by oneself or not) for the use or benefit of oneself or of any other person ;
- (b) if there are two or more persons and any one or more of them with the knowledge and consent of the rest has or have anything in his or their custody or possession, it shall be deemed and taken to be in the

custody and possession of each and all of them ;

“ property ” includes everything animate or inanimate capable of being the subject of ownership ;

“ public ” refers not only to all persons within the Colony but also to the persons inhabiting or using any particular place, or any number of such persons, and also to such indeterminate persons as may happen to be affected by the conduct in respect to which such expression is used ;

“ public place ” or “ public premises ” includes any public way and building, place or convenience to which, for the time being, the public are entitled or permitted to have access either without any condition or upon condition of making any payment, and any building or place which is for the time being used for any public or religious meeting, or assembly or as an open court ;

“ public way ” includes any highway, market-place, square, street, bridge or other way which is lawfully used by the public ;

“ publicly ” when applied to acts done means either—

- (a) that they are so done in any public place as to be seen by any person whether such person be or be not in a public place ; or
- (b) that they are so done in any place not being a public place as to be likely to be seen by any person in a public place ;

“ utter ” means and includes using or dealing with and attempting to use or deal with and attempting to induce any person to use, deal with or act upon the thing in question ;

“ valuable security ” includes any document which is the property of any person, and which is evidence of the ownership of any property or of the right to recover or receive any property ;

“ vessel ” includes a ship, a boat and every other kind of vessel used in navigation either on the sea or in inland waters ;

“ wound ” means any incision or puncture which divides or pierces any exterior membrane of the body, and any membrane is exterior for the purpose of this

definition which can be touched without dividing or piercing any other membrane.

Territorial Application.

Extent of the jurisdiction of the Courts of the Colony.

5. The jurisdiction of the Courts of the Colony for the purposes of this Law extends to every place within the Colony or within three miles of the coast thereof measured from low water mark.

Offences committed partly in one and partly in another or other Districts. 2 of 2, 37.

6. Where an offence is committed on the boundary of two or more Districts or within a mile of the boundary or is committed partly in one District and partly in another or other Districts, such offence may be tried by the District Court of either or any such District as if it had been wholly committed in the District in which it is tried.

General Rules as to Criminal Responsibility.

Ignorance of law.

7. Ignorance of the law does not afford any excuse for any act or omission which would otherwise constitute an offence, unless knowledge of the law by the offender is expressly declared to be an element of the offence.

Bona fide claims of right.

8. A person is not criminally responsible in respect of an offence relating to property, if the act done or omitted to be done by him with respect to the property was done in the exercise of an honest claim of right and without intention to defraud.

Intention: Motive.

9. Subject to the express provisions of this Law relating to negligent acts and omissions, a person is not criminally responsible for an act or omission which occurs independently of the exercise of his will, or for an event which occurs by accident.

Unless the intention to cause a particular result is expressly declared to be an element of the offence constituted, in whole or part, by an act or omission, the result intended to be caused by an act or omission is immaterial.

Unless otherwise expressly declared, the motive by which a person is induced to do or omit to do an act, or to form an intention, is immaterial so far as regards criminal responsibility.

Mistake of fact.

10. A person who does or omits to do an act under an honest and reasonable, but mistaken, belief in the existence

of any state of things is not criminally responsible for the act or omission to any greater extent than if the real state of things had been such as he believed to exist.

The operation of this rule may be excluded by the express or implied provisions of the law relating to the subject.

11. Every person is presumed to be of sound mind, and to have been of sound mind at any time which comes in question, until the contrary is proved.

Presump-
tion of
sanity.

12. A person is not criminally responsible for an act or omission if at the time of doing the act or making the omission he is through any disease affecting his mind incapable of understanding what he is doing, or of knowing that he ought not to do the act or make the omission.

Insanity.

But a person may be criminally responsible for an act or omission, although his mind is affected by disease, if such disease does not in fact produce upon his mind one or other of the effects above mentioned in reference to that act or omission.

1 (a) of Sch.
to 26/51.

13. (1) Subject to subsections (2) and (3), a person shall not, on the ground of intoxication be deemed to have done any act or made any omission involuntarily, or be exempt from criminal responsibility for any act or omission.

Intoxication.
2 of 20/55.

(2) A person is not criminally responsible for an act or omission if at the time of doing the act or making the omission he is in such a state of intoxication that he is incapable of understanding what he is doing, or controlling his action, or knowing that he ought not to do the act or make the omission, provided that the thing which intoxicated him was administered to him without his knowledge or against his will.

(3) When a specific intent is a constituent element of an offence, intoxication, whether complete or partial, and whether intentional or unintentional shall be taken into account for the purpose of ascertaining whether such an intent in fact existed.

14. A person under the age of seven years is not criminally responsible for any act or omission.

Criminal
responsi-
bility of
children.

A person under the age of twelve years is not criminally responsible for an act or omission, unless it is proved that at the time of doing the act or making the omission he had

capacity to know that he ought not to do the act or make the omission.

A male person under the age of twelve years is presumed to be incapable of having carnal knowledge.

Judicial officers.

15. Except as expressly provided by this Law, a judicial officer is not criminally responsible for anything done or omitted to be done by him in the exercise of his judicial functions, although the act done is in excess of his judicial authority or although he is bound to do the act omitted to be done.

Compulsion.

16. Except murder and offences against the State punishable with death, no act is an offence which is done by a person who is compelled to do it by threats which at the time of doing it reasonably cause the apprehension that instant death to that person will otherwise be the consequence; provided that the person doing the act did not, of his own accord or from a reasonable apprehension of harm to himself short of instant death, place himself in the situation by which he became subject to such constraint.

Necessity.

17. An act or omission which would otherwise be an offence may be excused if the person accused can show that it was done or omitted to be done only in order to avoid consequences which could not otherwise be avoided, and which if they had followed, would have inflicted upon him or upon others whom he was bound to protect inevitable and irreparable evil, that no more was done than was reasonably necessary for that purpose, and that the evil inflicted by it was not disproportionate to the evil avoided.

Compulsion of husband.

18. A married woman is not free from criminal responsibility for doing or omitting to do an act merely because the act or omission takes place in the presence of her husband.

Person not to be twice criminally responsible for same offence.

19. A person cannot be twice criminally responsible either under the provisions of this Law or under the provisions of any other Law for the same act or omission, except in the case where the act or omission is such that by means thereof he causes the death of another person, in which case he may be convicted of the offence of which he is guilty by reason of causing such death, notwithstanding that he has already been convicted of some other offence constituted by the act or omission.

Parties to Offences.

20. When an offence is committed each of the following persons is deemed to have taken part in committing the offence and to be guilty of the offence, and may be charged with actually committing it, that is to say --- Principal offenders.

- (a) every person who actually does the act or makes the omission which constitutes the offence ;
- (b) every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence ;
- (c) every person who aids or abets another person in committing the offence ;
- (d) any person who counsels or procures any other person to commit the offence.

In the fourth case he may be charged either with himself committing the offence or with counselling or procuring its commission.

A conviction of counselling or procuring the commission of an offence entails the same consequences in all respects as a conviction of committing the offence.

Any person who procures another to do or omit to do any act of such a nature that, if he had himself done the act or made the omission, the act or omission would have constituted an offence on his part, is guilty of an offence of the same kind, and is liable to the same punishment as if he had himself done the act or made the omission ; and he may be charged with himself doing the act or making the omission.

21. When two or more persons form a common intention to prosecute an unlawful purpose in connection with one another, and in the prosecution of such purpose an offence is committed of such nature that its commission was a probable consequence of the prosecution of such purpose, each of them is deemed to have committed the offence. Offences committed by joint offenders in prosecution of common purpose.

22. When a person counsels another to commit an offence, and an offence is actually committed after such counsel by the person to whom it is given, it is immaterial whether the offence actually committed is the same as that counselled or a different one, or whether the offence is committed in the way counselled or in a different way, provided in either case that the facts constituting the Counselling another to commit an offence.

offence actually committed are a probable consequence of carrying out the counsel.

In either case the person who gave the counsel is deemed to have counselled the other person to commit the offence actually committed by him.

Definition of accessories after the fact.

23. A person who receives or assists another who is, to his knowledge, guilty of an offence, in order to enable him to escape punishment, is said to become an accessory after the fact to the offence.

A wife does not become an accessory after the fact to an offence of which her husband is guilty by receiving or assisting him in order to enable him to escape punishment ; nor by receiving or assisting, in her husband's presence and by his authority, another person who is guilty of an offence in the commission of which her husband has taken part, in order to enable that other person to escape punishment ; nor does a husband become accessory after the fact to an offence of which his wife is guilty by receiving or assisting her in order to enable her to escape punishment

Punishment of accessories after the fact to felony.

24. Any person who becomes an accessory after the fact to a felony is guilty of a felony, and is liable, if no other punishment is provided, to imprisonment for three years.

Punishment of accessories after the fact to misdemeanour.

25. Any person who becomes an accessory after the fact to a misdemeanour is guilty of a misdemeanour.

Punishments.

Kinds of punishments.

26. The following punishments may be inflicted by a Court :—

- (a) death ;
- (b) imprisonment ;
- (c) flogging ;
- (d) whipping ;
- (e) fine ;
- (f) payment of compensation ;
- (g) finding security to keep the peace and be of good behaviour ; or to come up for judgment ;
- (h) supervision.

2 of 28/52.

Sentence of death.

27. (1) The punishment of death shall be inflicted by hanging the offender by the neck until he is dead.

(2) Sentence of death shall not be pronounced on or recorded against a person convicted of an offence if it appears to the Court that at the time when the offence was committed he was under the age of sixteen years ; but in lieu thereof the Court shall sentence him to be detained during the Governor's pleasure ; and if so sentenced he shall be liable to be detained in such place and under such conditions as the Governor may direct. ^{3 of 28/52.}

(3) Where a woman convicted of an offence punishable with death is found in accordance with the provisions of this section to be pregnant, the sentence to be passed on her shall be a sentence of imprisonment for life instead of sentence of death. ^{3 of 2/37.}

(4) Where a woman convicted of an offence punishable with death alleges that she is pregnant, or where the Assize Court before whom a woman is so convicted thinks fit so to order, the question whether or not the woman is pregnant shall, before sentence is passed on her, be determined by the Court.

(5) The question whether the woman is pregnant or not shall be determined by the Court on such evidence as may be laid before it either on the part of the woman or on the part of the Crown, and the Court shall find that the woman is not pregnant unless it is proved affirmatively to their satisfaction that she is pregnant.

(6) Where on proceedings under this section the Court finds that the woman in question is not pregnant, the woman may appeal to the Supreme Court, and that Court, if satisfied that for any reason the finding should be set aside, shall quash the sentence passed on her and instead thereof pass on her a sentence of imprisonment for life.

(7) The rights conferred by this section on a woman convicted of an offence punishable with death shall be in substitution for the right of such a woman to move in arrest of execution on the ground that she is pregnant and the last mentioned right shall cease.

28. Where the Governor pardons any person who has been sentenced to death on condition that he serves a term of imprisonment, that person shall be deemed to have been sentenced by the Assize Court before which he was convicted for the said term.

Commuta-
tion of death
sentence to
sentence of
imprison-
ment.
^{3 of 20/55.}

Imprison-
ment.
4 of 28/52.

29. A person liable to imprisonment for life or any other period may be sentenced for any shorter term, or the Court before which such person is tried may, instead thereof, impose a fine of an amount not exceeding the amount which such Court is empowered to impose.

Flogging and
whipping.

30. (1) A sentence of flogging shall be to be flogged once only. Such flogging shall be with a whip of a pattern and size to be approved by the Governor or with such other instrument as the Governor may approve. The sentence shall specify the number of strokes, which shall not exceed twenty-four. Where the number of strokes exceeds twelve such order shall be subject to confirmation by a Judge of the Supreme Court, except when such order is made by an Assize Court, and shall not be carried into effect until such confirmation shall have been received. No person who has been flogged shall be again flogged within fourteen days.

(2) A sentence of whipping shall be to be whipped once only. Such whipping shall be with a light rod or cane. The sentence shall specify the number of strokes, which shall not exceed twelve in the case of a person under sixteen years of age nor twenty-four in any other case.

(3) No female shall be flogged or whipped.

(4) No person under the age of sixteen shall be flogged.

(5) A sentence of flogging shall not be carried out except in the presence of a Commissioner of a district and of a District Medical Officer, nor before such Medical Officer has after examination certified that, in his opinion, the prisoner is physically fit to undergo the sentence of flogging about to be inflicted on him.

(6) The Medical Officer may at any time during the carrying out of the sentence of flogging intervene and prohibit the remainder of the sentence from being carried out, if in his opinion the prisoner is unable to bear such sentence without risk of physical injury.

(7) No sentence of flogging shall be carried out by instalments.

Fines.

31. Where a fine is imposed under any Law, then in the absence of express provisions relating to such fine in such Law the following provisions shall apply :—

- (a) where no sum is expressed to which the fine may extend the amount of the fine which may be imposed is unlimited but shall not be excessive ;
- (b) in the case of an offence punishable with a fine or a term of imprisonment the imposition of a fine or a term of imprisonment shall be a matter for the discretion of the Court ;
- (c) such fine shall be levied and recovered in all respects in accordance with and subject to the provisions of the Criminal Procedure Law or of any Law amending or substituted for the same.

Cap. 155.

32. A person convicted of an offence not punishable with death may, instead of, or in addition to, any punishment to which he is liable, be ordered to enter into his own recognizance, with or without sureties, in such amount as the Court thinks fit, that he shall keep the peace and be of good behaviour for a time to be fixed by the Court, and may be ordered to be imprisoned until such recognizance, with sureties, if so directed, is entered into ; but so that the imprisonment for not entering into the recognizance shall not extend for a term longer than one year, and shall not, together with the fixed term of imprisonment, if any, extend for a term longer than the longest term for which he might be sentenced to be imprisoned without fine.

Security for keeping the peace.

33. When a person is convicted of any offence not punishable with death the Court may, instead of passing sentence, discharge the offender upon his entering into his own recognizance, with or without sureties, in such sum as the Court may think fit, conditional that he shall appear and receive judgment at some future sitting of the Court or when called upon.

Security for coming up for judgment.

34. (1) When any person, having been convicted of any offence punishable with imprisonment for a term of two years or upwards, is again convicted of any offence punishable with imprisonment for a term of two years or upwards the Court may, if it thinks fit, at the time of passing sentence of imprisonment on such person, also order that he shall be subject to supervision as hereinafter provided for a term not exceeding five years from the date of the expiration of such sentence :

Court may order supervision in certain cases.
5 of 28/52.

Provided that, if such conviction is set aside on appeal or otherwise, such order shall become void :

Provided further that, if the conduct of the person convicted is such as to make it unnecessary that he should remain under such supervision, the Court may, at any time, discharge such order.

(2) Every person subject to supervision, who is at large shall, unless the Court otherwise directs, report himself personally once in each month to the probation officer named in the order at such time as may be directed by such officer and forthwith notify to such officer any change of his residence.

(3) If any person subject to supervision, who is at large, refuses or neglects to comply with any requirement as provided by the last preceding subsection such person shall, unless he proves to the satisfaction of the Court that he did his best to act in conformity with such requirement, be guilty of an offence and be liable to imprisonment for a term not exceeding six months.

General
punish-
ment for
mis-
demeanour.
2 of 9/31.

35. When in this Law, no punishment is specially provided for any misdemeanour, it shall be punishable with imprisonment for a term not exceeding two years or with a fine not exceeding one hundred pounds or with both such punishments.

PART II.

OFFENCES AGAINST PUBLIC ORDER.

Treason and other Offences against the Sovereign's Authority.

Treason by
the law of
England.

36. Any person who compasses, imagines, invents, devises or intends any act, matter or theory, the compassing, imagining, inventing, devising or intending whereof is treason by the law of England for the time being in force, and expresses, utters or declares such compassing, imagining, inventing, devising or intending by publishing any printing or writing or by any overt act or does any act which, if done in England, would be deemed to be treason according to the law of England for the time being in force, is guilty of the offence termed treason and is liable to suffer death.

Instigating
invasion.

37. Any person who instigates any foreigner to invade the Colony with an armed force is guilty of treason, and is liable to the punishment of death.

38. Any person who—Concealment
of treason.

- (a) becomes an accessory after the fact to treason ; or
- (b) knowing that any person intends to commit treason, does not give information thereof with all reasonable despatch to the Governor, Commissioner of a district or a peace officer, or use other reasonable endeavour to prevent the commission of the offence,

is guilty of the felony, termed misprision of treason, and is liable to imprisonment for life.

39. Any person who forms an intention to effect any of the following purposes, that is to say—Reasonable
felonies.

- (a) to depose Her Majesty from the Style, honour and royal name of the Imperial Crown of Great Britain, Ireland and of the British Dominions beyond the Seas, or of any of Her Majesty's dominions or territories or countries ; or
- (b) to levy war against Her Majesty within any part of Her Majesty's dominions, or within any country which has been declared to be under his protection or mandate, in order by force or constraint to compel her to change her measures or counsels, or in order to put any force or constraint upon, or in order to intimidate or overawe the legislature or legislative authority of any of Her Majesty's dominions, or of any country which has been declared to be under her protection or mandate ; or
- (c) to instigate any foreigner to make an armed invasion of any of Her Majesty's dominions or of any country which has been declared to be under her protection or mandate,

and manifests such intention by an overt act, or by publishing any printing or writing, is guilty of a felony and is liable to imprisonment for life.

40. Any person who, without lawful authority, carries on, or makes preparation for carrying on, or aids in or advises the carrying on of, or preparation for, any war or warlike undertaking with, for, by or against, any section, race or body of persons in the Colony, is guilty of a felony, and is liable to imprisonment for life.Preparation
of war or
warlike
undertaking.
4 of 20/55.

Use of
armed force
against the
Government,
etc.

41. Whoever prepares or endeavours, by armed force or the show of armed force, to procure an alteration in the Government or laws, or to resist the execution of the laws, or to compel the Governor or any member of the Executive or Legislative Council, or any person in command of any military or naval forces or of any peace officers, to do, or abstain from doing, any act of a public or official character is liable to imprisonment for life.

Inciting to
mutiny.

42. Any person who maliciously and advisedly endeavours to effect any of the following purposes, that is to say—

- (a) to seduce any person serving in the military or naval forces of the Colony or any member of the police force from his duty and allegiance to Her Majesty ; or
- (b) to incite any such persons to commit an act of mutiny or any traitorous or mutinous act ; or
- (c) to incite any such persons to make or endeavour to make a mutinous assembly,

is guilty of a felony, and is liable to imprisonment for life.

Aiding
soldiers or
policemen
in acts of
mutiny.

43. Any person who—

- (a) aids, abets, or is accessory to any act of mutiny by ; or
- (b) incites to sedition or to disobedience to any lawful order given by a superior officer or to any act of insubordination,

any non-commissioned officer or private of the military or naval forces of the Colony or any member of the police force, is guilty of a misdemeanour.

Inducing
soldiers or
policemen
to desert.

44. Any person who, by any means whatever, directly or indirectly—

- (a) procures or persuades or attempts to procure or persuade to desert ; or
- (b) aids, abets, or is accessory to the desertion of ; or
- (c) having reason to believe he is a deserter, harbours or aids in concealing,

any non-commissioned officer or private of the said military or naval forces, or any member of the police force, is guilty of a misdemeanour, and is liable to imprisonment for six months.

45. Any person who—

- (a) knowingly and advisedly aids an alien enemy of Her Majesty, being a prisoner of war in the Colony, whether such prisoner is confined in a prison or elsewhere or is suffered to be at large on his parole, to escape from his prison or place of confinement or if he is at large on his parole, to escape from the Colony, is guilty of a felony, and is liable to imprisonment for life ; or
- (b) negligently and unlawfully permits the escape of any such person as is mentioned in the preceding paragraph is guilty of a misdemeanour.

Aiding
prisoners of
war to
escape.

46. In the case of any of the offences defined in sections 36 to 55 (inclusive), when the manifestation by an overt act of an intention to effect any purpose is an element of the offence every act of conspiring with any person to effect that purpose, and every act done in furtherance of the purpose by any of the persons conspiring, is deemed to be an overt act manifesting the intention.

Definition
of overt act.

47. Any person who—

- (a) conspires with any other person or persons to do any act in furtherance of any seditious intention common to both or all of them ; or
- (b) publishes any words or document or makes any visible representation whatsoever with a seditious intention,

Seditious
conspiracy
and publica-
tions with
seditious
intention.
2 of 17/49.

is guilty of a felony and is liable to imprisonment for five years.

48. For the purposes of the last preceding section a seditious intention is an intention—

- (a) to bring into hatred or contempt or to excite disaffection against the person of Her Majesty, Her Heirs or Successors, Her Majesty's Government in the United Kingdom or the Government of the Colony as by law established; or
- (b) to bring about a change in the sovereignty of the Colony; or
- (c) to excite Her Majesty's subjects or inhabitants of the Colony to attempt to procure the alteration, otherwise than by lawful means, of any other matter in the Colony as by law established; or

Seditious
intention
defined.
2 of 34/32.

3(a) of 12/51.

- (d) to bring into hatred or contempt or to excite disaffection against the administration of justice in the Colony; or
- (e) to raise discontent or disaffection amongst Her Majesty's subjects or inhabitants of the Colony; or
- (f) to promote feelings of ill will and hostility between different communities or classes of the population of the Colony :

3 of 17/49.

Innocent intention defined.

3(b) of 12/51.

Provided that it shall be lawful for any person—

- (i) to endeavour in good faith to show that Her Majesty or Her Majesty's Government in the United Kingdom have been misled or mistaken in any of their measures; or
- (ii) to point out in good faith errors or defects in the Government or constitution of the Colony as by law established or in legislation or in the administration of justice with a view to the reformation of such errors or defects; or
- (iii) to persuade in good faith Her Majesty's subjects, or inhabitants of the Colony to attempt to procure by lawful means the alteration of any matter in the Colony as by law established other than that referred to in paragraph (b) of this section; or
- (iv) to point out in good faith, with a view to their removal, any matters which are producing or have a tendency to produce feelings of ill will and enmity between different communities or classes of the population of the Colony.

4 of 17/49.

Evidence to rebut prima facie case of publication by agent.
2 of 27/58.

49. If, on the trial of any person for the publication of any seditious matter, any matter published in contravention of section 51 or any defamatory matter as in sections 194 to 202 (inclusive) hereinafter mentioned, evidence has been given which establishes a presumptive case of publication against the defendant by the act of any other person by his authority, it shall be competent to the defendant to prove that the publication was made without his authority, consent or knowledge and that the publication did not arise from want of due care or caution on his part. Upon such proof as aforesaid the defendant shall be entitled to be discharged.

50. Any person who publishes or reproduces any statement, rumour or report which he knows or has reason to believe to be false with intent to cause, or which is likely to cause, fear or alarm to the public or which is calculated to disturb the public peace is guilty of a misdemeanour.

Publication of false news with intent to cause fear and alarm to the public.

51. (1) Any person who prints, publishes, or to any assembly makes any statement calculated or likely to—

Encouraging violence and promoting ill will.

(i) encourage recourse to violence on the part of any of the inhabitants of the Colony; or

3 of 27/58.

(ii) promote feelings of ill will between different classes or communities or persons in the Colony,

is guilty of misdemeanour and is liable to imprisonment for twelve months :

Provided that no person shall be guilty of an offence under the provisions of this section if such statement was printed, published or made solely for any one or more of the following purposes, the proof whereof shall lie upon him, that is to say :—

(a) to endeavour in good faith to show that Her Majesty or Her Majesty's Government in the United Kingdom has been misled or mistaken in any of their measures ; or

(b) to point out in good faith errors or defects in the Government, or the policies thereof, or constitution of the Colony as by law established, or any legislation, or in the administration of justice, with a view to the remedying of such errors or defects ; or

(c) to persuade in good faith any inhabitants of the Colony to attempt to procure by lawful means the alteration of any matter in the Colony as by law established other than that referred to in paragraph (b) of section 48 ; or

(d) to point out in good faith with a view to their removal, any matters which are producing or have a tendency to produce discontent amongst any of the inhabitants of the Colony or feelings of ill will and enmity between different communities or classes of persons in the Colony.

(2) For the purposes of this section "an assembly" means a gathering of five or more persons.

Unlawful
oaths to
commit
capital
offences.

52. Any person who—

- (a) administers, or is present at and consents to the administering of, any oath, or engagement in the nature of an oath, purporting to bind the person who takes it to commit any offence punishable with death ; or
- (b) takes any such oath or engagement, not being compelled to do so,

is guilty of a felony, and is liable to imprisonment for life.

Other
unlawful
oaths to
commit
offences.

53. Any person who—

- (a) administers or is present at and consents to the administering of, any oath or engagement in the nature of an oath, purporting to bind the person who takes it to act in any of the ways following, that is to say—

- (i) to engage in any mutinous or seditious enterprise ;

- (ii) to commit any offence not punishable with death ;

- (iii) to disturb the public peace ;

- (iv) to be of any association, society or confederacy formed for the purpose of doing any such act as aforesaid ;

- (v) to obey the orders or commands of any committee or body of men not lawfully constituted, or of any leader or commander or other person not having authority by law for that purpose ;

- (vi) not to inform or give evidence against any associate, confederate or other person ;

- (vii) not to reveal or discover any unlawful association, society or confederacy, or any illegal act done or to be done, or any illegal oath or engagement that may have been administered or tendered to or taken by himself or any other person, or the import of any such oath or engagement ; or

- (b) takes any such oath or engagement, not being compelled to do so,

is guilty of a felony, and is liable to imprisonment for seven years.

54. A person who takes any such oath or engagement as is mentioned in the two last preceding sections cannot set up as a defence that he was compelled to do so, unless within fourteen days after taking it, or, if he is prevented by actual force or sickness, within fourteen days after the termination of such prevention, he declares by information on oath before some peace officer, or, if he is on actual service in the military forces of the Colony, or in the police forces, either by such information or by information to his commanding officer, the whole of what he knows concerning the matter, including the person or persons by whom and in whose presence, and the place where, and the time when, the oath or engagement was administered or taken.

Compulsion
how far a
defence.

55. (1) Any person who—

Unlawful
drilling.

(a) without the permission of the Governor trains or drills any other person to the use of arms or the practice of military exercises, movements, or evolutions ; or

(b) is present at any meeting or assembly of persons, held without the permission of the Governor, for the purpose of training or drilling any other persons to the use of arms or the practice of military exercises, movements, or evolutions,

is guilty of a felony, and is liable to imprisonment for seven years.

(2) Any person who at any meeting or assembly held without the permission of the Governor is trained or drilled to the use of arms or the practice of military exercises, movements, or evolutions, or who is present at any such meeting or assembly for the purpose of being so trained or drilled is guilty of a felony and is liable to imprisonment for five years.

5 of 20/55.

Offences against the Constitution and existing Social Order

56. (1) Any person who is a member of an unlawful association is guilty of felony and is liable to imprisonment for three years.

Membership
of an un-
lawful
association
illegal.
2 of 35/33.
6 (a) of 20/55.

(2) Any person who occupies or acts in any office or position in or of an unlawful association or who acts as a representative of an unlawful association or who acts as a teacher in any institution or school conducted by or under the authority or apparent authority of an unlawful

Office
holding, etc.,
illegal.
2 of 35/33.
2 of 43/33.

association is guilty of a felony and is liable to imprisonment for seven years.

Onus of proof.

2 of 35/33.

(3) Any person who attends a meeting of an unlawful association or of members of an unlawful association or of persons who advocate or encourage the doing of any of the acts declared to be unlawful in section 63 of this Code or who has in his possession or custody any badge, ticket book of membership, or any letter or document whatsoever, when-ever issued, which appears to imply membership of, or any authority from or any connection with an unlawful association, shall be presumed, unless or until the contrary is proved, to be a member of an unlawful association.

Advocating and encouraging unlawful association.

3 of 35/33.

57. Any person who by speech or writing or in any other way advocates or encourages the doing of any of the acts declared to be unlawful in section 63 of this Code is guilty of a felony and is liable to imprisonment for five years.

Giving or soliciting contributions for an unlawful association.

7 of 20/55.

58. Any person who gives or pays contributions, subscriptions or donations and any person who solicits contributions or subscriptions or donations for or on account of any unlawful association is guilty of a misdemeanour and is liable to imprisonment for one year.

Possession of documents having a seditious intention and publication, etc., of propaganda of unlawful association.

2 of 27/49.

59. Any person who—

(a) transmits through the post or who, without lawful authority or excuse, the proof of which lies upon him, has in his possession any book, periodical, pamphlet, poster, proclamation, newspaper, letter or any other document or writing whatsoever having a seditious intention as defined in section 48 of this Code ; or

(b) prints, publishes, sells or exposes for sale, or transmits through the post or who, without lawful authority or excuse, the proof of which lies upon him, has in his possession any book, periodical, pamphlet, poster, proclamation, newspaper, letter or any other document or writing whatsoever which advocates or encourages any of the acts declared to be unlawful in section 63 of this Code or which is issued or appears to be issued by or on behalf of, or in the interests of, an unlawful association,

8 of 20/55.

is guilty of a felony and is liable to imprisonment for three years, and any book, periodical, pamphlet, poster, pro-

clamation, newspaper, letter or any other document or writing in respect of which such person shall have been convicted shall be forfeited.

60. A Superintendent or Assistant Superintendent of Police or an Inspector in charge of a Division or any non-commissioned officer or private authorized in writing by a Superintendent or Assistant Superintendent of Police or Inspector in charge of Division may without warrant and with or without assistance enter into any house or building or any place in which he has reason to believe that a meeting of an unlawful association or of members of an unlawful association or of persons who advocate or encourage the doing of any of the acts declared to be unlawful in section 63 of this Code is being held or which he has reason to believe contains any document or thing the possession of which is prohibited by section 59 of this Code and may arrest any person found therein and seize any such document or thing and it shall be lawful for a District Court or any Judge thereof upon application of a Superintendent or Assistant Superintendent or Inspector in charge of a Division and upon such notice (if any) as he may think fit, to order any such document or thing to be forfeited.

Power of
arrest and
seizure.
5 of 35/33.

61. (1) Any of the following officers, that is to say—

- (a) subject to the provisions of section 20 of the Post Office Law, any postmaster in respect of any package transmitted through the post ;
- (b) any Collector or Assistant Collector of Customs ;
- (c) any police officer not below the rank of an Inspector ;
- (d) any other officer authorized in that behalf by the Governor,

Power to
examine
packages.
3 of 45/53.
Cap. 303.

may detain, open and examine any package or article which he suspects to contain any publication or extract therefrom which it is an offence under the provisions of section 59 of this Code to transmit through the post, print, publish, sell, expose for sale or possess, and during such examination may detain any person transmitting through the post, printing, publishing, selling, or exposing for sale such package or article or in whose possession such package or article is found.

(2) If any such publication or extract therefrom is found in such package or article, the whole package or article may be impounded and retained by the officer, and

the person transmitting through the post, printing, publishing, selling, exposing for sale, or in whose possession it is found, may forthwith be arrested and proceeded against for the commission of an offence under section 59 of this Code.

Onus of Proof.

5 of 35/33.

62. In any prosecution under sections 56, 58 or 59 of this Code any book, periodical, pamphlet, poster, proclamation, newspaper, letter or any other document or writing which purports to be or appears to be issued by or on behalf of or in the interests of the association alleged to be unlawful, or of any association or organization with which the association alleged to be unlawful is, or purports to be, or appears to be affiliated or in any way connected, whenever issued shall, if tendered by the prosecution, be prima facie evidence of the contents thereof and of the doctrines or practices of the association alleged to be unlawful.

Definition of unlawful association.

6 of 35/33.

6 of 35/33.

6 of 35/33.

63. In this Law—

“unlawful association” means—

(a) any body or persons, incorporated or unincorporated, which by its constitution or propaganda or otherwise advocates, incites or encourages any of the following unlawful acts—

(i) the overthrow of the constitution of the Colony by revolution or sabotage ;

(ii) the overthrow by force or violence of the established government of the Colony, or of any other civilized country, or of organized Government ;

(iii) the destruction or injury of property of the Colony or of property used in trade or commerce with other countries or in the Colony ;

(b) any body of persons incorporated or unincorporated, which by its constitution or propaganda, or otherwise advocates or encourages the doing of any act having or purporting to have as an object the carrying out of a seditious intention as defined in section 48 of this Code ;

(c) any body of persons incorporated or unincorporated or any organization which is or purports to be or appears to be affiliated or in any way connected with any body of persons incorporated or unincorporated or any organization which by its

constitution or propaganda or otherwise advocates, incites or encourages the doing of any act specified in paragraph (a) or (b) of this section ;

(d) any body of persons, incorporated or unincorporated, or any organization whether within or without the Colony which is declared by Order of the Governor in Council to have among its aims or to be used for the promotion of a general strike, or of disorder of any kind or of the spread of sedition within the Colony and to be proscribed within the Colony.

6 of 35/33.

1. Sch. to 26/
51.

Every such Order shall be published in the Gazette and shall remain in force for a period of twelve months from the date of such publication and no longer unless renewed for such further period or periods, not exceeding twelve months at any one time, as the Governor in Council may direct by Order published in the Gazette.

2 of 19/44.

And the said term further includes any branch, centre or committee of an unlawful association, and any institution or school conducted by or under the authority of an unlawful association.

64. If at any time the Governor is of opinion that there exists in the Colony a serious industrial disturbance prejudicing or threatening trade or commerce with other countries or in the Colony, he may by proclamation declare the Colony to be in a state of emergency, and for the purposes of this section such a proclamation shall remain in force until it is revoked.

Industrial
disturbances.
Proclamation
of
emergency.

65. Any person who during the operation of a proclamation referred to in the last preceding section takes part in or continues, or incites to, urges, aids or encourages the taking part in, or continuance of, a lock-out or strike in relation to employment in or in connection with the transport of goods or the conveyance of passengers in trade or commerce with other countries or in the Colony ; or in relation to employment in, or in connection with, the provision of any public service in the Colony or of any Government Department or Municipal authority in the Colony is guilty of a misdemeanour and is liable to imprisonment for one year

Persons
taking part
in lock-outs
and strikes
during
operation of
a proclama-
tion.

Offences
against the
maintenance
of the public
service,
transport,
etc.

66. Any person who by violence to the person or property of another person, or by spoken or written threat or intimidation of any kind to whomsoever directed, or, without reasonable cause or excuse, by boycott or threat of boycott of person or property whether or not a proclamation is in operation—

- (a) obstructs or hinders the maintenance of any public service or Government Department or Municipal authority in the Colony ;
- (b) compels or induces any person employed in or in connection with the maintenance of any public service or Government Department or Municipal authority in the Colony to surrender or depart from his employment ;
- (c) prevents any person from offering or accepting employment in or in connection with the maintenance of any public service or Government Department or Municipal authority in the Colony ;
- (d) obstructs or hinders the transport of goods or conveyance of passengers in trade or commerce with other countries or in the Colony ;
- (e) compels or induces any person employed in or in connection with the transport of goods or the conveyance of passengers in trade or commerce with other countries or in the Colony to surrender or depart from his employment ; or
- (f) prevents any person from offering or accepting employment in or in connection with the transport of goods or the conveyance of passengers in trade or commerce with other countries or in the Colony,

is guilty of a misdemeanour and is liable to imprisonment for one year.

Prosecution
by Attorney-
General.

67. A prosecution for any offence under sections 56 to 66 (inclusive) shall not be instituted except by, or with the consent of, the Attorney-General.

*Offences affecting relations with Foreign States and
External Tranquillity.*

Defamation
of foreign
princes.

68. Any person, who without such justification or excuse as would be sufficient in the case of the defamation of a

private person, publishes anything intended to be read, or any sign or visible representation, tending to degrade, revile or expose to hatred or contempt any foreign prince, potentate, ambassador or other foreign dignitary with intent to disturb peace and friendship between the United Kingdom or the Colony and the country to which such prince, potentate, ambassador or dignitary belongs, is guilty of a misdemeanour.

69. Any person who is guilty of piracy or any crime connected with or relating or akin to piracy shall be liable to be tried and punished according to the law of England for the time being in force. Piracy.

Unlawful Assemblies, Riots and other Offences against Public Tranquillity

70. Where five or more persons assembled with intent to commit an offence, or, being assembled with intent to carry out some common purpose, conduct themselves in such a manner as to cause persons in the neighbourhood reasonably to fear that the persons so assembled will commit a breach of the peace, or will by such assembly needlessly and without any reasonable occasion provoke other persons to commit a breach of the peace they are an unlawful assembly. Definitions. Unlawful assembly.

It is immaterial that the original assembling was lawful if, being assembled, they conduct themselves with a common purpose in such a manner as aforesaid.

When an unlawful assembly has begun to execute the purpose, whether of a public or of a private nature, for which it assembled by a breach of the peace and to the terror of the public, the assembly is called a riot, and the persons assembled are said to be riotously assembled. Riot. 2 of 13/56.

71. Any person who takes part in an unlawful assembly is guilty of a misdemeanour, and is liable to imprisonment for one year. Punishment of unlawful assembly.

72. Any person who takes part in a riot is guilty of a misdemeanour and is liable to imprisonment for three years. Punishment of riot. 3 of 44/48.

73. Any Commissioner of a District or, in his absence, any police officer, of or above the rank of Inspector, in whose view twelve or more persons are riotously assembled, or who apprehends that a riot is about to be committed by twelve or more persons assembled within his view may Making proclamation for rioters to disperse. 4 of 2/37.

make or cause to be made a proclamation in the Queen's name, in such form as he thinks fit, commanding the rioters or persons so assembled to disperse peaceably.

Dispersion
of rioters
after pro-
clamation
made.

74. If upon the expiration of a reasonable time after such proclamation is made, or after the making of such proclamation has been prevented by force, twelve or more persons continue riotously assembled together, any person authorized to make proclamation, or any police officer, or any other person acting in aid of such person or police officer, may do all things necessary for dispersing the persons so continuing assembled, or for apprehending them or any of them, and, if any person makes resistance, may use all such force as is reasonably necessary for overcoming such resistance, and shall not be liable in any criminal or civil proceeding for having, by the use of such force, caused harm or death to any person.

Rioting
after pro-
clamation.

75. If proclamation is made, commanding the persons engaged in a riot, or assembled with the purpose of committing a riot, to disperse, every person who, at or after the expiration of a reasonable time from the making of such proclamation, takes or continues to take part in the riot or assembly, is guilty of a felony, and is liable to imprisonment for five years.

Preventing
or obstruc-
ing the
making of
proclama-
tion.

76. Any person who forcibly prevents or obstructs the making of such proclamation as is in section 73 mentioned, is guilty of a felony, and is liable to imprisonment for ten years; and if the making of the proclamation is so prevented, every person who, knowing that it has been so prevented, takes or continues to take part in the riot or assembly, is liable to imprisonment for five years.

Rioters de-
molishing
buildings,
etc.

77. Any persons who, being riotously assembled together, unlawfully pull down or destroy, or begin to pull down or destroy, any building, ship, railway, machinery or structures are guilty of a felony and each of them is liable to imprisonment for life.

Rioters
injuring
buildings,
machinery,
etc.

78. Any persons who, being riotously assembled together unlawfully damage any of the things in the last preceding section mentioned, are guilty of a felony, and each of them is liable to imprisonment for seven years.

79. All persons are guilty of a misdemeanour who, being riotously assembled, unlawfully and with force prevent, hinder or obstruct the loading or unloading, or the sailing or navigating of any vessel or unlawfully and with force board any vessel with intent to do so.

Riotously preventing the sailing of ship.

80. Any person who carries in public without lawful occasion any offensive arm or weapon in such a manner as to cause terror to any person is guilty of a misdemeanour, and is liable to imprisonment for two years, and his arms or weapons shall be forfeited.

Carrying arms to terrorise.

81. (1) Any person who imports, manufactures, sells, offers or exposes for sale a dagger or who wears or carries a dagger outside his house or the curtilage thereof, is guilty of a misdemeanour and is liable to imprisonment for two years and, notwithstanding anything to the contrary in sections 29, 32 and 33 of this Code contained, is liable to a minimum sentence of imprisonment for one year unless the Court, in all the circumstances of the case including consideration of hardship and similar mitigating circumstances personal to the convicted person, thinks it expedient to impose a lesser sentence or make any other order.

Daggers
6 of 28/52

(2) Whenever any lesser sentence is imposed or any other order is made under subsection (1) of this section the Court shall record the reasons for the imposition of such sentence or making of such order.

82. (1) Any person who wears or carries a knife not ending in a sharp point outside his house or the curtilage thereof is guilty of a misdemeanour and is liable to imprisonment for one year.

Carrying knives outside house prohibited.
5 of 2/37.

(2) Any person who wears or carries a knife ending in a sharp point outside his house or the curtilage thereof is guilty of a misdemeanour and is liable to imprisonment for one year and, notwithstanding anything to the contrary in sections 29, 32 and 33 of this Code contained, is liable to a minimum sentence of imprisonment for six months unless the Court, in all the circumstances of the case including consideration of hardship and similar mitigating circumstances personal to the convicted person, thinks it expedient to impose a lesser sentence or make any other order.

7(a) of 28/52.

(3) Whenever any lesser sentence is imposed or any other order is made under subsection (2) of this section

7(b) of 28/52.

the Court shall record the reasons for the imposition of such sentence or making of such order.

(4) No person shall be deemed to have committed an offence under this section if he shall prove to the satisfaction of the Court that he was wearing or carrying outside his house or the curtilage thereof the knife in respect of which the charge is made, for some lawful purpose for which such knife was necessary.

Knives at
weddings,
etc.,
prohibited.
6 of 2/37.

8 of 28/52

83. (1) Any person who shall wear or carry a knife not ending in a sharp point at any wedding or fair or in any brothel or licensed premises is guilty of a misdemeanour.

(2) Any person who wears or carries a knife ending in a sharp point at any wedding or fair or in any brothel or licensed premises is guilty of a misdemeanour and is liable to imprisonment for two years and, notwithstanding anything to the contrary in sections 29, 32 and 33 of this Code contained, is liable to a minimum sentence of imprisonment for one year unless the Court, in all the circumstances of the case including consideration of hardship and similar mitigating circumstances personal to the convicted person, thinks it expedient to impose a lesser sentence or make any other order.

8 of 28/52.

(3) Whenever any lesser sentence is imposed or any other order is made under subsection (2) the Court shall record the reasons for the imposition of such sentence or making of such order.

(4) No person shall be deemed to have committed an offence under this section if he proves to the satisfaction of the Court that he was wearing or carrying such knife in the exercise of his trade or calling.

Clasp-knives.
9 of 28/52.

84. Nothing in this Law shall prevent any person from carrying a clasp-knife which has a blade—

(a) of not more than four inches in length if not ending in a sharp point; or

(b) of not more than two and a half inches in length if ending in a sharp point,

when it is not so constructed as to be convertible by means of a spring or otherwise into a dagger or knife with a fixed blade.

Forfeiture.

85. Any dagger or knife in respect to which any person has been convicted for a breach of this Code shall be forfeited.

86. In this Law—

Definitions.

“dagger” includes any sword of any kind, any instrument commonly known as “sword stick” or “sword cane” irrespective of whether its pointed blade is cutting or not, and any knife or other instrument having a blade ending in a sharp point and which in the opinion of the Court is not primarily designed for use in a profession, craft or business exercised or carried on by the accused or for domestic use;

2 of 4/53.

“knife” means any knife, or other instrument, not being a dagger, having a blade ending in a sharp point or not.

Forcible entry.

87. Any person who, in order to take possession thereof, enters on any land or tenements in a violent manner, whether such violence consists in actual force applied to any other person or in threats or in breaking open any house or in collecting an unusual number of people, is guilty of the misdemeanour termed forcible entry.

It is immaterial whether he is entitled to enter on the land or not, provided that a person who enters upon lands or tenements of his own but which are in the custody of his servant or bailiff, does not commit the offence of forcible entry.

Forcible detainer.

88. Any person who, being in actual possession of land without colour of right, holds possession of it, in a manner likely to cause a breach of the peace or reasonable apprehension of a breach of the peace, against a person entitled by law to the possession of the land is guilty of the misdemeanour termed forcible detainer.

Affray.

89. Any person who takes part in a fight in a public place is guilty of a misdemeanour, and is liable to imprisonment for one year.

Challenge to fight a duel.

90. Any person who challenges another to fight a duel, or attempts to provoke another to fight a duel, or attempts to provoke any person to challenge another to fight a duel, is guilty of a misdemeanour.

91. Any person who—

Threatening violence.

(a) with intent to intimidate or annoy any person, threatens to break or injures a dwelling house; or

(b) with intent to alarm any person in a dwelling house, discharges loaded firearms or commits any other breach of the peace; or

(c) with intent to cause any person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, threatens another with injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested,

is guilty of a misdemeanour, and is liable to imprisonment for three years.

Possessing
firearms with
intent to
injure.
7 of 2/37.

92. Any person who has in his possession or under his custody any firearm or ammunition with intent by means thereof to endanger life or cause serious injury to property, or to enable any other person by means thereof to endanger life or cause serious injury to property, is, whether any injury to person or property has been caused or not, guilty of a felony and is liable to imprisonment for five years.

In this section the expression "firearm" means any firearm from which any shot, bullet, or other missile can be discharged, or any part thereof, and the expression "ammunition" means ammunition for any such firearms, and includes grenades, bombs, and other similar missiles, whether such missiles are capable of use with a firearm or not, and ingredients and components thereof.

Assembling
for the
purpose of
smuggling.

93. Any persons who assemble together, to the number of three or more, for the purpose of unshipping, carrying, or concealing, any goods subject to Customs duty and liable to forfeiture under any Law relating to the Customs, are guilty of a misdemeanour, and each of them is liable to a fine not exceeding one hundred pounds or to imprisonment for one year.

Drunken-
ness.
2 of 9/31.

94. (1) Any person who in any public way or place, whether a building or not, is guilty while drunk of riotous or disorderly behaviour is guilty of a misdemeanour and is liable to imprisonment for three months.

(2) Any person who is drunk while in possession of any loaded firearm, knife or other deadly weapon may be apprehended without a warrant, and is guilty of a misdemeanour and is liable to a fine not exceeding twenty pounds or to imprisonment for six months or to both.

Disturbance.
2 of 9/31.

95. Any person who creates a noise or uproar in a public place without reasonable cause in a manner likely to

disturb the inhabitants or to cause a breach of the peace is guilty of a misdemeanour and is liable to imprisonment for three months.

96. Any person who wilfully and without proper authority tears down, defaces or destroys any notice, intimation, or document affixed or to be affixed to any building or any public place, under the provisions of any Law or Rules of Court or by order of any public servant, Municipality, or other public body is guilty of a misdemeanour and is liable to a fine not exceeding five pounds or to imprisonment for one month.

Destruction
of notices.

97. (1) Any person who holds or is responsible for a Moslem feast, or is the occupier of premises on which such Moslem feast is held, and engages, whether with or without pay, or knowingly permits a dancing girl to dance or sing at such feast, is guilty of a misdemeanour and is liable to a fine not exceeding five pounds or to imprisonment for one month.

Moslem
feasts.

(2) In this section—

“dancing girl” means a prostitute or a woman who dances or sings for pay at Moslem feasts ;

“Moslem feast” means a Moslem festival arranged for or in connection with a marriage or for circumcision.

98. Any person who attempts to prevent, obstruct or disturb any public election by any kind of force, violence or threats, or by any act which is an offence punishable under this Law is guilty of a misdemeanour.

Prevention
of election
by force or
threats.

99. Any person who in any public place or in any place not being a public place in such manner or circumstances as to be likely to be heard by any other person in any public place shall insult any other person in such a manner as would be likely to provoke any person present to commit an assault is guilty of a misdemeanour, and is liable to imprisonment for one month or to a fine not exceeding five pounds or to both.

Public
insult.

5 of 44/48.

PART III.

OFFENCES AGAINST THE ADMINISTRATION OF LAWFUL AUTHORITY.

Corruption and the Abuse of Office.

100. Any person who—

(a) being employed in the public service, and being

Official
corruption.

charged with the performance of any duty by virtue of such employment, corruptly asks, receives or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him in the discharge of the duties of his office ; or

(b) corruptly gives, confers or procures, or promises or offers to give or confer, or to procure or attempt to procure, to, upon, or for any person employed in the public service, or to, upon, or for any other person, any property or benefit of any kind on account of any such act or omission on the part of the person so employed,

is guilty of a misdemeanour, and is liable to imprisonment for three years, and also to a fine.

Extortion by public officers.

101. Any person who, being employed in the public service, takes, or accepts from any person for the performance of his duty as such officer, any reward beyond his proper pay and emolument or any promise of such reward is guilty of a misdemeanour, and is liable to imprisonment for three years, and also to a fine.

Public officers receiving property to show favour.

102. Any person who, being employed in the public service, receives any property or benefit of any kind for himself, on the understanding, express or implied, that he shall favour the person giving the property or conferring the benefit, or any one in whom that person is interested, in any transaction then pending, or likely to take place, between the person giving the property or conferring the benefit, or any one in whom he is interested, and any person employed in the public service, is guilty of a misdemeanour, and is liable to imprisonment for two years and also to a fine.

Officers charged with administration of property of a special character or with special duties.

103. Any person who, being employed in the public service, and being charged by virtue of his employment with any judicial or administrative duties respecting properties of a special character, or respecting the carrying on of any manufacture, trade or business of a special character, and having acquired or holding, directly or indirectly, a private interest in any such property,

manufacture, trade or business, discharges any such duties with respect to the property, manufacture, trade or business, in which he has such interest or with respect to the conduct of any person in relation thereto, is guilty of a misdemeanour, and is liable to imprisonment for one year.

104. Any person who, being employed in the public service in such a capacity as to require him or to enable him to furnish returns or statements touching any sum payable or claimed to be payable to himself or to any other person or touching any other matter required to be certified for the purpose of any payment of money or delivery of goods to be made to any person, makes a return or statement touching any such matter which is, to his knowledge, false in any material particular, is guilty of a misdemeanour and is liable to imprisonment for three years, and also to a fine.

False claims
by officials.

105. Any person who, being employed in the public service, does or directs to be done, in abuse of the authority of his office, any arbitrary act prejudicial to the rights of another is guilty of a misdemeanour.

Abuse of
office.

If the act is done or directed to be done for purposes of gain he is guilty of a felony, and is liable to imprisonment for three years.

106. A prosecution for any offence under any of the last three preceding sections shall not be instituted except by, or with the consent of, the Attorney-General.

Prosecutions
by Attorney-
General.

107. Any person who, being authorised or required by law to give any certificate touching any matter by virtue whereof the rights of any person may be prejudicially affected, gives a certificate which is, to his knowledge, false in any material particular is guilty of a misdemeanour.

False certi-
ficates by
public
officers.

108. Any person who—

(a) not being a judicial officer, assumes to act as a judicial officer; or

(b) without authority assumes to act as a person having authority by law to administer an oath or take a solemn declaration or affirmation or affidavit or to do any other act of a public nature which can only be done by persons authorised by law to do so; or

False
assumption
of authority.

(c) represents himself to be a person authorised by law to sign a document testifying to the contents of any register or record kept by lawful authority, or testifying to any fact or event, and signs such document, as being so authorised, when he is not, and knows that he is not, in fact, so authorised,

is guilty of a misdemeanour.

Personating
public
officers.

109. Any person who—

(a) personates any person employed in the public service on an occasion when the latter is required to do any act or attend in any place by virtue of his employment ; or

(b) falsely represents himself to be a person employed in the public service, and assumes to do any act or to attend in any place for the purpose of doing any act by virtue of such employment,

is guilty of a misdemeanour, and is liable to imprisonment for three years.

Offences relating to the Administration of Justice.

Perjury
and subor-
nation of
perjury.

110. (1) Any person who in any judicial proceeding or for the purpose of instituting any judicial proceeding knowingly gives false testimony touching any matter which is material to any question then depending in that proceeding or intended to be raised in that proceeding, is guilty of the misdemeanour termed perjury.

It is immaterial whether the testimony is given on oath or under any other sanction authorised by law.

The forms and ceremonies used in administering the oath or in otherwise binding the person giving the testimony to speak the truth are immaterial, if he assent to the forms and ceremonies actually used.

It is immaterial whether the false testimony is given orally or in writing.

It is immaterial whether the Court or tribunal is properly constituted, or is held in the proper place, or not, if it actually acts as a Court or tribunal in the proceeding in which the testimony is given.

It is immaterial whether the person who gives the testimony is a competent witness or not, or whether the testimony is admissible in the proceeding or not.

(2) Any person who procures another person to commit a perjury, which he actually commits in consequence of such procurement, is guilty of the misdemeanour termed subornation of perjury.

Punishment
of perjury.

111. Any person who commits perjury or suborns perjury is liable to imprisonment for a term not exceeding seven years.

Evidence on
charge of
perjury.

112. A person cannot be convicted of committing perjury or of subornation of perjury solely upon the evidence of one witness as to the falsity of any statement alleged to be false.

Contra-
dictory
statements
by witnesses.

113. (1) Any person who—

- (a) being a witness at the trial on information of a person for any offence, on his examination as such witness, wilfully makes any statement tending to prove the guilt or innocence of the accused, inconsistent with or contradictory to what he has stated on his examination as a witness concerning the same matter before the District Court ; or
- (b) having made a charge or complaint on oath before a District Court of the commission of an offence subsequently, on his examination as a witness before a District Court when the charge or complaint is being inquired into, wilfully makes any statement tending to prove the guilt or innocence of the person charged inconsistent with or contradictory to what he stated on his sworn charge or complaint,

is deemed to have given false testimony within the meaning of section 110 of this Code.

(2) Any person who, having made a statement to any person entitled or authorized under any Law in force for the time being to investigate into the commission of any offence, subsequently on his examination as a witness in a summary trial or in a preliminary inquiry, makes any statement tending to prove the guilt or innocence of any person inconsistent with, or contradictory to, the first mentioned statement is guilty of a misdemeanour and is liable to imprisonment for three years or to a fine not exceeding fifty pounds or to both :

4 of 45/53.

6 of 44/48.

Mode of
proving
offence.

Provided that upon the trial of any person for an offence under this section it shall not be necessary to prove the falsity of either of the inconsistent or contradictory statements, but, upon proof that both the statements were made by him, the Court before which he is tried, if it considers that the statements, or either of them, were, or was, made with a view to deceive the Court to which, or the person to whom, the statements, or either of them, were, or was, made, and thereby improperly to prove the guilt or innocence of any person of the offence in relation to which the statements were made, shall convict the accused.

(3) When an Assize Court commits a person for trial for giving false evidence in any proceeding before it, he may, if the Court thinks fit, be committed for trial and tried at the same sitting of the Court.

Giving false
information
to police
officer.

114. Any person who knowing or having reason to believe that an offence has been committed, gives any information respecting that offence to any police officer or person authorized to inquire into such offence which he knows or believes to be false, is guilty of a misdemeanour and is liable to a fine not exceeding fifty pounds or to imprisonment for one year.

Effecting
public
mischief.
7 of 44/48.

115. Any person who knowingly makes to any police officer a false statement concerning an imaginary offence, shall be guilty of the offence of effecting a public mischief and shall be liable to a fine not exceeding fifty pounds or to imprisonment for one year.

Fabricating
evidence.

116. Any person who, with intent to mislead any tribunal in any judicial proceeding—

(a) fabricates evidence by any means other than perjury or subornation of perjury; or

(b) knowingly makes use of such fabricated evidence, is guilty of a misdemeanour, and is liable to imprisonment for seven years.

False
swearing.

117. Any person who swears falsely or makes a false affirmation or declaration before any person authorized to administer an oath or take a declaration under such circumstances that the false swearing or declaration if committed in a judicial proceeding would have amounted to perjury, is guilty of a misdemeanour.

118. Any person who gives or offers or promises to give any witness or to any person about to be called as a witness in any judicial proceeding any gratification upon any understanding or agreement that the testimony of that witness or person shall be thereby influenced, or who attempts by any means whatsoever to induce any witness to give false evidence or to withhold true testimony, is guilty of a misdemeanour and is liable to imprisonment for three years.

Inducing witnesses to give false or to withhold true testimony.

119. Any person who practises any fraud or deceit, or knowingly makes or exhibits any false statement, representation, token or writing, to any person called or to be called as a witness in any judicial proceeding, with intent to affect the testimony of such person as a witness, is guilty of a misdemeanour.

Deceiving witnesses.

120. Any person who, knowing that any book, document or other thing of any kind, is or may be required in evidence in a judicial proceeding, wilfully destroys or renders it illegible or undecipherable or incapable of identification, with intent thereby to prevent it from being used in evidence, is guilty of a misdemeanour.

Destroying evidence.

121. Any person commits a misdemeanour who—

- (a) conspires with any other person to accuse any person falsely of any crime or to do anything to obstruct, prevent, pervert or defeat the course of justice ; or
- (b) in order to obstruct the due course of justice, dissuades, hinders or prevents any person lawfully bound to appear and give evidence as a witness from so appearing and giving evidence or endeavours to do so ; or
- (c) obstructs or in any way interferes with or knowingly prevents the execution of any legal process, civil or criminal.

Conspiracy to defeat justice and interference with witnesses.

122. Any person who does any act—

- (a) calculated, or which is likely, to deter any person from acting in any judicial capacity or in any manner as counsel, witness or party in any judicial proceedings ;
- (b) calculated, or which is likely, to obstruct, or in any way interfere with, any judicial proceedings,

Deterrence of judges, etc., and interference with judicial proceedings.
9 of 20/55.

is guilty of a misdemeanour and is liable to imprisonment for three years.

Compound-
ing felonies.

123. Any person who asks, receives or obtains, or agrees or attempts to receive or obtain any property or benefit of any kind for himself or any other person upon any agreement or understanding that he will compound or conceal a felony which is not lawfully compoundable, or will abstain from, discontinue or delay a prosecution, for such a felony, or will withhold any evidence thereof, is guilty of a misdemeanour.

Compound-
ing penal
actions.

124. Any person who, having brought, or under pretence of bringing, an action against another person upon a penal Law in order to obtain from him a penalty for any offence committed or alleged to have been committed by him, compounds the action without the order or consent of the Court in which the action is brought or is to be brought, is guilty of a misdemeanour.

Advertise-
ments for
stolen
property.

125. Any person who—

(a) publicly offers a reward for the return of any property which has been stolen or lost, and in the offer makes use of any words purporting that no questions will be asked, or that the person producing such property will not be seized or molested; or

(b) publicly offers to return to any person who may have bought or advanced money by way of loan upon any stolen or lost property the money so paid or advanced, or any other sum of money or reward for the return of such property; or

(c) prints or publishes any such offer,

is guilty of a misdemeanour.

Corruptly
taking a
reward.
7 of 12/51.

126. Every person who corruptly takes any money or reward, directly or indirectly, under pretence or upon account of helping any person to recover any property which has, under circumstances which amount to felony or misdemeanour, been stolen or obtained in any way whatsoever, or received, is (unless he has used all due diligence to cause the offender to be brought for trial to the same) guilty of felony and is liable to imprisonment for five years.

Rescues, Escapes and obstructing Officers of Court of Law.

127. Any person, who by force rescues or attempts to rescue from lawful custody any other person— Rescue from lawful custody.

- (a) is, if such last-named person is under sentence of death or imprisonment for life, or charged with an offence punishable with death, or imprisonment for life, guilty of a felony, and is liable to imprisonment for life; and
- (b) is, if such other person is imprisoned on a charge or under sentence for any offence other than those specified above, guilty of a felony and is liable to imprisonment for seven years; and
- (c) is, in any other case, guilty of a misdemeanour.

If the person rescued is in the custody of a private person, the offender must have notice of the fact that the person rescued is in such custody.

128. Any person who, being in lawful custody for any criminal offence, escapes from such custody— Escape from lawful custody.

- (a) is, if he is charged with, or has been convicted of, felony, guilty of a felony, and is liable to imprisonment for seven years; and
- (b) is, in any other case, guilty of a misdemeanour.

129. Any person who—

- (a) aids a prisoner in escaping or attempting to escape from lawful custody; or
- (b) conveys anything or causes anything to be conveyed into a prison with intent to facilitate the escape of a prisoner,

is guilty of a felony, and is liable to imprisonment for seven years.

130. Any person who, being lawfully commanded by any public officer, peace officer or other person to give aid for the prevention of crime, or for arresting any person or for preventing the rescue or escape of any person, refuses or neglects to give such aid according to his ability is guilty of a misdemeanour. Refusal or neglect to aid public officer in prevention of crime.

131. Any person who, when any property has been attached or taken under the process of authority of any Court, knowingly and with intent to hinder or defeat Removal, etc., of property under lawful seizure.

the attachment or process, receives, removes, retains, conceals or disposes of such property, is guilty of a felony, and is liable to imprisonment for three years.

Obstructing
Court
officers.

132. Any person who wilfully obstructs or resists any person lawfully charged with the execution of an order or warrant of any Court is guilty of a misdemeanour, and is liable to imprisonment for one year.

Miscellaneous Offences against Public Authority.

Frauds and
breaches of
trust by
public
officers.

4 of 43/33.

133. Any person employed in the public service who, in the discharge of the duties of his office, commits any fraud or breach of trust affecting the public, whether such fraud or breach of trust would have been criminal or not if committed against a private person, is guilty of a misdemeanour.

Neglect of
official duty.

5 of 43/33.

134. Any person employed in the public service who wilfully neglects to perform any duty which he is bound by law to perform, provided that the discharge of such duty is not attended with greater danger than a man of ordinary firmness and activity may be expected to encounter, is guilty of a misdemeanour.

Disclosure of
official
secrets.

6 of 43/33.

135. (1) Any person employed in the public service who publishes or communicates any fact which comes to his knowledge by virtue of his office, and which it is his duty to keep secret or any document which comes to his possession by virtue of his office and which it is his duty to keep secret, except to some person to whom he is bound to publish or communicate it is guilty of a misdemeanour.

(2) Any person who being employed in the public service, without proper authority, abstracts, or makes a copy of, any document the property of his employer is guilty of a misdemeanour and is liable to imprisonment for a term not exceeding one year.

Restriction
of prosecu-
tions,

(3) A prosecution for an offence under the provisions of this section shall not be commenced except by, or with the consent of, the Attorney-General.

Disobedience
to statutory
duty.

136. Every person who wilfully disobeys any Law by doing any act which it forbids, or by omitting to do any act which it requires to be done, and which concerns the public or any part of the public, is guilty of a misdemeanour and is liable, unless it appears from the Law that it was the

intention of the Legislature to provide for some other penalty for such disobedience, to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred pounds or to both.

137. Everyone who disobeys any order, warrant or command duly made, issued or given by any Court, officer or person acting in any public capacity and duly authorised in that behalf is guilty of a misdemeanour and is liable, unless any other penalty or mode of proceeding is expressly prescribed in respect of such disobedience, to imprisonment for two years.

Disobedience of lawful orders.

PART IV.

OFFENCES INJURIOUS TO THE PUBLIC IN GENERAL.

Offences relating to Religion.

138. Any person who destroys, damages or defiles any place of worship or any object which is held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, is guilty of a misdemeanour.

Insult to religion of any class.

139. Any person, who voluntarily causes disturbance to any assembly lawfully engaged in the performance of a religious worship or religious ceremony, is guilty of a misdemeanour.

Disturbing religious assemblies.

140. Every person, who with the intention of wounding the feelings of any person or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or in any place of sepulture or in any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the purpose of funeral ceremonies, is guilty of a misdemeanour.

Trespassing on burial places.

141. Any person who with the deliberate intention of wounding the religious feelings of any person utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places

Uttering words with the intent to wound religious feelings.

any object in the sight of that person, is guilty of a misdemeanour and is liable to imprisonment for one year.

Publications
insulting
religion.
7 of 43/33.

142. (1) Any person who publishes a book or pamphlet or any article or letter in a newspaper or periodical which any class of persons consider as a public insult to their religion, with intent to vilify such religion or to shock or insult believers in such religion is guilty of a misdemeanour.

(2) A prosecution for an offence under the provisions of this section shall not be commenced except by, or with the consent of, the Attorney-General.

Destruction.

Destroying
or damaging
public
buildings,
monuments
and trees.

143. Any person who demolishes, destroys, pulls down or damages any building or monument intended for public use or ornaments, or who cuts down, destroys or damages trees growing in any public place is guilty of a misdemeanour and is liable to a fine not exceeding ten pounds or to imprisonment for three months.

Offences against Morality.

Definition
of rape.

144. Any person who has unlawful carnal knowledge of a female, without her consent, or with her consent, if the consent is obtained by force or fear of bodily harm, or, in the case of a married woman, by personating her husband, is guilty of the felony termed rape.

Punishment
of rape

145. Any person who commits the offence of rape is liable to imprisonment for life, with or without whipping or flogging.

Attempt to
commit rape.

146 Any person who attempts to commit rape is guilty of a felony, and is liable to imprisonment for ten years with or without whipping or flogging.

Incest.
10 of 20/55.

147. Any male person who has carnal knowledge of a female person, irrespective of whether with the consent or not of such female person, who is to his knowledge his grand daughter, daughter, sister or mother shall be guilty of the offence of incest and shall be liable to imprisonment for seven years.

Abduction.

148. Any person who, with intent to marry or carnally know a female, or to cause her to be married or carnally known by any other person, takes her away, or detains

her, against her will, is guilty of a felony, and is liable to imprisonment for seven years.

149. Any person who unlawfully takes an unmarried girl under the age of sixteen years out of the custody or protection of her father or mother or other person having the lawful care or charge of her, and against the will of such father or mother or other person, is guilty of a misdemeanour.

Abduction of girls under sixteen.

150. Any person who by duress causes any person to marry against his or her will, is guilty of a misdemeanour.

Compulsion of marriage.

151. Any person who unlawfully and indecently assaults any female is guilty of a misdemeanour.

Indecent assault on females.

152. Any person who unlawfully and indecently assaults any male person is guilty of a misdemeanour.

Indecent assault on males.

3 of 19/44.

153. (1) Any person who unlawfully and carnally knows a female under the age of thirteen years is guilty of a felony and is liable to imprisonment for life with or without flogging or whipping.

Defilement of girls under thirteen years of age.

(2) Any person who attempts to have unlawful carnal knowledge of a female under the age of thirteen years is guilty of a misdemeanour and is liable to imprisonment for three years.

8 of 12/51

154. Any person who unlawfully and carnally knows or attempts to have unlawful carnal knowledge of any female person of, or above, the age of thirteen years and under the age of sixteen years is guilty of a misdemeanour:

Defilement of girls between thirteen and sixteen years of age.

11 of 20/55.

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

155. Any person who, knowing a female to be an idiot or imbecile, has or attempts to have unlawful carnal knowledge of her in circumstances not amounting to rape is guilty of a misdemeanour.

Defilement of idiots or imbeciles.

156. (1) Any person who—

(a) keeps or manages or acts or assists in the manage-

Suppression of brothels.
3 of 9/31

ment of a brothel; or

- (b) 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
- (c) 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,

is guilty of a misdemeanour.

Determina-
tion of the
tenancy of
premises on
conviction
for permit-
ting use as
brothel, etc.

- (2) (a) 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 the 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;
- (b) 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 subsection, 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 com-

mission of that offence, unless he proves that he had taken all reasonable steps to prevent the recurrence of the offence ;

- (c) 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.

157. Any person who---

- (a) procures a girl or woman who is under the age of twenty-one years to have unlawful carnal connection with any other person or persons, either in the Colony or elsewhere ; or
- (b) procures a woman or girl to be a common prostitute, either in the Colony or elsewhere ; or
- (c) procures a woman or girl to leave the Colony with intent that she may become an inmate of a brothel elsewhere ; or
- (d) procures a woman or girl with intent that she may for the purposes of prostitution become an inmate of a brothel in the Colony or elsewhere,

Procuration.
5 of 45/53.

is guilty of a misdemeanour :

Provided that no person shall be convicted of any 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.

- 158.** Any person who having the custody, charge or care of a child or young person between the ages of four and sixteen years allows that child or young person to reside in or frequent a brothel shall be guilty of a misdemeanour and shall be liable to a fine not exceeding twenty-five

Allowing
child or
young
person to
frequent a
brothel.
8 of 43/33

pounds or to imprisonment for a term not exceeding six months or to both.

Procuring defilement of woman by threats, or fraud or administering drugs.
6 of 45/53.

159. Any person who---

- (a) by threats or intimidation of any kind procures a female to have unlawful carnal connection with a man, either in the Colony or elsewhere ; or
- (b) by any false pretence procures a female to have unlawful carnal connection with a man, either in the Colony or elsewhere ; or
- (c) administers to any female, or causes a woman or girl to take, any drug or other thing with intent to stupefy or overpower her in order to enable any man, whether a particular man or not, to have unlawful carnal knowledge of her,

is guilty of a misdemeanour :

Provided that no person shall be convicted of any 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.

Householder, etc., permitting defilement of woman under thirteen years on his premises.

160. Any person who, being the owner or occupier of premises or having or acting or assisting in the management or control thereof, induces or knowingly suffers any woman under the age of thirteen years to resort to or be 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, is guilty of a felony and, on conviction, is liable to imprisonment for five years :

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

Householder etc. permitting defilement of woman under sixteen years of age on his premises.

161. Any person who, being the owner or occupier of premises or having or acting or assisting in the management or control thereof, induces or knowingly suffers any woman above the age of thirteen years and under the age of sixteen years to resort to or be 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, is guilty of a misdemeanour :

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

162. Any person who detains any woman against her will— Detention with intent or in brothel.

- (a) 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
- (b) in any brothel,

is guilty of a misdemeanour and is liable to imprisonment for a term not exceeding two years.

When a woman 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 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 any wearing apparel or other property belonging to her, or where wearing apparel has been lent or otherwise supplied to such woman by or by the directions of such person, such person threatens such woman with legal proceedings if she takes away with her the wearing apparel so lent or supplied. Constructive detention by withholding clothes.

No legal proceedings, whether civil or criminal, shall be taken against any such women 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.

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

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

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

- (a) either is under the age of sixteen years ; or
- (b) if she is of or over the age of sixteen years and under the age of eighteen years, is so detained against her will or against the will of her father or mother or of any person having the lawful care or charge of her ; or
- (c) if she is of or over the age of eighteen years and is so detained against her will.

Any person authorized by warrant under this section to search for any woman so detained as aforesaid may enter (if need be by force) any house, building or other place mentioned in the warrant, and may remove such woman therefrom :

Provided always that every warrant issued under this section authorizing the search for any woman in any house, building or other place shall be addressed to and executed by a peace officer.

Person living on earnings of prostitution or persistently soliciting.

164. (1) Every 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.

is guilty of a misdemeanour.

(2) If it is made to appear to a Magistrate by information on oath that there is reason to suspect that any house or any part of a house is used by a woman for purposes of prostitution, and that any person residing in or frequenting the house is living wholly or in part on the earnings of the prostitute, the Magistrate may issue a warrant authorizing any peace officer to enter and search the house and to arrest that person.

(3) Where a 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 or she is aiding, abetting or compelling her prostitution with any other person, or generally, he or she shall, unless he or she shall satisfy the Court to the contrary, be deemed to be knowingly living on the earnings of prostitution.

165. Every woman who is proved to have, for the purpose 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, is guilty of a misdemeanour.

Woman aiding, etc., for gain prostitution of another woman.

166. Any person who conspires with another to induce any female, by means of any false pretence or other fraudulent means, to permit any person to have unlawful carnal knowledge of her is guilty of a felony, and is liable to imprisonment for three years.

Conspiracy to defile.

167. Any person who, with intent to procure miscarriage of a woman, whether she is or is not with child, unlawfully administers to her or causes her to take any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, is guilty of a felony, and is liable to imprisonment for fourteen years.

Attempts to procure abortion.

168. Any person who, with intent to procure her own miscarriage, whether she is or is not with child, unlawfully administers to herself any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, or permits any such thing or means to be administered or used to her, is guilty of a felony, and is liable to imprisonment for seven years.

The like by woman with child.

169. Any person who unlawfully supplies to or procures for any person anything whatever, knowing that it is intended to be unlawfully used to procure the miscarriage of a woman, whether she is or is not with child, is guilty of a felony, and is liable to imprisonment for three years.

Supplying drugs or instruments to procure abortion.

170. Except as otherwise expressly stated, it is immaterial in the case of any of the offences committed with respect to a woman or girl under a specified age, that the accused

Knowledge of age of female immaterial.

person did not know that the woman or girl was under that age, or believed that she was not under that age.

Unnatural offences.

171. Any person who—

(a) has carnal knowledge of any person against the order of nature ; or

(b) permits a male person to have carnal knowledge of him against the order of nature,

is guilty of a felony and is liable to imprisonment for five years.

Unnatural offence with violence.

172. Any person who with violence commits either of the offences specified in the last preceding section is guilty of a felony and is liable to imprisonment for fourteen years.

Attempts.

173. Any person who attempts to commit either of the offences specified in section 171 is guilty of a felony and is liable to imprisonment for three years, and if the attempt is accompanied with violence he is liable to imprisonment for seven years.

Unnatural offences with child under thirteen.

174. Any person who has, or attempts to have, with or without violence, carnal knowledge of a child under thirteen years of age against the order of nature is guilty of a felony and is liable to imprisonment for fourteen years with or without whipping or flogging.

Bestiality.

175. Any person who has carnal knowledge of an animal is guilty of a felony and is liable to imprisonment for three years.

Indecency.

4 of 19/44.

176. Any person who publicly commits any act of indecency is guilty of a misdemeanour and is liable to a fine not exceeding ten pounds or to imprisonment for three months.

Obscene publications and exhibitions.

177. Any person who—

(a) sells or has in his possession for sale or hire or prints for sale or hire any obscene book or other obscene printed or written matter, or any obscene picture, photograph, drawing or model, or any other object tending to corrupt morals ; or

(b) exposes to view in any public place any obscene

picture, photograph, drawing or model, or any other object tending to corrupt morals; or

- (c) exhibits any indecent show or performance in any public place,

is guilty of a misdemeanour.

It is a defence to a charge of any of the offences defined in this section to prove that it was for the public benefit that the act complained of should be done.

Offences relating to Marriage and Domestic Obligations.

178. Any person who wilfully and by fraud causes any woman who is not lawfully married to him to believe that she is lawfully married to him and to co-habit or have sexual intercourse with him in that belief, is guilty of a felony and is liable to imprisonment for ten years.

Fraudulent pretence of marriage.

179. Any person who, having a husband or wife living, marries in the Colony in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, is guilty of a felony and is liable to imprisonment for five years :

Bigamy.

Provided that it is a good defence to a charge brought under this section to prove—

- (a) that the former marriage has been declared void by a Court of competent jurisdiction or by a competent ecclesiastical authority; or
- (b) the continuous absence of the former husband or wife, as the case may be, at the time of the subsequent marriage for the period of seven years then last past without knowledge or information that such former husband or wife was alive within that period; or
- (c) that the law governing the personal status of the husband allows him to have more than one wife.

180. Any person who dishonestly or with a fraudulent intention goes through the ceremony of marriage, knowing that he is not thereby lawfully married, is guilty of a felony and is liable to imprisonment for five years.

Marriage ceremony fraudulently gone through without lawful marriage.

181. Any person who unlawfully abandons or exposes any child under the age of two years, whereby the life of the child is endangered or its health has been or is likely

Exposure of child.

to be permanently injured, is guilty of a felony and is liable to imprisonment for five years.

Neglect of
filial duty.
10 of 28/52.

182. (1) Any person over the age of seventeen, possessed of sufficient means, who wilfully neglects or refuses to provide adequate food, clothing, medical aid or lodging for any of his parents, who, owing to mental or bodily weakness or old age, is unable to provide for himself shall be guilty of a misdemeanour.

(2) Upon a conviction under this section a Court may order that any property registered or in the possession of the person convicted which may have been received as a gift from such parent shall be re-transferred or re-delivered to such parent and any such order shall be sufficient authority to the Land Registry Office to cause any necessary amendment to the relative registration to be effected but so that any rights of a third person shall not be prejudicially affected.

Power to the
Court to
make main-
tenance
orders.
10 of 28/52
71 of 21/56.

183. (1) A Court, before which a person is convicted for an offence under section 182 of this Code, may, in lieu of any other punishment, make an order (hereinafter in this section referred to as "the maintenance order") that the person convicted shall maintain the child or parent, as the case may be, and such order may include a provision that the person convicted shall pay to the child or the parent, as the case may be, or to any officer of Court or other person for the use of such child or parent, such weekly sum not exceeding three pounds as the Court shall, having regard to the means of the person convicted, consider reasonable.

(2) Any maintenance order may, at any time, be altered, varied, suspended or discharged by the Court and the Court may, upon application of an interested party, from time to time, increase or diminish the amount of any weekly payment ordered to be made, but so that the same does not, in any case, exceed the sum of three pounds.

(3) Where any person who without proper cause fails to comply with a maintenance order for weekly payments, the Court may order that the arrears due under the maintenance order be levied and recovered as a penalty in all respects in accordance with and subject to the provisions of the Criminal Procedure Law or of any Law amending or substituted for the same including the power to commit to prison in lieu of issuing a warrant for execution,

Cap. 155.

provided that no order shall be made for the recovery of arrears falling due more than six months prior to the making of the order.

(4) No warrant of execution or of commitment under subsection (3) of this section shall affect the force and effect of a maintenance order unless the Court shall otherwise direct.

184. Any person who being legally liable either as 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 such apprentice or servant so that the life of such apprentice or servant is endangered or that his health has been or is likely to be permanently injured, is guilty of a misdemeanour.

Master not providing for servants or apprentices.

185. Any person who, with intent to deprive any parent, guardian or other person who has the lawful care or charge of a child under the age of fourteen years, of the possession of such child—

Child stealing.

(a) forcibly or fraudulently takes or entices away, or detains the child ; or

(b) receives or harbours the child, knowing it to have been so taken or enticed away or detained,

is guilty of a felony, and is liable to imprisonment for seven years.

It is a defence to a charge of any of the offences defined in this section to prove that the accused person claimed in good faith a right to the possession of the child, or, in the case of an illegitimate child, is its mother or claimed to be its father.

Nuisances.

186. Any person who does an act not authorized by law or omits to discharge a legal duty and thereby causes any common injury, or danger or annoyance, or obstructs or causes inconvenience to the public in the exercise of common rights, commits the misdemeanour termed a common nuisance and is liable to imprisonment for one year.

Common nuisance.

It is immaterial that the act or omission complained of is convenient to a larger number of the public than it

inconveniences, but the fact that it facilitates the lawful exercise of their rights by a part of the public may show that it is not a nuisance to any of the public.

Use of sound
amplifying
instruments
on or near
public
places.

187. (1) No person shall use or operate or cause or permit any other person to use or operate any loudspeaker, megaphone, amplifier or other instrument automatically, mechanically or electrically amplifying or transmitting amplified sound—

9 of 44/48.

(a) in any public place ; or

(b) in any other place in such manner or circumstances that the sound so amplified is audible in any public place,

save under a permit issued by the Commissioner or such person as the Commissioner may authorise in that behalf and in accordance with such conditions as may be attached to such permit :

2 of 28/54.

Provided that no permit shall be required for the use or operation of—

(a) any loudspeaker, megaphone or amplifier installed within a church or mosque solely for the purpose of relaying any religious service or ceremony, held in accordance with the adopted rites of such church or mosque and so as the sound amplified thereby not to be audible in any other public place ;

(b) any instrument solely used or operated for the exhibition of a cinematograph film in any place or premises duly licensed for the purpose and so as the sound amplified thereby not to be audible in any other public place.

(2) Any person who acts in contravention of subsection (1) or of any condition attached to any permit issued thereunder is guilty of a misdemeanour and is liable to a fine not exceeding twenty-five pounds or to imprisonment for six months or to both and the Court trying the offence may order that the instrument in respect of which the offence has been committed shall be forfeited.

(3) The provisions of this section shall be in addition to, and not in substitution for, the provisions of any other Law or public instrument relating to the use or operation

of any of the instruments referred to therein but so that no person shall be punished twice on the same set of facts.

188. The following persons—

- (a) every common prostitute behaving in a disorderly or indecent manner in any public place ;
- (b) every person wandering or placing himself in any public place to beg or gather alms, or causing or procuring or encouraging any child or children so to do ;
- (c) every male person who, in any public place, solicits or importunes for immoral purposes ;
- (d) every person who, in any public place, conducts himself in a manner likely to cause a breach of the peace ; and
- (e) every person who without lawful excuse does any indecent act in any public place,

Idle and
disorderly
persons.
19 of 15/47.

shall be deemed idle and disorderly persons, and are liable on conviction to imprisonment for one month or to a fine not exceeding five pounds or to both.

189. The following persons—

- (a) every person convicted of an offence under the last preceding section after having been previously convicted as an idle and disorderly person ;
- (b) every person wandering abroad and endeavouring by the exposure of wounds or deformation to obtain or gather alms ;
- (c) every person going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions of any nature or kind, under any false or fraudulent pretence ;
- (d) every suspected person or reputed thief who has no visible means of subsistence and cannot give a good account of himself ;
- (e) every person found wandering in or upon or near any premises or in any road or highway or any place adjacent thereto or in any public place at such time and under such circumstances as to lead to the conclusion that such person is there for an illegal or disorderly purpose ;

Rogues and
vagabonds.

shall be deemed to be a rogue and vagabond, and is guilty of a misdemeanour, and is liable for the first offence to imprisonment for three months, and for every subsequent offence to imprisonment for one year.

9 of 12/51.

Negligent act likely to spread infection of diseases dangerous to life.

190. Any person who unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease, dangerous to life, is guilty of a misdemeanour.

Fouling water.

191. Any person who voluntarily corrupts or fouls the water of any public spring or reservoir, so as to render it less fit for the purpose for which it is ordinarily used, is guilty of a misdemeanour.

Fouling air.

192. Any person who voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of persons in general dwelling or carrying on business in the neighbourhood or passing along a public way, is guilty of a misdemeanour.

Offensive trades.

193. Any person who, for the purposes of trade or otherwise, makes loud noises or offensive or unwholesome smells in such places and circumstances as to annoy any considerable number of persons in the exercise of their common rights, commits and is liable to be punished as for a common nuisance.

Defamation.

Definition of libel.

194. Any person who, by print, writing, painting, effigy, or by any means otherwise than solely by gestures, spoken words, or other sounds, unlawfully publishes any defamatory matter concerning another person, with intent to defame that other person, is guilty of the misdemeanour termed libel.

Definition of defamatory matter.

195. (1) Matter is defamatory which imputes to a person any crime, or misconduct in any public office, or which is likely to injure him in his occupation, calling or office, or to expose him to general hatred, contempt or ridicule.

(2) In this section "crime" means any offence punishable under this Code, and any act punishable under any Law or statute in force within the Colony, and also any act, wheresoever committed, which if committed by person a

within the Colony would be punishable under any Law or statute in force within the Colony.

196. Every person who publishes or threatens to publish any defamatory matter concerning any other person, or directly or indirectly threatens to print or publish or directly or indirectly proposes to abstain from printing or publishing, any matter or thing touching any other person, with intent to extort any money, or security for money, or valuable thing from such or any other person, or with intent to induce any person to confer or procure for any person any appointment or office of profit or trust, is guilty of a misdemeanour and is liable to imprisonment for any term not exceeding three years.

Publishing or threatening to publish libel, or proposing to abstain from publishing anything with intent to extort.

197. (1) A person publishes a libel if he causes the print, writing, painting, effigy or other means by which the defamatory matter is conveyed, to be so dealt with, either by exhibition, reading, recitation, description, delivery or otherwise, so that the defamatory meaning thereof becomes known or is likely to become known, to either the person defamed or any other person.

Definition of publication.

(2) It is not necessary for libel that a defamatory meaning should be directly or completely expressed ; and it suffices if such meaning and its application to the person alleged to be defamed, can be collected either from the alleged libel itself or from any extrinsic circumstances, or partly by the one and partly by the other means.

198. Any publication of defamatory matter concerning a person is unlawful, within the meaning of sections 199 to 202 (inclusive), unless---

Definition of unlawful publication.

- (a) the matter is true and it was for the public benefit that it should be published ; or
- (b) it is privileged on one of the grounds hereafter mentioned in sections 199 to 202 (inclusive).

199. (1) The publication of defamatory matter is absolutely privileged, and no person shall under any circumstances be liable to punishment under this Code in respect thereof, in any of the following cases, namely---

Cases in which publication of defamatory matter is absolutely privileged.

- (a) if the matter is published by the Governor, or by the Executive Council or the Legislative Council, in any official document or proceeding ; or

- (b) if the matter is published in the Executive Council or the Legislative Council by the Governor or by any member of such Council ; or
- (c) if the matter is published by order of the Governor in Council ; or
- (d) if the matter is published concerning a person subject to military, naval, or police discipline for the time being, and relates to his conduct as a person subject to such discipline, and is published by some person having authority over him in respect of such conduct, ~~and to some person having authority over him in respect of such conduct~~ ; or
- (e) if the matter is published in the course of any judicial proceedings by a person taking part therein as a Judge or Magistrate or advocate or witness or party thereto ; or
- (f) if the matter published is in fact a fair report of anything said, done or published in the Executive Council or the Legislative Council ; or
- (g) if the matter published is in fact a fair report of anything said, done or shown in any judicial proceedings before any Court : Provided that if the Court prohibits the publication of anything said or shown before it, on the ground that it is seditious, immoral or blasphemous, the publication thereof shall not be privileged ; or
- (h) if the matter published is a copy or reproduction, or in fact a fair abstract, of any matter which has been previously published, and the previous publication of which was or would have been privileged under the provisions of this section ; or
- (i) if the person publishing the matter is legally bound to publish it.

(2) Where a publication is absolutely privileged, it is immaterial for the purposes of sections 194 to 202 (inclusive) whether the matter be true or false, and whether it be or be not known or believed to be false, and whether it be or be not published in good faith :

Provided that nothing in this section shall exempt a person from any liability to punishment under any section of this Code other than sections 194 to 202 or under any other Law or statute in force within the Colony.

200. A publication of defamatory matter is privileged on condition that it was published in good faith, if the relation between the parties by and to whom the publication is made is such that the person publishing the matter is under some legal, moral or social duty to publish it to the person to whom the publication is made or has a legitimate personal interest in so publishing it, provided that the publication does not exceed either in extent or matter what is reasonably sufficient for the occasion, and in any of the following cases, namely—

Cases in which publication of defamatory matter is conditionally privileged.

- (a) if the matter is an expression of opinion in good faith as to the conduct of a person in a judicial, official or other public capacity, or as to his personal character so far as it appears in such conduct ; or
- (b) if the matter is an expression of opinion in good faith as to the conduct of a person in relation to any public question or matter, or as to his personal character so far as it appears in such conduct ; or
- (c) if the matter is an expression of opinion in good faith as to the conduct of any person as disclosed by evidence given in a public legal proceeding, whether civil or criminal, or as to the conduct of any person as a party, witness, or otherwise in any such proceeding, or as to the character of any person so far as it appears in any such conduct as in this paragraph mentioned ; or
- (d) if the matter is an expression of opinion in good faith as to the merits of any book, writing, painting, speech, or other work, performance, or act published or publicly done or made, or submitted by a person to the judgment of the public, or as to the character of the person so far as it appears therein ; or
- (e) if the matter is a censure passed by a person in good faith on the conduct of another person in any matter in respect of which he has authority, by contract or otherwise, over the other person, or on the character of the other person, so far as it appears in such conduct ; or
- (f) if the matter is a complaint or accusation made by a person in good faith against another person in respect of his conduct in any matter,

or in respect of his character so far as it appears in such conduct, to any person having authority, by contract or otherwise, over that other person in respect of such conduct or matter, or having authority by law to inquire into or receive complaints respecting such conduct or matter ; or

- (g) if the matter is published in good faith for the protection of the rights or interests of the person who publishes it, or of the person to whom it is published, or of some person in whom the person to whom it is published is interested.

Explanation
as to good
faith.

201. A publication of defamatory matter shall not be deemed to have been made in good faith by a person, within the meaning of the last preceding section, if it is made to appear either—

- (a) that the matter was untrue, and that he did not believe it to be true ; or
 (b) that the matter was untrue, and that he published it without having taken reasonable care to ascertain whether it was true or false ; or
 (c) that, in publishing the matter, he acted with intent to injure the person defamed in a substantially greater degree or substantially otherwise than was reasonably necessary for the interest of the public or for the protection of the private right or interest in respect of which he claims to be privileged.

Presumption
as to good
faith

202. If it is proved, on behalf of the accused person, that the defamatory matter was published under such circumstances that the publication would have been justified if made in good faith, the publication shall be presumed to have been made in good faith until the contrary is made to appear, either from the libel itself, or from the evidence given on behalf of the accused person, or from evidence given on the part of the prosecution.

PART V.

OFFENCES AGAINST THE PERSON.

Murder and Manslaughter.

Man-
slaughter.

203. Any person who by an unlawful act or omission causes the death of another person is guilty of the felony

termed manslaughter. An unlawful omission is an omission amounting to culpable negligence to discharge a duty whether such omission is or is not accompanied by an intention to cause death or bodily harm.

204. Any person who of malice aforethought causes the death of another person by an unlawful act or omission is guilty of murder. Murder.

205. Any person convicted of murder shall be sentenced to death. Punishment of murder.

206. Any person who commits the felony of manslaughter is liable to imprisonment for life. Punishment of manslaughter.

207. Malice aforethought shall be deemed to be established by evidence proving whether expressly or by implication any one or more of the following circumstances :— Malice aforethought.
2 of 9/36.

(a) an intention to cause the death of or to do grievous harm to any person, whether such person is the person actually killed or not ;

(b) knowledge that the act or omission causing death will probably cause the death of or grievous harm to some person, whether such person is the person actually killed or not, although such knowledge is accompanied by indifference whether death or grievous bodily harm is caused or not, or by a wish that it may not be caused ;

(c) an intent to commit a felony when in the circumstances the commission of such felony is dangerous to life and likely in itself to cause death ; 2 of 9/31.

(d) an intention by the act or omission to facilitate the flight or escape from custody of any person who has committed or attempted to commit a felony.

208. When a person who unlawfully kills another under circumstances which, but for the provisions of this section, would constitute murder, does the act which causes death in the heat of passion caused by a sudden provocation, that is to say, by any wrongful act or insult or aggravation of such a nature as to deprive a reasonable person of the Killing on provocation.
3 of 34/32.
7 of 35/35.

power of self-control, and before there would be time for the passion of such reasonable person to cool, he is guilty of manslaughter only.

Infanticide.
5 of 19/44.

209. (1) Where a woman by any wilful act or omission causes the death of her child, being a child under the age of twelve months, but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then, notwithstanding that the circumstances were such that but for this section the offence would have amounted to murder, she shall 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 the child.

(2) Where upon the trial of a woman for the murder of her child, being a child under the age of twelve months, the Court is of opinion that she by any wilful act or omission caused its death, but that at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then the Court may, notwithstanding that the circumstances were such that but for the provisions of this section it might have returned a verdict of murder, return in lieu thereof a verdict of infanticide.

Causing
death by
want of
precaution
or by
carelessness.

210. Any person who by want of precaution or by any rash or careless act, not amounting to culpable negligence, unintentionally causes the death of another person is guilty of a misdemeanour and is liable to imprisonment for two years, or to a fine not exceeding one hundred pounds.

Causing
death
defined.

211. A person is deemed to have caused the death of another person although his act is not the immediate or not the sole cause of death in any of the following cases :—

- (a) if he inflicts bodily injury on another which causes surgical or medical treatment which causes death. In this case it is immaterial whether the treatment was proper or mistaken, if it was employed in good faith and with common knowledge and skill; but the person inflicting the injury is not deemed to have

caused the death if the treatment which was its immediate cause was not employed in good faith or was so employed without common knowledge or skill ;

- (b) if he inflicts a bodily injury on another which would not have caused death if the injured person submitted to proper surgical or medical treatment or had observed proper precautions as to his mode of living ;
- (c) if by actual violence or threat of violence he causes a person to do some act which causes his own death, such act being a mode of avoiding such violence or threats which under the circumstances would appear natural to the person injured ;
- (d) if by any act or omission he hastened the death of a person suffering under any disease or injury which apart from such act or omission would have caused death ;
- (e) if this act or omission would not have caused death unless it had been accompanied by an act or omission of the person killed or of other persons.

212. A child becomes a person capable of being killed when it has completely proceeded in a living state from the body of its mother, whether it has breathed or not, and whether it has an independent circulation or not, and whether the umbilical cord is severed or not.

When child deemed to be a person.

213. A person is not deemed to have killed another if the death of that other person does not take place within a year and a day of the cause of death.

Limitation as to time of death.

Such period is reckoned inclusive of the day on which the last unlawful act contributing to the cause of death was done.

When the cause of death is an omission to observe or perform a duty, the period is reckoned inclusive of the day on which the omission ceased.

When the cause of death is in part an unlawful act, and in part an omission to observe or perform a duty, the period is reckoned inclusive of the day on which the last unlawful act was done or the day on which the omission ceased, whichever is the later.

*Offences connected with Murder and Suicide.*Attempt to
murder.**214.** Any person who—

- (a) attempts unlawfully to cause the death of another ;
or
- (b) with intent unlawfully to cause the death of another
does any act, or omits to do any act which it
is his duty to do, such act or omission being of
such a nature as to be likely to endanger human
life,

is guilty of a felony, and is liable to imprisonment for life.

Attempt to
murder by
convict.**215.** Any person who, being under sentence of imprisonment for three years or more, attempts to commit murder, is liable to imprisonment for life with or without whipping or flogging.Written
threats to
murder.**216.** Any person who, knowing the contents thereof, directly or indirectly causes to be received any writing threatening to kill any person is guilty of a felony, and is liable to imprisonment for seven years.Conspiracy
to murder.**217.** Any person who conspires with any other person to kill any person, whether such person is in the Colony or elsewhere, is guilty of a felony, and is liable to imprisonment for fourteen years.Abetting
suicide.**218.** Any person who—

- (a) procures another to kill himself ; or
- (b) counsels another to kill himself and thereby
induces him to do so ; or
- (c) aids another in killing himself,

is guilty of a felony, and is liable to imprisonment for life.

Attempting
suicide.**219.** Any person who attempts to kill himself is guilty of a misdemeanour.Concealing
the birth of
child.**220.** Any person who, when a woman is delivered of a child, endeavours, by any secret disposition of the dead body of the child, to conceal the birth, whether the child died before, at, or after its birth, is guilty of a misdemeanour.

Duties relating to the Preservation of Life and Health.

221. It is the duty of every person having charge of another who is unable by reason of age, sickness, unsoundness of mind, detention or any other cause to withdraw himself from such charge, and who is unable to provide himself with the necessaries of life, whether the charge is undertaken under a contract, or is imposed by law, or arises by reason of any act, whether lawful or unlawful, of the person who has such charge, to provide for that other person the necessaries of life ; and he is held to have caused any consequences which result to the life or health of the other person by reason of any omission to perform that duty.

Responsibility of person who has charge of another.

222. It is the duty of every person who, as head of family, has charge of a child under the age of fourteen years, being a member of his household, to provide the necessaries of life for such child ; and he is held to have caused any consequences which result to the life or health of the child by reason of any omission to perform that duty, whether the child is helpless or not.

Duty of head of family.

223. It is the duty of every person who as master or mistress has contracted to provide necessary food, clothing or lodging, for any servant or apprentice under the age of sixteen years to provide the same ; and he or she is held to have caused any consequences which result to the life or health of the servant or apprentice by reason of any omission to perform that duty.

Duty of master.

224. It is the duty of every person who, except in a case of necessity, undertakes to administer surgical or medical treatment to any other person, or to do any other lawful act which is or may be dangerous to human life or health, to have reasonable skill and to use reasonable care in doing such act ; and he is held to have caused any consequences which result to the life or health of any person by reason of any omission to observe or perform that duty.

Duty of persons doing dangerous acts.

225. It is the duty of every person who has in his charge or under his control anything, whether living or inanimate, and whether moving or stationary, of such a nature that, in the absence of care or precaution in its use or management, the life, safety or health of any person may be endangered, to use reasonable care and take reasonable precautions to avoid such danger ; and he is held to have

Duty of persons in charge of dangerous things.

caused any consequences which result to the life or health of any person by reason of any omission to perform that duty.

Offences endangering Life or Health.

Disabling in order to commit felony or misdemeanour.

226. Any person who, by any means calculated to choke, suffocate or strangle, and with intent to commit or to facilitate the commission of a felony or misdemeanour, or to facilitate the flight of an offender after the commission or attempted commission of a felony or misdemeanour, renders or attempts to render any person incapable of resistance, is guilty of a felony, and is liable to imprisonment for life.

Stupefying in order to commit felony or misdemeanour.

227. Any person who, with intent to commit or to facilitate the commission of a felony or misdemeanour, or to facilitate the flight of an offender after the commission or attempted commission of a felony or misdemeanour, administers or attempts to administer any stupefying or overpowering drug or thing to any person, is guilty of a felony, and is liable to imprisonment for life.

Acts intended to cause grievous harm or prevent arrest.

228. Any person who, with intent to maim, disfigure or disable any person or to do some grievous harm to any person, or to resist or prevent the lawful arrest or detention of any person—

- (a) unlawfully wounds or does any grievous harm to any person by any means whatever ; or
- (b) unlawfully attempts in any manner to strike any person with any kind of projectile or with a knife, or other dangerous or offensive weapon ; or
- (c) unlawfully causes any explosive substance to explode ; or
- (d) sends or delivers any explosive substance or other dangerous or noxious thing to any person ; or
- (e) causes any such substance or thing to be taken or received by any person ; or
- (f) puts any corrosive fluid or any destructive or explosive substance in any place ; or
- (g) unlawfully casts or throws any such fluid or substance at or upon any person, or otherwise applies any such fluid or substance to the person of any person,

is guilty of a felony and is liable to imprisonment for life.

229. Any person who unlawfully—

(a) prevents or obstructs any person who is on board of, or is escaping from, a vessel which is in distress or wrecked, in his endeavours to save his life; or

(b) obstructs any person in his endeavours to save the life of any person so situated,

is guilty of a felony, and is liable to imprisonment for life.

Preventing
escape from
wreck.

230. Any person who, with intent to injure or to endanger the safety of any person travelling by any railway, whether a particular person or not—

(a) places anything on the railway ; or

(b) deals with the railway, or with anything whatever upon or near the railway, in such a manner as to affect or endanger the free and safe use of the railway or the safety of any such person ; or

(c) shoots or throws anything at, into or upon or causes anything to come into contact with, any person or thing on the railway ; or

(d) shows any light or signal, or in any way deals with any existing light or signal, upon or near the railway ; or

(e) by any omission to do any act which it is his duty to do causes the safety of any such person to be endangered,

is guilty of a felony, and is liable to imprisonment for life.

Intentionally
endangering
safety
of persons
travelling
by railway.

231. Any person who unlawfully does grievous harm to another is guilty of a felony, and is liable to imprisonment for seven years, or to a fine or to both.

Grievous
harm.

232. Any person who unlawfully, and with intent to do any harm to another, puts any explosive substance in any place whatever, is guilty of a felony, and is liable to imprisonment for fourteen years, or to a fine or to both.

Attempting
to injure by
explosive
substances.

233. Any person who unlawfully, and with intent to injure or annoy another, causes any poison or noxious thing to be administered to, or taken by, any person, and thereby endangers his life, or does him some grievous harm, is guilty of a felony, and is liable to imprisonment for fourteen years.

Maliciously
adminis-
tering poison
with intent
to harm.

Wounding
and similar
acts.

234. Any person who—

- (a) unlawfully wounds another ; or
- (b) unlawfully, and with intent to injure or annoy any person, causes any poison or other noxious thing to be administered to, or taken by, any person,

is guilty of a felony and is liable to imprisonment for three years.

Failure to
supply
necessaries.

235. Any person who, being charged with the duty of providing for another necessaries of life, without lawful excuse fails to do so, whereby the life of that other person is or is likely to be endangered, or his health is or is likely to be permanently injured, is guilty of a felony and is liable to imprisonment for three years.

Criminal Recklessness and Negligence.

Reckless
and
negligent
acts.

236. Any person who in a manner so rash or negligent as to endanger human life or to be likely to cause harm to any other person—

- (a) drives a vehicle or rides on any public way ; or
- (b) navigates, or takes part in the navigation or working of, any vessel ; or
- (c) does any act with fire or any combustible matter, or omits to take precautions against any probable danger from any fire or any combustible matter in his possession ; or
- (d) omits to take precautions against any probable danger from any animal in his possession ; or
- (e) gives medical or surgical treatment to any person whom he has undertaken to treat ; or
- (f) dispenses, supplies, sells, administers or gives away, any medicine or poisonous or dangerous matter ; or
- (g) does any act with respect to, or omits to take proper precautions against any probable danger from, any machinery of which he is solely or partly in charge ; or
- (h) does any act with respect to, or omits to take proper precautions against any probable danger from any explosive in his possession,

is guilty of a misdemeanour.

237. Any person who unlawfully does any act, or omits to do any act which it is his duty to do, not being an act or omission specified in the preceding section, by which act or omission harm is caused to any person, is guilty of a misdemeanour, and is liable to imprisonment for six months, or to a fine not exceeding fifty pounds, or to both.

Other negligent acts causing harm.

238. Any person who by any unlawful act, or omission not specified in section 230 of this Code, causes the safety of any person travelling by any railway to be endangered, is guilty of a misdemeanour.

Endangering safety of persons travelling by railway.

239. Any person who exhibits any false light, mark or buoy, intending or knowing it to be likely that such exhibition will mislead any navigator, shall be liable to imprisonment for seven years, or to a fine, or to both.

Exhibition of false light, mark or buoy.

240. Any person who knowingly or negligently conveys or causes to be conveyed for hire, any person by water in any vessel, when that vessel is in such a state or so loaded as to be unsafe, is guilty of a misdemeanour.

Conveying person by water for hire in unsafe or over-loaded vessel.

241. Any person who by doing any act, or by omitting to take reasonable care with any property in his possession or under his charge, causes danger, obstruction or injury to any person in any public way or public line of navigation, is liable to a fine not exceeding fifty pounds.

Danger of obstruction in public way or line of navigation.

Assaults.

242. Any person who unlawfully assaults another is guilty of a misdemeanour, and, if the assault is not committed in circumstances for which a greater punishment is provided in this Code, is liable to imprisonment for a term not exceeding one year, or to a fine not exceeding fifty pounds, or to both.

Common assault.

243. Any person who commits an assault occasioning actual bodily harm is guilty of a misdemeanour and is liable to imprisonment for three years.

Assaults causing actual bodily harm.

244. Any person who—

(a) assaults any person with intent to commit a felony or to resist or prevent the lawful apprehension or detainer of himself, or of any other person for any offence ; or

Assaults punishable with two years imprisonment.

- (b) assaults, resists, or wilfully obstructs any peace officer in the due execution of his duty, or any person acting in aid of such officer ; or
- (c) assaults any person in pursuance of any unlawful combination or conspiracy to raise the rate of wages, or respecting any trade, business or manufacture, or respecting any person concerned or employed therein ; or
- (d) assaults, resists, or obstructs any person engaged in any lawful execution of process, or in making a lawful distress with intent to rescue any property lawfully taken under such process or distress ; or
- (e) assaults any person on account of any act done by him in the execution of any duty imposed on him by law,

is guilty of a misdemeanour and is liable to imprisonment for two years.

Offences against Liberty.

Definition of kidnapping from the Colony.

245. Any person who conveys any person beyond the limits of the Colony without the consent of that person, or of some person legally authorised to consent on behalf of that person, is said to kidnap that person from the Colony.

Definition of kidnapping from lawful guardianship.

246. Any person who takes or entices any minor under fourteen years of age if a male, or under sixteen years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.

Definition of abduction.

247. Any person who by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person.

Punishment of kidnapping.

248. A person who kidnaps any person from the Colony or from lawful guardianship is guilty of a felony, and is liable to imprisonment for seven years, and is also liable to a fine.

Kidnapping or abducting in order to murder.

249. Any person who kidnaps or abducts any person in order that such person may be murdered or may be so disposed of as to be put in danger of being murdered,

is guilty of a felony and is liable to imprisonment for ten years.

250. Any person who kidnaps or abducts any person, with intent to cause that person to be secretly and wrongfully confined, is guilty of a felony and is liable to imprisonment for seven years.

Kidnapping or abducting with intent secretly and wrongfully to confine person.

251. Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous hurt, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, is guilty of a felony and is liable to imprisonment for ten years, and also to a fine.

Kidnapping or abducting in order to subject person to grievous hurt, etc.

252. Any person who, knowing that any person has been kidnapped or has been abducted, wrongfully conceals or confines such person, is guilty of a felony, and shall be punished in the same manner as if he had kidnapped or abducted such person with the same intention or knowledge, or for the same purpose as that with or for which he conceals or detains such person in confinement.

Wrongfully concealing or keeping in confinement, kidnapped or abducted person.

253. Any person who kidnaps or abducts any child under the age of fourteen years, with the intention of taking dishonestly any movable property from the person of such child, is guilty of a felony, and is liable to imprisonment for seven years, and also to a fine.

Kidnapping or abducting child under fourteen years with intent to steal from its person.

254. Any person who unlawfully compels any person to labour against the will of that person is guilty of a misdemeanour, and is liable to imprisonment for one year.

Unlawful compulsory labour.

PART VI.

OFFENCES RELATING TO PROPERTY.

Stealing.

255. (1) A person steals who, without the consent of the owner, fraudulently and without a claim of right made in good faith, takes and carries away anything capable of being stolen with intent, at the time of such taking, permanently to deprive the owner thereof.

Definition.

Provided that a person may be guilty of stealing any such thing notwithstanding that he has lawful possession

thereof if, being a bailee or part owner thereof, he fraudulently converts the same to his own use or the use of any person other than the owner.

(2) (a) The expression "takes" includes obtaining the possession—

(i) by any trick ;

(ii) by intimidation ;

(iii) under a mistake on the part of the owner with knowledge on the part of the taker that possession has been so obtained ;

(iv) by finding, where at the time of the finding the finder believes that the owner can be discovered by taking reasonable steps ;

(b) the expression "carries away" includes any removal of anything from the place which it occupies, but in the case of a thing attached, only if it has been completely detached.

(c) the expression "owner" includes any part owner, or person having possession or control of, or a special property in, anything capable of being stolen.

(3) Everything which has value and is the property of any person, and if adhering to the realty then after severance therefrom, is capable of being stolen.

Special cases **256.** (1) When a factor or agent pledges or gives a lien on any goods or document of title to goods entrusted to him for the purpose of sale or otherwise for any sum of money not greater than the amount due to him from his principal at the time of pledging or giving the lien, together with the amount of any bill of exchange or promissory note accepted or made by him for or on account of his principal, such dealing with the goods or document of title is not deemed to be theft.

(2) When a servant, contrary to his master's orders, takes from his possession any food in order that it may be given to an animal belonging to or in the possession of his master, such taking is not deemed to be theft.

Funds, etc.,
held under
direction.

257. When a person receives, either alone or jointly with another person, any money or valuable security or a power of attorney for the sale, mortgage, pledge, or other disposition of any property, whether capable of being stolen

or not, with a direction in either case that such money or any part thereof, or any other money received in exchange for it, or any part thereof, or the proceeds or any part of the proceeds of such security, or of such mortgage, pledge, or other disposition, shall be applied to any purpose or paid to any person specified in the direction, such money and proceeds are deemed to be the property of the person for whom the money, security, or power of attorney was received until the direction has been complied with.

258. When a person receives, either alone or jointly with another person, any property from another on terms authorising him to sell it or otherwise dispose of it, and requiring him to pay or account for the proceeds of the property, or any part of such proceeds, or to deliver anything received in exchange for the property to the person from whom it is received, or some other person, then the proceeds of the property, and anything so received in exchange for it, are deemed to be the property of the person from whom the property was so received, until they have been disposed of in accordance with the terms on which the property was received, unless it is a part of those terms that the proceeds, if any, shall form an item in a debtor and creditor account between him and the person to whom he is to pay them or account for them, and that the relation of a debtor and creditor only shall exist between them in respect thereof.

Funds, etc.,
received by
agents for
sale.

259. When a person receives, either alone or jointly with another person, any money on behalf of another, the money is deemed to be the property of the person on whose behalf it is received, unless the money is received on the terms that it shall form an item in a debtor and creditor account, and that the relation of debtor and creditor only shall exist between the parties in respect of it.

Money
received for
another.

260. When any person takes or converts anything capable of being stolen, under such circumstances as would otherwise amount to theft, it is immaterial that he himself has a special property or interest therein, or that he himself is the owner of the thing taken or converted subject to some special property or interest of some other person therein; or that he is lessee of the thing, or that he himself is one of two or more joint owners of the thing; or that he is a director or officer of a corporation or company or society who are the owners of it.

Theft by
persons
having an
interest in
the thing
stolen.

Husband
and wife.

261. A person who, while a man and his wife are living together, procures either of them to deal with anything which is, to his knowledge, the property of the other in a manner which would be theft, if they were not married, is deemed to have stolen the thing, and may be charged with theft.

General
punishment
for theft.

262. Any person who steals anything capable of being stolen is guilty of the felony termed theft, and is liable, unless, owing to the circumstances of the theft or the nature of the thing stolen, some other punishment is provided, to imprisonment for three years.

11 of 28/52.

Stealing
wills.

263. If the thing stolen is a testamentary instrument, whether the testator is living or dead, the offender is liable to imprisonment for seven years.

Stealing
postal
matter, etc.

264. If the thing stolen is postal matter or any chattel, money or valuable security, contained in any postal matter, the offender is liable to imprisonment for seven years.

Stealing
cattle, crops,
etc.

9 of 2/37.

265. (1) If the thing stolen is any of the things following, that is to say, a horse, mare, gelding, ass, mule, camel, bull, cow, ox, ram, ewe, wether, goat or pig, or the young of any such animal, or any crops or fruit the offender is liable to imprisonment for five years.

12 of 28/52.

(2) The provisions of section 8 of this Code shall not apply in the case of any prosecution under this section for stealing any crops or fruit, the produce of any land or tree registered in the name of another person, unless the person charged proves to the satisfaction of the Court that—

- (a) he has purchased or acquired by partition, exchange, inheritance or in consideration of marriage such land or tree from the registered owner thereof or the heirs of such owner; or
- (b) the crop or fruit although the produce of any land or tree so registered has been lawfully acquired by him.

Stealing
from the
person;
stealing
goods in
transit, etc.

266. If a theft is committed under any of the circumstances following, that is to say—

- (a) if the thing is stolen from the person of another;
- (b) if the thing is stolen in a dwelling house, and its value exceeds five pounds, or the offender at or

immediately before or after the time of stealing uses or threatens to use violence to any person in a dwelling house ;

- (c) if the thing is stolen from any kind of vessel or vehicle or place or deposit used for the conveyance or custody of goods in transit from one place to another ;
- (d) if the thing stolen is attached to or forms part of a railway ;
- (e) if the thing is stolen from a vessel which is in distress or wrecked or stranded ;
- (f) if the thing is stolen from a public office in which it is deposited or kept ;
- (g) if the offender, in order to commit the offence, opens any locked room, box, or other receptacle, by means of a key or other instrument,

the offender is liable to imprisonment for five years.

13 of 28/52.

267. If the offender is a person employed in the public service and the thing stolen is the property of Her Majesty, or came into the possession of the offender by virtue of his employment, he is liable to imprisonment for seven years.

Stealing by persons in public service.
2 of 9/31.
14 of 28/52.

268. If the offender is a clerk or servant and the thing stolen is the property of his employer, or came into the possession of the offender on account of his employer, he is liable to imprisonment for seven years.

Stealing by clerks and servants.
2 of 9/31.
15 of 28/52.

269. If the offender is a director or officer of a corporation or company, and the thing stolen is the property of the corporation or company, he is liable to imprisonment for seven years.

Stealing by directors or officers of companies.

270. If the thing stolen is any of the things following, that is to say—

Stealing by agents, etc.

- (a) property which has been received by the offender with a power of attorney for the disposition thereof ;
- (b) the property which has been entrusted to the offender either alone or jointly with any other person for him to retain in safe custody or to apply, pay or deliver for any purpose or to any

person the same or any part thereof or any proceeds thereof ;

- (c) property which has been received by the offender either alone or jointly with any other person for or on account of any other person ;
- (d) the whole or part of the proceeds of any valuable security which has been received by the offender with a direction that the proceeds thereof should be applied to any purpose or paid to any person specified in the direction ;
- (e) the whole or part of the proceeds arising from any disposition of any property which have been received by the offender by virtue of a power of attorney for such disposition, such power of attorney having been received by the offender with a direction that such proceeds should be applied to any purpose or paid to any person specified in the direction,

the offender is liable to imprisonment for seven years.

Stealing by tenants or lodgers.

271. If the thing stolen is a fixture or chattel let to the offender to be used by him with a house or lodging, and its value exceeds five pounds, he is liable to imprisonment for three years.

Stealing after previous conviction.
16 of 28/52.

272. (1) If the offender, before committing the theft, had been convicted of a theft punishable under section 262, he is liable to imprisonment for five years.

(2) If the offender, before committing a theft under section 265, had been convicted of a theft punishable under that section, he is liable to imprisonment for seven years.

Offences allied to Stealing.

Concealing registers.

273. Any person who, with intent to defraud, conceals or takes from its place of deposit any register which is authorised or required by law to be kept for authenticating or recording the title to any property, or for recording births, baptisms, marriages, deaths, or burials, or a copy of any part of any such register which is required by law to be sent to any public office, is guilty of a felony, and is liable to imprisonment for seven years.

Concealing wills.

274. Any person who, with intent to defraud, conceals any testamentary instrument, whether the testator is

living or dead, is guilty of a felony, and is liable to imprisonment for seven years.

275. Any person who, with intent to defraud, conceals the whole or part of any document which is evidence of title to any land or estate in land is guilty of a felony, and is liable to imprisonment for three years.

Concealing deeds.

276. Any person who kills any animal capable of being stolen with intent to steal the skin or carcass, or any part of the skin or carcass, is guilty of a felony, and is liable to the same punishment as if he had stolen the animal.

Killing animals with intent to steal.

277. Any person who makes anything movable with intent to steal it is guilty of a felony, and is liable to the same punishment as if he had stolen the thing after it had become movable.

Severing with intent to steal.

278. Any person who takes, conceals, or otherwise disposes of any ore or any metal or mineral in or about a mine, with intent to defraud any person, is guilty of a felony, and is liable to imprisonment for five years.

Fraudulently dealing with minerals in mines.

279. (1) Any person who fraudulently abstracts or diverts to his own use or to the use of any other person any mechanical, illuminating, or electrical power derived from any machine, apparatus, or substance, the property of another person, is guilty of a felony, and is liable to imprisonment for five years.

Fraudulent appropriation of power and running water.

(2) Any person who fraudulently abstracts or diverts to his own use or to the use of any other person any running water, the property of another person, is guilty of a felony, and is liable to imprisonment for five years.

Criminal Trespass.

280. Any person who enters into or upon property in the possession of another with intent to commit an offence punishable by this Code, or by any Law in force within the Colony, or to intimidate, insult or annoy any person in possession of such property; or having lawfully entered into or upon such property, unlawfully remains there with intent thereby to intimidate, insult or annoy any such person, or with intent to commit an offence punishable by this Code or by any Law in force within the Colony, is guilty of a misdemeanour and is liable to imprisonment for two years.

Entering upon property of another with intent to commit an offence, etc.

Un-
authorised
cultivation.
10 of 2/37.

281. (1) Any person who ploughs, sows or otherwise cultivates—

(a) any land registered in the name of any other person ;

(b) any land in respect of which a contract for sale has been deposited in the Land Registry Office under the provisions of the Sale of Land (Specific Performance) Law, by the purchaser thereof,

Cap. 232.

without the consent of such registered owner or his heirs or purchaser of his heirs, as the case may be, is guilty of a misdemeanour and is liable to imprisonment for six months.

(2) The provisions of section 8 of this Code shall not apply in the case of any prosecution under this section unless the person charged proves to the satisfaction of the Court that he has purchased or acquired by partition, exchange, inheritance or in consideration of marriage such land from the registered owner thereof of his heirs.

Robbery and Extortion.

Definition of
robbery.

282. Any person who steals anything, and, at or immediately before or immediately after the time of stealing it, uses or threatens to use actual violence to any person or property in order to obtain or retain the thing stolen or to prevent or overcome resistance to its being stolen or retained, is guilty of the felony termed robbery.

Punishment
of robbery.

283. Any person who commits the offence of robbery is liable to imprisonment for fourteen years.

If the offender is armed with any dangerous or offensive weapon or instrument, or is in company with one or more person or persons, or if, at or immediately before or immediately after the time of the robbery, he wounds, beats, strikes, or uses any other personal violence to any person, he is liable to imprisonment for life.

11 of 2/37.
10 of 12/51.

Attempted
robbery.

284. Any person who assaults any person with intent to steal anything, and, at or immediately before or immediately after the time of the assault, uses or threatens to use actual violence to any person or property in order to obtain the thing intended to be stolen, or to prevent or overcome resistance to its being stolen, is guilty of a felony and is liable to imprisonment for seven years.

If the offender is armed with any dangerous or offensive weapon or instrument, or is in company with one or more

other person or persons, or if, at or immediately before or immediately after the time of the assault, he wounds, beats, strikes, or uses any other personal violence to any person, he is liable to imprisonment for life.

12 of 2/37.
11 of 12/51.

285. Any person who assaults any person with intent to steal anything, is guilty of a felony, and is liable to imprisonment for three years.

Assault with
intent to
steal.

286. Any person who enters upon the property of another with intent to steal, being armed with any dangerous or offensive weapon or instrument or in company with one or more person or persons, in circumstances in which it would be reasonably apprehended that in furtherance of that intent, or in order to effect or facilitate his escape, violence to any person would be used is guilty of a felony and is liable to imprisonment for five years.

Entering
upon the
property of
another
armed, with
intent to
steal.

13 of 2/37.

12 of 12/51

287. Any person who, with intent to extort or gain anything from any person, and knowing the contents of the writing, causes any person to receive any writing demanding anything from any person without reasonable or probable cause, and containing threats of any injury or detriment of any kind to be caused to any person, either by the offender or any other person, if the demand is not complied with, is guilty of a felony, and is liable to imprisonment for fourteen years.

Demanding
property by
written
threats.

288. Any person who, with intent to extort or gain anything from any person—

Attempts at
extortion by
threats.

(a) accuses or threatens to accuse any person of committing any felony or misdemeanour, or of offering or making any solicitation or threat to any person as an inducement to commit or permit the commission of any felony or misdemeanour; or

(b) threatens that any person shall be accused by any other person of any felony or misdemeanour, or of any such act; or

(c) knowing the contents of the writing, causes any person to receive any writing containing such accusation or threat as aforesaid,

is guilty of a felony, and if the accusation or threat of accusation is of—

- (i) an offence for which the punishment of death or imprisonment for life may be inflicted ; or
 - (ii) any of the offences defined in sections 144 to 177 (inclusive) or an attempt to commit any of such offences ; or
 - (iii) an assault with intent to have carnal knowledge of any person against the order of nature, or an unlawful and indecent assault upon a male person ; or
 - (iv) a solicitation or threat offered or made to any person as an inducement to commit or permit the commission of any of the offences aforesaid ;
- the offender is liable to imprisonment for fourteen years.

In any other case the offender is liable to imprisonment for three years.

It is immaterial whether the person accused or threatened to be accused has or has not committed the offence or act of which he is accused or threatened to be accused.

Procuring execution of deeds, etc., by threats.

289. Any person who, with intent to defraud, and by means of any unlawful violence to, or restraint of, the person of another, or by means of any threat of violence or restraint to be used to the person of another, or by means of accusing or threatening to accuse any person of committing any felony or misdemeanour, or by offering or making any solicitation or threat to any person as an inducement to commit or permit the commission of any offence, compels or induces any person—

- (a) to execute, make, accept, indorse, alter, or destroy the whole or any part of any valuable security ; or
- (b) to write, impress, or affix any name or seal upon or to any paper or parchment, in order that it may be afterwards made or converted into or used or dealt with as a valuable security,

is guilty of a felony, and is liable to imprisonment for fourteen years.

Demanding property with menaces with intent to steal.

290. Any person who, with intent to steal any valuable thing, demands it from any person with menaces or force, is guilty of a felony and is liable to imprisonment for five years.

Burglary, Housebreaking and similar Offences.

291. Any person who breaks any part, whether external or internal, of a building, or opens by unlocking, pulling, pushing, lifting, or any other means whatever, any door, window, shutter, cellar flap, or other thing, intended to close or cover an opening in a building, or an opening giving passage from one part of a building to another, is deemed to break the building. Definitions.

A person is deemed to enter a building as soon as any part of his body or any part of any instrument used by him is within the building.

A person who obtains entrance into a building by means of any threat or artifice used for that purpose, or by collusion with any person in the building, or who enters any chimney or other aperture of the building permanently left open for any necessary purpose, but not intended to be ordinarily used as a means of entrance, is deemed to have broken and entered the building.

292. Any person who—

(a) breaks and enters any building, tent or vessel used as a human dwelling or any building used as a place of worship with intent to commit a felony therein ; or House-breaking and burglary.

(b) having entered any building, tent or vessel used as a human dwelling or any building used as a place of worship with intent to commit a felony therein, or having committed a felony in any such building, tent or vessel, breaks out thereof,

is guilty of the felony termed housebreaking, and is liable to imprisonment for seven years.

If the offence is committed in the night, it is termed burglary and the offender is liable to imprisonment for ten years.

293. Any person who enters or is in any building, tent or vessel used as a human dwelling or any building used as a place of worship with intent to commit a felony therein is guilty of a felony, and is liable to imprisonment for five years. Entering dwelling house with intent to commit felony.

If the offence is committed in the night, the offender is liable to imprisonment for seven years.

Breaking
into building
and commit-
ting felony.

294. Any person who—

- (a) breaks and enters a schoolhouse, shop, warehouse, store, office, or counting house, or a building which is adjacent to a dwelling house and occupied with it but is not part of it, and commits a felony therein ; or
- (b) having committed a felony in a schoolhouse, shop, warehouse, store, office, or counting house, or in any such other building as last mentioned, breaks out of the building,

is guilty of a felony, and is liable to imprisonment for seven years.

Breaking
into building
with intent
to commit
felony.

295. Any person who breaks and enters a schoolhouse, shop, warehouse, store, office or counting house, or a building which is adjacent to a dwelling house and occupied with it but is not part of it, with intent to commit a felony therein, is guilty of a felony, and is liable to imprisonment for five years.

Person
found
armed,
etc., with
intent to
commit
felony.
14 of 2/37.

296. Any person who is found under any of the circumstances following, that is to say—

- (a) being armed with any dangerous or offensive weapon or instrument with intent to break or enter a dwelling house and to commit a felony therein ;
- (b) being armed as aforesaid by night with intent to break or enter any building whatever, and to commit a felony therein ;
- (c) having in his possession by night, without lawful excuse, the proof of which lies on him, any instrument of housebreaking ;
- (d) having in his possession by day any such instrument with intent to commit a felony ;
- (e) having his face masked or blackened or being otherwise disguised, with intent to commit a felony ;
- (f) being in any building whatever by night with intent to commit a felony therein ; or
- (g) being in any building whatever by day with intent to commit a felony therein, and having taken precautions to conceal his presence,

is guilty of a felony and is liable—

- (i) in the case of conviction under paragraph (a), (b), (c), (e) or (f) to imprisonment for five years ;

- (ii) in the case of a conviction under paragraph (d) or (g) to imprisonment for three years.

If the offender has been previously convicted of a felony relating to property, he is liable to imprisonment for seven years.

False Pretences.

297. Any representation made by words, writing or conduct, of a matter of fact, either past or present, which representation is false in fact, and which the person making it knows to be false or does not believe to be true, is a false pretence. Definition of false pretences.

298. Any person who by any false pretence, and with intent to defraud, obtains from any other person anything capable of being stolen, or induces any other person to deliver to any person anything capable of being stolen, is guilty of a misdemeanour, and is liable to imprisonment for three years. Obtaining goods by false pretences.

299. Any person who by any false pretence, and with intent to defraud, induces any person to execute, make, accept, indorse, alter, or destroy the whole or any part of any valuable security, or to write, impress, or affix any name or seal upon or to any paper or parchment in order that it may afterwards be made or converted into or used or dealt with as a valuable security, is guilty of a misdemeanour, and is liable to imprisonment for three years. Obtaining execution of a security by false pretences.

300. Any person who by means of any fraudulent trick or device obtains from any other person anything capable of being stolen or induces any other person to deliver to any person money or goods or any greater sum of money or greater quantity of goods than he would have paid or delivered but for such trick or device, is guilty of a misdemeanour, and is liable to imprisonment for three years. Cheating.

301. Any person who—

- (a) in incurring any debt or liability obtains credit by any false pretence or by means of any other fraud; or Obtaining credit, etc., by false pretences.
- (b) with intent to defraud his creditors or any of them makes or causes to be made any gift, delivery, or transfer of or any charge of his property; or

15 of 2/37.

- (c) with intent to defraud his creditors, conceals or removes any part of his property since or within two months before the date of any unsatisfied judgment or order for payment of money obtained against him,

is guilty of a misdemeanour and is liable to imprisonment for one year.

Conspiracy to defraud.

302. Any person who conspires with another by deceit or any fraudulent means to affect the market price of anything publicly sold, or to defraud the public, or any person, whether a particular person or not, or to extort any property from any person, is guilty of a misdemeanour, and is liable to imprisonment for three years.

Fraud on sale or mortgage of property.

303. Any person who, being a seller or mortgagor of any property, or being the advocate or agent of any such seller or mortgagor, with intent to induce the purchaser or mortgagee to accept the title offered or produced to him, and with intent to defraud—

- (a) conceals from the purchaser or mortgagee any instrument material to the title, or any incumbrance ; or
- (b) falsifies any pedigree on which the title depends or may depend ; or
- (c) makes any false statement as to the title offered or conceals any fact material thereto,

is guilty of a misdemeanour, and is liable to imprisonment for two years.

Pretending to exercise witchcraft or tell fortunes.

304. Any person who for gain or reward pretends to exercise or use any kind of witchcraft, sorcery, enchantment, or conjuration, or undertakes to tell fortunes, or pretends from his skill or knowledge in any occult science to discover where or in what manner anything supposed to have been stolen or lost may be found, is guilty of a misdemeanour, and is liable to imprisonment for one year.

Obtaining registration, etc., by false pretence.

305. Any person who wilfully procures or attempts to procure for himself or any other person any registration, licence or certificate under any Law or regulations by any false pretence, is guilty of a misdemeanour and is liable to imprisonment for one year.

Receivers.

306. Any person who receives or retains any property, knowing the same to have been stolen or obtained in any way whatsoever under circumstances which amount to felony or misdemeanour, is guilty of an offence of the like degree (whether felony or misdemeanour) and is liable—

Receiving.
etc.
17 of 28/52.

(a) in the case of felony, to imprisonment for five years ;

(b) in the case of misdemeanour, to imprisonment for two years.

307. Repealed by 17 of 28/52 and printed by mistake.

308. When a thing has been obtained by means of any act constituting a felony or misdemeanour, or by means of an act done at a place not in the Colony which, if it had been done in the Colony, would have constituted an offence, and which is an offence under the laws in force in the place where it was done, and another person has acquired a lawful title to it, a subsequent receiving of the thing is not an offence, although the receiver knows the thing had previously been so obtained.

Receiving
after change
of ownership.

309. Any person who has in his possession any chattel, money, valuable security or other property whatsoever, which is reasonably suspected of being stolen property, is, unless he establishes to the satisfaction of a Court that he acquired the possession of it lawfully, guilty of a misdemeanour and is liable to imprisonment for six months.

Unlawful
possession of
property.
2 of 9/31.

*Frauds by Trustees and Persons in a Position of Trust,
and False Accounting.*

310. Any person who, being a trustee of any property, destroys the property with intent to defraud, or, with intent to defraud, converts the property to any use not authorised by the trust, is guilty of a felony, and is liable to imprisonment for seven years.

Trustees
fraudulently
disposing of
trust
property.

For the purposes of this section the term "trustee" includes the following persons and no others, that is to say—

- (a) trustees upon express trusts created by a deed, will, or instrument in writing, whether for a public or private or charitable purpose ;
- (b) trustees appointed by or under the authority of a law for any such purpose ;
- (c) person upon whom the duties of any such trust as aforesaid devolve ;
- (d) executors and administrators.

311. Any person who—

Directors and officers of corporations or companies fraudulently appropriating property, or keeping fraudulent accounts or falsifying books or accounts.

- (a) being a director or officer of a corporation or company, receives or possesses himself as such of any of the property of the corporation or company otherwise than in payment of a just debt or demand, and, with intent to defraud, omits either to make a full and true entry thereof in the books and accounts of the corporation or company, or to cause or direct such an entry to be made therein ; or
- (b) being a director, officer, or member of a corporation or company, does any of the following acts with intent to defraud, that is to say—
 - (i) destroys, alters, mutilates, or falsifies any book, document, valuable security, or account, which belongs to the corporation or company, or any entry in any such book, document or account, or is privy to any such act ; or
 - (ii) makes or is privy to making any false entry in any such book, document or account ; or
 - (iii) omits or is privy to omitting any material particular from any such book, document or account,

is guilty of a felony, and is liable to imprisonment for seven years.

312. Any person who, being a promoter, director, officer or auditor of a corporation or company, either existing or intended to be formed, makes, circulates or publishes, or concurs in making, circulating or publishing any written statement or account which, in any material particular, is to his knowledge false, with intent thereby to effect any of the purposes following, that is to say—

False
statements
by officials
of
companies.

- (a) to deceive or to defraud any member, shareholder or creditor of the corporation or company, whether a particular person or not ;
- (b) to induce any person, whether a particular person or not to become a member of or to entrust or advance any property to the corporation or company, or to enter into any security for the benefit thereof,

is guilty of a felony, and is liable to imprisonment for seven years.

313. Any person who, being a clerk or servant, or being employed or acting in the capacity of a clerk or servant does any of the acts following with intent to defraud, that is to say—

Fraudulent
false
accounting.

- (a) destroys, alters, mutilates or falsifies any book, document, valuable security or account which belongs to or is in the possession of his employer, or has been received by him on account of his employer, or any entry in any such book, document or account, or is privy to any such act ; or
 - (b) makes, or is privy to making, any false entry in any book, document or account ; or
 - (c) omits or is privy to omitting any material particular from any such book, document or account,
- is guilty of a felony, and is liable to imprisonment for seven years.

314. Any person who, being an officer charged with the receipt, custody or management of any part of the public revenue or property, knowingly furnishes any false statement or return of any money or property received by him or entrusted to his care, or of any balance of money or property in his possession or under his control, is guilty of a misdemeanour, and is liable to imprisonment for three years.

False
accounting
by public
officers.

PART VII.

MALICIOUS INJURIES TO PROPERTY.

Offences causing Injury to Property.

Arson.

315. Any person who wilfully and unlawfully sets fire to—

(a) any building or structure whatever, whether completed or not ; or

(b) any vessel, whether completed or not ; or

17 of 2/37.

(c) any stack of corn, grain, hay, straw or of cultivated vegetable produce, or of mineral or vegetable fuel ; or

(d) a mine, or the workings, fittings or appliances of a mine,

is guilty of a felony, and is liable to imprisonment for life.

Attempts to
commit
arson.

316. Any person who—

(a) attempts unlawfully to set fire to any such thing as is mentioned in the last preceding section ; or

(b) wilfully and unlawfully sets fire to anything which is so situated that any such thing as is mentioned in the last preceding section is likely to catch fire from it,

is guilty of a felony, and is liable to imprisonment for fourteen years.

Setting fire
to crops and
growing
plants.

317. Any person who wilfully and unlawfully sets fire to—

(a) a crop of corn, grain or of cultivated vegetable produce, whether standing or cut ; or

18 of 2/37.

(b) a crop of hay or grass under cultivation, whether the natural or indigenous product of the soil or not, and whether standing or cut ; or

(c) any standing trees, saplings or shrubs, whether indigenous or not, under cultivation ; or

(d) any forest being the property of or under the protection control or management of the Government,

is guilty of a felony, and is liable to imprisonment for fourteen years.

318. Any person who—

Attempting
to set fire to
crops, etc.

(a) attempts unlawfully to set fire to any such thing as is mentioned in the last preceding section ;
or

(b) wilfully and unlawfully sets fire to anything which is so situated that any such thing as is mentioned in the last preceding section is likely to catch fire from it,

is guilty of a felony, and is liable to imprisonment for seven years.

319. Any person who wilfully and unlawfully sets fire to any matter or thing being in, against or under any building, whether such building be set on fire or not, is guilty of a felony and is liable to imprisonment for fourteen years.

Setting fire
to goods in
buildings.

320. Any person who attempts unlawfully to set fire to any such matter or thing as is mentioned in the last preceding section is guilty of a felony, and is liable to imprisonment for seven years.

Attempting
to set fire to
goods in
buildings.

321. Any person who—

Casting
away ships.

(a) wilfully and unlawfully casts away or destroys any vessel, whether complete or not ; or

(b) wilfully or unlawfully does any act which tends to the immediate loss or destruction of a vessel in distress ; or

(c) with intent to bring a vessel into danger, interferes with any light, beacon, buoy, mark or signal, used for purposes of navigation, or exhibits any false light or signal,

is guilty of a felony, and is liable to imprisonment for life.

322. Any person who attempts unlawfully to cast away or destroy a vessel, whether completed or not, or attempts unlawfully to do any act tending to the immediate loss or destruction of a vessel in distress, is guilty of a felony, and is liable to imprisonment for fourteen years.

Attempts to
cast away
ships.

323. A person who wilfully and unlawfully kills, maims or wounds any animal capable of being stolen is guilty of an offence.

Injuring
animals.

If the animal in question is a horse, mare, gelding, ass, mule, camel, bull, cow, ox, goat, pig, ram, ewe, wether, or the young of any such animal, the offender is guilty of a felony, and is liable to imprisonment for seven years.

In any other case the offender is guilty of a misdemeanour, and is liable to imprisonment for two years.

Punishment
for malicious
injuries in
general.

324. (1) Any person who wilfully and unlawfully destroys or damages any property is guilty of an offence, which, unless otherwise stated, is a misdemeanour, and he is liable, if no other punishment is provided, to imprisonment for three years, or to a fine not exceeding one hundred pounds, or to both.

Special cases.

(2) If the property in question is a threshing floor, agricultural machine, well or bore for water, or the dam, bank, wall, or floodgate of a mill-pond or pool, or any standing, growing, or cut crop of cultivated vegetable produce, or any standing trees, saplings or shrubs, under cultivation, or any bridge, viaduct, aqueduct or reservoir, the offender is guilty of a felony, and is liable to imprisonment for seven years.

(3) If the property in question is a dwelling house or a vessel, and the injury is caused by the explosion of any explosive substance, and if—

(a) any person is in the dwelling house or vessel; or

(b) the destruction or damage actually endangers the life of any person,

the offender is guilty of a felony, and is liable to imprisonment for life.

Wills and
registers.

(4) If the property in question is a testamentary instrument, whether the testator is living or dead, or a register which is authorised or required by law to be kept for authenticating or recording the title to any property, or for recording births, baptisms, marriages, deaths or burials, or a copy of any part of any such register which is required by law to be sent to any public officer, the offender is guilty of a felony, and is liable to imprisonment for fourteen years.

Wrecks.

(5) If the property in question is a vessel in distress or wrecked, or stranded, or anything which belongs to such vessel, the offender is guilty of a felony, and is liable to imprisonment for seven years.

Railways

(6) If the property in question is any part of a railway, or any work connected with a railway, the offender is

guilty of a felony, and is liable to imprisonment for fourteen years.

(7) If the property in question is a document which is deposited or kept in a public office, or which is evidence of title to any land or estate in land, the offender is guilty of a felony and is liable to imprisonment for seven years.

Deeds and records.

325. Any person who, unlawfully and with intent to destroy or damage any property, puts any explosive substance in any place whatever, is guilty of a felony, and is liable to imprisonment for fourteen years.

Attempts to destroy property by explosives.

326. Any person who wilfully and unlawfully causes, or is concerned in causing, or attempts to cause, any infectious disease to be communicated to or among any animal or animals capable of being stolen, is guilty of a felony, and is liable to imprisonment for seven years.

Communicating infectious diseases to animals.

327. Any person who wilfully and unlawfully, and with intent to defraud, removes or defaces any object or mark which has been lawfully erected or made as an indication of the boundary of any land is guilty of a felony, and is liable to imprisonment for three years.

Removing boundary marks with intent to defraud.

328. Any person who—

(a) wilfully removes, defaces or injures any survey mark or boundary mark which shall have been made or erected by or under the direction of any Government Department or in the course of or for the purposes of a Government survey ; or

Wilful damage, etc., to survey and boundary marks.

(b) being under an obligation to maintain in repair any boundary mark made or erected as aforesaid, neglects or refuses to repair the same ; or

2 of 9/31.

(c) wilfully removes, defaces or injures any mark erected by an intending applicant for any lease licence or right under any Law relating to mines or minerals,

is guilty of a misdemeanour, and is liable to imprisonment for three months, and may further be ordered by the Court to pay the cost of repairing or replacing the survey mark or boundary mark and of making any survey rendered necessary by the offender's act or neglect.

Penalties for
damage, etc.,
to railway
works.

329. Any person who—

- (a) wilfully damages, injures or obstructs, any work, way, road, building, turnstile, gate, toll bar, fence, weighing machine, engine, tender, carriage, wagon, truck, material or plant, acquired for or belonging to any railway works ; or
- (b) pulls up, removes, defaces or destroys, or in any way interferes with, any poles, stakes, flags, pegs, lines, marks, or anything driven or placed in or upon the ground, trees, stones or buildings, or any other material, belonging to any railway works ; or
- (c) commits any nuisance or trespass in or upon any land, buildings or premises, acquired for or belonging to any railway works ; or
- (d) wilfully molests, hinders or obstructs, the officer in charge of any railway or his assistants or workmen in the execution of any work done or to be done in reference to the construction or maintenance of any such railway,

2 of 9/31.

is guilty of a misdemeanour, and is liable to imprisonment for three months.

Threats to
burn, etc.

330. Any person who, knowing the contents thereof, sends, delivers, utters, or directly or indirectly causes to be received, any letter or writing threatening to burn or destroy any house, barn or other buildings, or any rick or stack of grain, hay or straw, or other agricultural produce, whether in or under any building or not, or any ship or vessel, or to kill, maim or wound any cattle, is guilty of a felony and is liable to imprisonment for ten years.

PART VIII.

FORGERY, COINING, COUNTERFEITING, SIMILAR OFFENCES
AND PERSONATION.

Definitions.

Definition of
forgery.

331. Forgery is the making of a false document with intent to defraud.

Document.

332. The term document in this Part does not include a trade mark or any other sign used in connection with

articles of commerce, though they may be written or printed.

333. Any person makes a false document who—

Making a
false
document.

(a) makes a document purporting to be what in fact it is not ;

(b) alters a document without authority in such a manner that if the alteration had been authorised it would have altered the effect of the document ;

(c) introduces into a document without authority whilst it is being drawn up matter which if it had been authorised would have altered the effect of the document ;

(d) signs a document—

(i) in the name of any person without his authority whether such name is or is not the same as that of the person signing ;

(ii) in the name of any fictitious person alleged to exist whether the fictitious person is or is not alleged to be of the same name as the person signing ;

(iii) in the name represented as being the name of a different person from that of the person signing it and intended to be mistaken for the name of that person ;

(iv) in the name of a person personated by the person signing the document provided that the effect of the instrument depends upon the identity between the person signing the document and the person whom he professes to be.

334. An intent to defraud is presumed to exist if it appears that at the time when the false document was made there was in existence a specific person ascertained or unascertained capable of being defrauded thereby and this presumption is not rebutted by proof that the offender took or intended to take measures to prevent such person from being defrauded in fact ; nor by the fact that he had or thought he had a right to the thing to be obtained by the false document.

Intent to
defraud.

Punishment for Forgery.

General
punishment
for forgery.

335. Any person who forges any document is guilty of an offence which, unless otherwise stated, is a felony and he is liable, unless, owing to the circumstances of the forgery or the nature of the thing forged, some other punishment is provided, to imprisonment for three years.

Imprison-
ment for
life.

336. Any person who forges any will, document of title to land, judicial record, power of attorney, banknote, bill of exchange, promissory note or other negotiable instrument, policy of insurance, cheque or other authority for the payment of money by a person carrying on business as a banker, shall be liable to imprisonment for life.

Imprison-
ment for
ten years.

337. Any person who forges any judicial or official document shall be liable to imprisonment for ten years.

Imprison-
ment for
seven years.

338. Any person who—

- (a) forges any stamp, whether impressed or adhesive, used for the purposes of revenue by any Government ; or
- (b) without lawful excuse (the proof whereof shall lie upon him) makes or has knowingly in his possession any die or instrument capable of making the impression of any such stamp ; or
- (c) fraudulently cuts, tears in any way, or removes from any material any stamp used for purposes of revenue by the Government of the Colony with intent that another use shall be made of such stamp or any part thereof ; or
- (d) fraudulently mutilates any such stamp as last aforesaid with intent that another use shall be made of such stamp ; or
- (e) fraudulently fixes or places upon any material or upon any such stamp as last aforesaid any stamp or part of a stamp which whether fraudulently or not has been cut, torn, or in any way removed from any other material or out of or from any other stamp ; or
- (f) fraudulently erases or otherwise either really or apparently removes from any stamped material any name, sum, date or other matter or thing whatsoever written thereon with the intent

that another use shall be made of the stamp upon such material ; or

- (g) knowingly and without lawful excuse (the proof whereof shall lie upon him) has in his possession any stamp or part of a stamp which has been fraudulently cut, torn, or otherwise removed from any material, or any stamp which has been fraudulently mutilated or any stamped material out of which any name, sum, date, or other matter or thing has been fraudulently erased or otherwise really or apparently removed,

shall be liable to imprisonment for seven years.

339. Any person who knowingly and fraudulently utters a false document is guilty of an offence of the same kind, and is liable to the same punishment as if he had forged the thing in question.

Uttering false documents.

340. Any person who knowingly utters as and for a subsisting and effectual document, any document which has by any lawful authority been ordered to be revoked, cancelled or suspended, or the operation of which has ceased by effluxion of time, or by death, or by the happening of any other event, is guilty of an offence of the same kind and is liable to the same punishment as if he had forged the document.

Uttering cancelled or exhausted documents.

341. Any person who, by means of any false and fraudulent representations as to the nature, contents or operation of a document, procures another to sign or execute the document is guilty, of an offence of the same kind and is liable to the same punishment as if he has forged the document.

Procuring execution of documents by false pretences.

342. Any person who, with intent to defraud—

- (a) obliterates, adds to or alters the crossing on a cheque ; or
- (b) knowingly utters a crossed cheque the crossing on which has been obliterated, added to or altered,

Obliterating crossings on cheques.

is guilty of a felony, and is liable to imprisonment for seven years.

Making documents without authority.

343. Any person who, with intent to defraud—

(a) without lawful authority or excuse, makes, signs or executes for or in the name or on account of another person, whether by procuration or otherwise, any document or writing; or

(b) knowingly utters any document or writing so made, signed or executed, by another person, is guilty of a felony, and is liable to imprisonment for seven years.

Demanding property upon forged testamentary instruments.

344. Any person who procures the delivery or payment to himself or any other person of any property or money by virtue of any probate or letters of administration granted upon a forged testamentary instrument, knowing the testamentary instrument to have been forged, or upon or by virtue of any probate or letters of administration obtained by false evidence, knowing the grant to have been so obtained, is guilty of an offence of the same kind and is liable to the same punishment as if he had forged the document or thing by virtue whereof he procures the delivery or payment.

Purchasing forged bank notes.

345. Any person who, without lawful authority or excuse, the proof of which lies on him, purchases or receives from any person, or has in his possession a forged banknote, whether filled up or in blank, knowing it to be forged, is guilty of a felony, and is liable to imprisonment for seven years.

Falsifying warrants for money payable under public authority.

346. Any person who, being employed in the public service, knowingly and with intent to defraud, makes out or delivers to any person a warrant for the payment of any money payable by public authority, for a greater or less amount than that to which the person on whose behalf the warrant is made out is entitled, is guilty of a felony, and is liable to imprisonment for seven years.

Falsification of register.

347. Any person who, having the actual custody of any register or record kept by lawful authority, knowingly permits any entry which, in any material particular, is to his knowledge false, to be made in the register or record, is guilty of a felony, and is liable to imprisonment for seven years.

Offences relating to Coin.

348. In sections 348 to 356 (inclusive)—

Definition.

the term "current" applied to coin means lawfully used as money within the Colony ;

the term "counterfeit" means coin not genuine but resembling or apparently intended to resemble or pass for genuine coin ; and includes genuine coin prepared or altered so as to pass for a coin of a higher denomination.

349. Any person who makes or begins to make any counterfeit coin is guilty of a felony.

Counter-
feiting coin.

If the offence is committed with respect to current coin, he is liable to imprisonment for life.

If the offence is committed with respect to coin of a foreign Sovereign or State, he is liable to imprisonment for seven years.

350. Any person who—

Preparations
for coining.

(a) gilds or silvers any piece of metal of a fit size or figure to be coined, with intent that it shall be coined into counterfeit gold or silver coin ; or

(b) makes any piece of metal into a fit size or figure to facilitate the coining from it of any counterfeit coin, with intent that such counterfeit coin shall be made from it ; or

(c) without lawful authority or excuse (the proof of which lies on him)—

(i) buys, sells, receives, pays or disposes of any counterfeit coin at a lower rate than it imports or is apparently intended to import, or offers to do any such thing ; or

(ii) brings or receives into the Colony any counterfeit coin, knowing it to be counterfeit ; or

(iii) makes or mends, or begins or prepares to make or mend, or has in his possession, or disposes of, any stamp or mould which is adapted to make the resemblance of both or either of the sides of any coin, or any part of either side thereof, knowing the same to be such a stamp or mould or to be so adapted ; or

(iv) makes or mends, or begins or prepares

to make or mend, or has in his possession, or disposes of, any tool, instrument or machine, which is adapted and intended to be used for marking coin round the edges with marks or figures apparently resembling those on the edges of any coin, knowing the same to be so adapted and intended ; or

(v) makes or mends, or begins or prepares to make or mend, or has in his possession, or disposes of, any press for coinage, or any tool, instrument or machine which is adapted for cutting round blanks out of gold, silver or other metal, knowing such press, tool, instrument or machine to have been used or to be intended to be used for making any counterfeit coin,

is guilty of a felony.

If the offence is committed with respect to current coin, he is liable to imprisonment for life.

If the offence is committed with respect to coin of a foreign Sovereign or State, he is liable to imprisonment for seven years.

Clipping.

351. Any person who deals with any current gold or silver coin in such a manner as to diminish its weight with intent that when so dealt with it may pass as current gold or silver coin is guilty of a felony, and is liable to imprisonment for seven years.

Possession of clippings.

352. Any person who unlawfully has in his possession, or disposes of any filings or clippings of gold or silver, or any gold or silver in bullion, dust, solution, or any other state, obtained by dealing with current gold or silver coin in such a manner as to diminish its weight, knowing the same to have been so obtained, is guilty of a felony, and is liable to imprisonment for a term not exceeding seven years.

Uttering counterfeit coin.

353. Any person who utters any counterfeit coin, knowing it to be counterfeit, is guilty of a misdemeanour.

If the offence is committed with respect to current coin, he is liable to imprisonment for two years.

If the offence is committed with respect to coin of a foreign Sovereign or State, he is liable to imprisonment for one year.

354. Any person who—

Repeated
uttering.

(a) utters any counterfeit current coin, knowing it to be counterfeit, and at the time of such uttering has in his possession any other counterfeit current coin ; or

(b) utters any counterfeit current coin, knowing it to be counterfeit, and either on the same day or on any of the ten days next ensuing, utters any other counterfeit current coin knowing it to be counterfeit ; or

(c) has in his possession three or more pieces of counterfeit current coin, knowing them to be counterfeit, and with intent to utter any of them,

is guilty of a felony, and is liable to imprisonment for three years.

355. Any person who, with intent to defraud, utters as and for current coin—

Uttering
foreign coin
or metal as
current coin.

(a) any coin which is not current coin ; or

(b) any metal or piece of metal, whether a coin or not which is of less value than the current coin as and for which it is uttered,

is guilty of a misdemeanour, and is liable to imprisonment for one year.

356. Any person who, without lawful authority or excuse, the proof of which lies on him, exports or puts on board of a vessel or vehicle of any kind for the purpose of being exported from the Colony any counterfeit coin whatever, knowing it to be counterfeit, is guilty of a felony and is liable to imprisonment for life.

Exporting
counterfeit
coin.

19 of 2/37.

Counterfeit Stamps.

357. Any person who without lawful authority or excuse, the proof of which lies on him—

Possession of
die used for
purpose of
making
stamps.

(a) makes or mends, or begins or prepares to make or mend or use, or knowingly has in his possession, or disposes of, any die, plate or instrument, capable of making an impression resembling that made by any die, plate or instrument, used for the purpose of making any stamp, whether impressed or adhesive, which is used for the purposes of the public

revenue or of the Posts or Telegraphs Department in the Colony or in any part of Her Majesty's dominions, or in any country under the protection or mandate of Her Majesty, or in any foreign country, or capable of producing in or on paper any words, figures, letters, marks or lines, resembling any words, figures, letters, marks or lines used in or on any paper specially provided by the proper authority for any such purpose ; or

- (b) knowingly has in his possession or disposes of any paper or other material which has on it the impression of any such die, plate or instrument, or any paper which has on it or in it any such words, figures, letters, marks or lines as aforesaid,

is guilty of a felony, and is liable to imprisonment for seven years.

Paper and dies for postage stamps.

358. Any person who, without lawful authority or excuse, the proof of which lies on him—

- (a) makes or begins or prepares to make, or uses for any postal purpose, or has in his possession, or disposes of any imitation or representation on paper or any other material, of any stamp used for denoting any rate of postage of the Colony, or of any part of Her Majesty's dominions, or of any country under the protection or mandate of Her Majesty, or of any foreign country ; or
- (b) makes or mends, or begins or prepares to make or mend, or uses, or has in his possession or disposes of, any die, plate, instrument or material, for making such imitation or representation,

is guilty of a misdemeanour, and is liable to imprisonment for one year, or to a fine of fifty pounds. And any stamps, and any other such things as aforesaid, which are found in his possession, are forfeited to Her Majesty.

For the purpose of this section a stamp purporting to denote a rate of postage of any country is to be taken to be a stamp used for postal purposes in that country until the contrary is shown.

359. Any person who, without lawful authority or excuse, the proof of which lies on him—

Possession of plate or instrument used for purpose of making seals.

(a) makes or mends, or begins or prepares to make or mend, or uses, or knowingly has in his possession or disposes of any plate or instrument, capable of making an impression resembling that made by any plate or instrument used for the purpose of making any seal, whether impressed or adhesive, which is used for the purposes of the public service, or by a mukhtar for the time being of any village, a Municipal authority, a certifying officer, or by any person duly appointed by law to use a seal, or which is capable of producing in or on paper any words, figures, letters, marks or lines resembling any words, figures, letters, marks or lines used in or on any paper specially provided by the proper authority for any such purpose ; or

(b) knowingly has in his possession or disposes of any paper or other material which has on it the impression of any such plate or instrument, or any paper which has on it or in it any such words, figures, letters, marks or lines as aforesaid,

is guilty of a misdemeanour, and is liable to imprisonment for one year, or to a fine of fifty pounds.

Personation.

360. Any person who, with intent to defraud any person, falsely represents himself to be some other person, living or dead, is guilty of a misdemeanour.

Personation in general.

If the representation is that the offender is a person entitled by will or operation of law to any specific property and he commits the offence to obtain such property or possession thereof, he is liable to imprisonment for seven years.

361. Any person who, without lawful authority or excuse (the proof of which lies on him), makes, in the name of any other person, before any Court or person lawfully authorised to take such an acknowledgment, an acknowledgment of liability of any kind, or an acknowledgment of a deed or other instrument, is guilty of a misdemeanour.

Falsely acknowledging deeds, recognisances, etc.

Personation
of a person
named in a
certificate.

362. Any person who utters any document which has been issued by lawful authority, to another person, and whereby that other person is certified to be a person possessed of any qualification recognised by law for any purpose, or to be the holder of any office, or to be entitled to exercise any profession, trade or business, or to be entitled to any right or privilege, or to enjoy any rank or status, and falsely represents himself to be the person named in the document, is guilty of an offence of the same kind and is liable to the same punishment as if he had forged the document.

Lending, etc.
certificate
for
personation.

363. Any person who, being a person to whom any document has been issued by lawful authority whereby he is certified to be a person possessed of any qualification recognised by law for any purpose, or to be the holder of any office, or to be entitled to exercise any profession, trade or business, or to be entitled to any right, or privilege, or to enjoy any rank or status, sells, gives or lends the document to another person with intent, that that other may represent himself to be the person named therein, is guilty of a misdemeanour.

Personation
of person
named in a
testimonial
of character.

364. Any person who, with the purpose of obtaining any employment, utters any document of the nature of a testimonial of character given to another person, is guilty of a misdemeanour and is liable to imprisonment for one year.

Lending, etc.
testimonial
for personation.

365. Any person who, being a person to whom any such document as is mentioned in the preceding section has been given, gives, sells or lends such document to another person with the intent that that other person may utter such document for the purpose of obtaining any employment, is guilty of a misdemeanour.

PART IX.

ATTEMPTS AND CONSPIRACIES TO COMMIT CRIMES.

Attempts.

Attempt
defined.

366. When a person, intending to commit an offence, begins to put his intention into execution by means adapted to its fulfilment, and manifests his intention by some overt act, but does not fulfil his intention to such an extent as to commit the offence, he is deemed to attempt to commit the offence.

It is immaterial, except so far as regards punishment, whether the offender does all that is necessary on his part for completing the commission of the offence, or whether the complete fulfilment of his intention is prevented by circumstances independent of his will, or whether he desists of his own motion from further prosecution of his intention.

It is immaterial that by reason of circumstances not known to the offender it is impossible in fact to commit the offence.

367. Any person who attempts to commit a felony or misdemeanour is guilty of an offence which, unless otherwise stated, is a misdemeanour. Attempt to commit offences.

368. Any person who attempts to commit a felony of such a kind that a person convicted of it is liable to the punishment of death or imprisonment for a term of ten years or upwards, with or without other punishment, is guilty of a felony, and is liable, if no other punishment is provided, to imprisonment for seven years. Punishment of attempts to commit certain felonies.

369. Every person who, knowing that a person designs to commit or is committing a felony, fails to use all reasonable means to prevent the commission or completion thereof, is guilty of a misdemeanour. Neglect to prevent felony.

370. Any person who incites or attempts to induce another person to commit an offence whether such other person consents to commit the offence or not is guilty— Incitement to commit an offence.
8 of 35/33.

(a) of a felony, if the offence in question is a felony, and such person is liable, if no other punishment is provided, to imprisonment for seven years or if the greatest punishment to which a person convicted of such felony is liable is less than imprisonment for seven years, then to such lesser punishment ;

(b) of a misdemeanour if the offence in question is a misdemeanour and such person is liable, if no other punishment is provided, to imprisonment for two years or if the greatest punishment to which a person convicted of such misdemeanour is liable is less than imprisonment for two years, then to such lesser punishment.

Conspiracies.

Conspiracy
to commit
felony.

371. Any person who conspires with another to commit any felony, or to do any act in any part of the world which if done in the Colony would be a felony, and which is an offence under the laws in force in the place where it is proposed to be done, is guilty of a felony, and is liable, if no other punishment is provided, to imprisonment for seven years, or, if the greatest punishment to which a person convicted of the felony in question is liable is less than imprisonment for seven years, then to such lesser punishment.

Conspiracy
to commit
mis-
demeanour.

372. Any person who conspires with another to commit a misdemeanour, or to do any act in any part of the world which if done in the Colony would be a misdemeanour, and which is an offence under the laws in force in the place where it is proposed to be done, is guilty of a misdemeanour.

Other con-
spiracies.

373. Any person who conspires with another to effect any of the purposes following, that is to say :—

- (a) to prevent or defeat the execution or enforcement of any law, statute or order in council ; or
- (b) to cause any injury to the person or reputation of any person, or to depreciate the value of any property of any person ; or
- (c) to prevent or obstruct the free and lawful disposition of any property by the owner thereof for its fair value ; or
- (d) to injure any person in his trade or profession ; or
- (e) to prevent or obstruct, by means of any act or acts which if done by any individual person would constitute an offence on his part, the free and lawful exercise by any person of his trade, profession or occupation ; or
- (f) to effect any lawful purpose by any unlawful means, is guilty of a misdemeanour.

PART X.

MINOR OFFENCES.

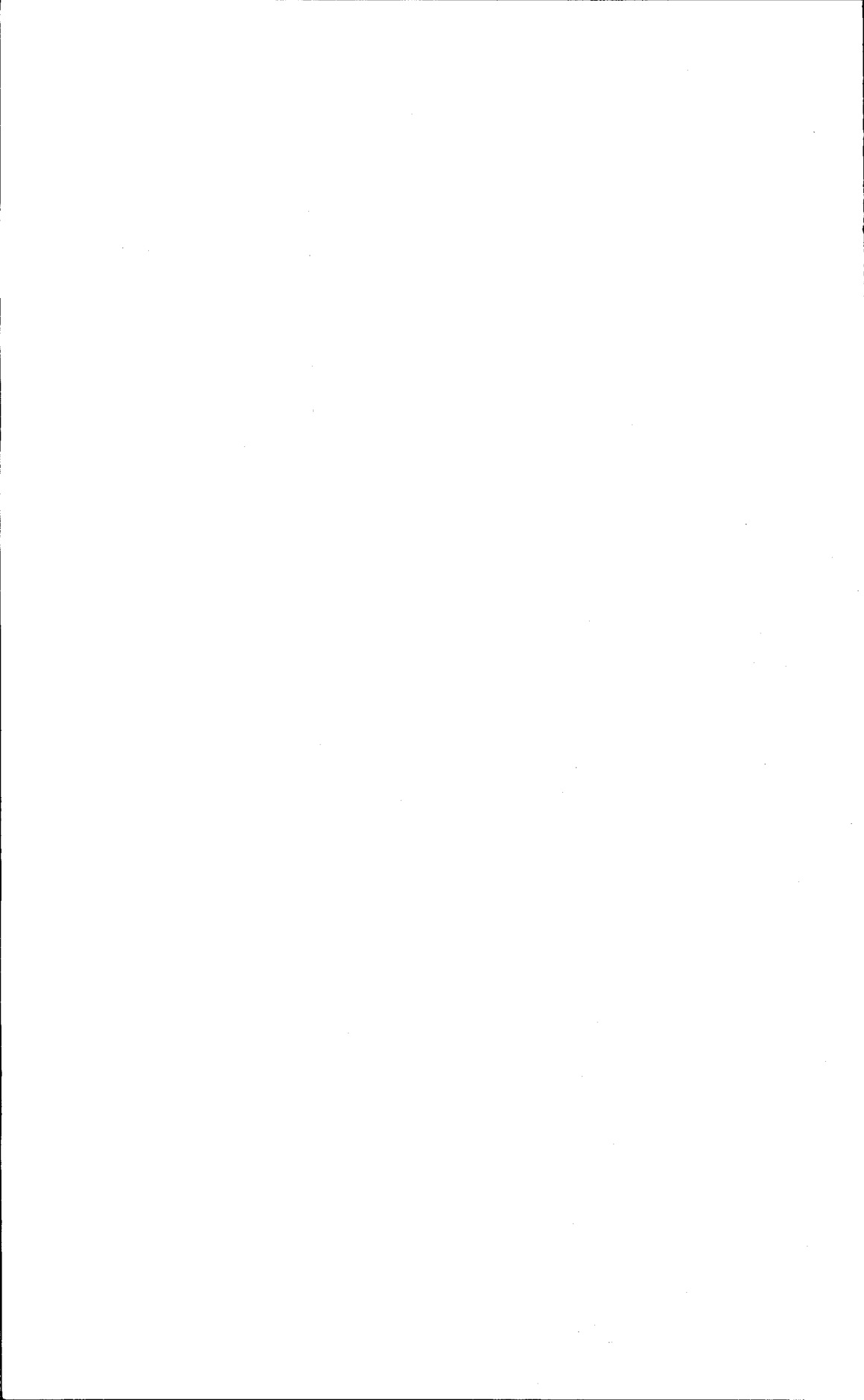
Various
offences

374. Any person who wilfully—

- (a) obstructs free passage on any public thoroughfare or public place by placing thereon any materials or other things ;

- (b) places or leaves on any public thoroughfare or public place any sweepings or refuse causing or calculated to cause offensive smells ;
- (c) fails to place a lantern or light at night upon any heap of earth, stones or other materials, or channel or drain or other excavation in the exercise of any repairs lawfully made upon a public thoroughfare or public place ;
- (d) throws any refuse or other things upon a public thoroughfare or public place in such a manner as to cause injury or annoyance to any passers-by ;
- (e) neglects or fails to repair or pull down any building or structure of any kind which is in a ruinous or dangerous state when ordered in writing so to do by the Commissioner of the District ;
- (f) neglects or fails to clean or repair any furnace or chimney of any workshop or factory where fire is used ;
- (g) lets off any fireworks in any public thoroughfare or public place in a manner calculated to cause injury or annoyance to any person ;
- (h) discharges any firearm within the limits of any town, village or other inhabited place ;
- (i) refuses to take coin or notes current in the Colony at their face value,

is guilty of a misdemeanour and is liable to a fine not exceeding five pounds.



INDEX.

	Section	Page
abduction		
defined	247	80
in order to murder	249	80
to subject person to grievous hurt	251	81
of children under fourteen years with	185	63
intent to steal from its person	253	81
of females	148	52
girls under sixteen	149	53
with intent to confine	250	81
wrongful concealing or keeping in confinement person		
abducted	252	82
abortion		
attempt to procure	167	59
by woman with child	168	59
supplying drugs or instruments to procure	169	59
abuse of office		
by public officers	105	43
for purposes of gain	105	43
prosecution with consent of Attorney-General	106	43
accessories		
after the fact		
defined	23	18
to felonies, punishment of	24	18
misdemeanours, punishment of	25	18
treason	38(a)	23
wife not becoming, by assisting husband	23	18
before the fact		
defined	20	17
to desertion of soldiers or policemen	44	24
mutiny of soldiers or policemen	43	24
by counselling—commission of offence	20(d) & 22	17
accounts		
falsification of, by clerks, etc.	313	97
by directors and officers of companies	311, 312	96, 97
by public officers	314	97
acts		
dangerous, duty of persons doing,	224	75
intended to cause grievous harm	228	76
negligent, causing harm	237	79
reckless and negligent	236	78
advertisement		
for stolen property	125	48
affirmation (<i>see</i> Oaths)		
included in oath	4	11
affray	89	39
age		
belief reasonable of, of female, when a defence	154, 161	53, 56
knowledge of, of female, when immaterial	170	59
or consent of women in sexual offences	153, 154	53
of criminal responsibility	14	15
agent		
factor or, dealing with entrusted goods	256	82
funds etc., received by, for sale, etc.	257	82
publication by, of seditious or defamatory matter	49	26
stealing by	270	85
air		
fouling	192	66

	Section	Page
ammunition		
definition of	92	40
possession of, with intent to injure	92	40
amplifier		
use of, near or on public place	187	64
animals		
communicating infectious diseases to		
injuring	326	101
killing with intent to steal,	323	99
omission to take precautions against		
stealing of	276	87
stealing of	236(d)	78
stealing of	265	84
annoyance		
to the public, common nuisance	186	63
appeal		
by woman alleging pregnancy before sentence of death ..	27(b)	19
apprentice		
endangering life of, by master	{ 184	63
	223	75
armed		
entering upon property, with intent to steal		
force against government, use of	286	89
robbery	41	24
attempted	283	88
attempted	284	88
arms		
carrying, in robbery	283, 284	88
to terrorise	80	37
forfeiture of	80	37
arrest		
acts intended to prevent	228	76
assault to resist	244(a)	79
without warrant	60	31
of members of unlawful association, etc.		
person carrying firearms, etc. while drunk ..	60	31
person carrying firearms, etc. while drunk ..	94(2)	40
arson		
attempts, to commit	316	98
set fire to crops, etc.	318	99
goods in buildings	320	99
of buildings, vessels, etc.	315	98
crops and growing plants	317	98
goods in buildings	319	99
mines	315(d)	98
asportation		
in larceny	255(2) & (3)	82
assault		
causing actual bodily harm	243	79
common	242	79
indecent, on females	151	53
males	152	53
in pursuance of conspiracy	244(c)	80
on peace officers	244(b)	80
persons engaged in lawful execution of process		
performing duty under law	244(d)	80
performing duty under law	244(e)	80
public insult provoking	99	41
to resist arrest	244(a)	79
with intent to commit felony	244(a)	79
to steal	285	89

	Section	Page
associations (<i>see</i> unlawful associations)		
attempt		
defined	366	112
punishment for, to commit certain felonies	368	113
offences	367	113
to cast away vessel	322	99
commit arson	316	98
of crops, etc.	318	99
goods in buildings	320	99
certain felonies	368	113
offences	367	113
rape	146	52
suicide	219	74
unnatural offence	173	60
with a child under thirteen	174	60
defile girls under thirteen	153(2)	53
idiots or imbeciles	155	53
destroy property by explosives	325	101
extort by threats	288	89
injure by explosives	232	77
murder	214	74
by convict	215	74
procure abortion	167	59
by a woman with a child	168	59
rescue by force	127	49
Attorney-General		
prosecution by, or with the consent of,		
for disclosure of official secrets	135(3)	50
in certain cases of public officers	106	43
offences against constitution and social order	67	34
publications insulting religion	142(2)	52
authority		
abuse of	105	43
censure or complaint by a person having,	200(e)	
& (f)		69
false assumption of	108	43
falsification of warrant issued by public	346	106
for the payment of money, forgery of	336	104
Municipal	4	11
offences against public	133 to 137	50, 51
Sovereigns'	36 to 55	22 to 29
bailee		
stealing by	255(1)	85
	270(b)	85
banknotes		
forged, purchase or possession of	345	106
forgery of,	336	104
money includes,	4	11
beggars		
in public places	188(b)	65
being found		
armed etc., with intent to commit felony	296	92
bestiality	175	60
bigamy	179	61
bill of exchange (<i>see also</i> cheques)		
forgery of	336	104
birth		
concealing, of child	220	74

	Section	Page
blackmail		
offences within meaning of	287, 288 ..	89
bona fide		
claims of right	8 ..	14
in larceny	255(1) ..	81
boundary mark		
neglect to repair	328(h) ..	101
removal of, with intent to defraud	327 ..	101
wilful damage of	328(a) ..	101
boycott		
committing offences against public service, etc., by ..	66 ..	34
bribery (<i>see</i> corruption, official corruption)		
brothel		
allowing child or young person to frequent	158 ..	55
carrying knives in	83 ..	38
detention of women in	162 ..	57
constructive, by withholding clothes	162 ..	57
determination of tenancy of premises on conviction for permitting their use as	156(2) ..	54
procuration of woman to become inmate of	157(c) ..	55
& (d)		
suppression of	156 ..	53
withholding clothes of woman for detention in	162 ..	57
breaking (<i>see also</i> building, housebreaking, burglary)		
definition of	291 ..	91
into building and committing felony	294 ..	92
with intent to commit felony	295 ..	92
building		
breaking and entering into	292(a) ..	91
during night	292 ..	91
and committing felony	294 ..	92
with intent to commit felony	295 ..	92
breaking out of a building	292(b) ..	91
destroying public	143 ..	52
entering, defined	291 ..	91
obtaining entrance by threats, etc.	291 ..	91
setting fire to	315 ..	98
goods in	319 ..	99
attempt to	320 ..	99
burglary (<i>see also</i> breaking)		
defined	292 ..	91
night, definition of	4 ..	11
punishment of	292 ..	91
burial places		
trespassing on	140 ..	51
carnal knowledge		
abduction with intent to have,	148 ..	52
of females		
idiots or imbeciles	155 ..	53
special relations	147 ..	52
under the age of thirteen	153 ..	53
of sixteen but above thirteen	154 ..	53
without consent	144 ..	52
of males	171(a) ..	60
with violence	172 ..	60
permitting a male to have, against order of nature ..	171(b) ..	60
procuration of females to have, by threats or fraud ..	159 ..	56

	<i>Section</i>	<i>Page</i>
carrying		
arms to terrorise	80	37
clasp-knife	84	37
dagger	81	37
knife		
outside house	82	37
weddings etc.	83	38
sword or sword stick	81	37
	86	39
casting away		
ships	321	99
attempts to	322	99
cattle (<i>see animals</i>)		
causing death		
by malice aforethought	204	71
unlawful act or omission	203	70
want of precaution or carelessness	210	72
defined	211	72
limitation as to time in connection with	213	73
certificate		
false, by public officers	107	43
obtaining, by false pretences	305	94
challenge		
to fight a duel	90	39
cheating	300	93
cheque		
a valuable security	4	13
forgery of,	336	104
obliterating crossings on,	342	105
child		
abduction of, with intent to steal from the person	253	81
concealment of birth of,	220	74
exposure of,	181	61
harbouring stolen,	185(b)	63
kidnapping, with intent to steal from the person	253	81
killing, by its mother	209	72
stealing,	185	63
when deemed to be a person	212	73
children		
criminal responsibility of	14	15
claim of right		
bona fide, when a defence	8	14
made in good faith, in stealing	255(1)	81
clerk and servant		
false accounting by	313	97
stealing by	268	85
food from the master	256(2)	82
clippings		
possession of	352	108

	Section	Page
Code (Criminal)		
acts before commencement of,	2(d) ..	9
interpretation of,	3 ..	9
not affecting		
liability, trial or punishment for an offence against any		
other Law	2(a) ..	9
Law relating to H.M. Forces	2(f) ..	9
power to punish for contempt	2(c) ..	9
of governor to remit or respite sentence	2(e) ..	9
territorial application of,	5 & 6 ..	14
coin		
clipping	351 ..	108
counterfeit, defined	348 ..	107
counterfeiting	349 ..	107
current, defined	348 ..	107
exporting counterfeit,	356 ..	109
preparations for coining	350 ..	107
refusal to take, at its face value	374(i) ..	115
uttering counterfeit,	353 ..	108
foreign, or metal as current coin	355 ..	109
repeated	354 ..	109
coining		
preparations for	350 ..	107
combustible matter		
failure to take precautions against	236(c) ..	78
commitment		
for trial by same Assizes for giving false evidence	113(3) ..	46
common nuisance		
acts constituting	186 ..	63
use of sound amplifiers	187 ..	64
commutation		
of death sentence to imprisonment	28 ..	19
of sentence under prerogative powers	2(e) ..	9
companies		
appropriation of property of, by officers of	311(1) ..	96
false statements by officials of	312 ..	97
falsification of accounts by directors etc.	311(2) ..	96
fraudulent appropriation by directors and officers	311(1) ..	96
compensation		
payment of, as punishment	26(f) ..	18
compounding		
felonies	123 ..	48
penal actions	124 ..	48
compulsion		
criminal responsibility for acts done under,	16 ..	16
how far a defence, on unlawful oath	54 ..	29
labour under,	254 ..	81
marriage by,	150 ..	53
married woman under, of husband	18 ..	16
unlawful oaths by,	54 ..	29

	<i>Section</i>	<i>Page</i>
concealing		
birth of child	220	74
deeds	275	87
kidnapped or abducted person	252	82
registers	273	86
wills	274	86
conspiracy		
assault in pursuance of,	244(c)	80
in certain cases	373	114
seditious	47(a)	25
to accuse falsely	121(a)	47
cause injury	373(b)	114
commit felony	371	114
misdemeanour	372	114
defeat or obstruct course of justice	121(a)	47
defraud	302	94
effect lawful purpose by unlawful means	373(f)	114
murder	217	74
obstruct trade	373(e)	114
prevent or defeat enforcement of law	373(a)	114
prevent or obstruct free disposition of property	373(c)	114
procure defilement	166	59
construction		
of Criminal Code	3	9
constructive		
entry into a building	291	91
possession	4	12
contempt		
bringing into, defamatory	195(1)	66
contempt of Court		
power of Court to punish for,	2(c)	9
contradictory		
statement by witness	113	45
conveying		
person by water in unsafe or overloaded vessel	240	79
conversion		
by bailee	255(1)	81
directors of companies	311	95
trustees	310	95
fraudulent	270	85
corporation (<i>see</i> company)		
corroboration		
for procuration	157	55
procuring defilement	158	56
corrosive		
putting, fluid	228(f)	76
unlawfully throwing, fluid	228(g)	76
corruption		
official	100	41
receiving property by officials to show favour	102	42
taking reward by officials for the performance of duty	101	42
counselling		
another to commit offence	22	17
conviction for, entails same consequences as conviction for offence	20	17

	<i>Section</i>	<i>Page</i>
court		
jurisdiction of, extent of	5 & 6	14
may order, security for coming up for judgment	33	21
security for keeping its peace	32	21
supervision in certain cases	34	21
obstructing officers of,	132	50
powers of, on convictions for		
carrying daggers	81(1)	37
knives	82(2)	37
at wedding	83(2)	38
territorial jurisdiction of, extent of	5 & 6	14
to commit for trial at same sitting	113(3)	46
make maintenance orders	183	62
credit		
obtaining, by false pretences	301	93
creditors		
gift etc. to defraud	301(b)	93
removal of property to defraud	301(c)	94
criminal responsibility		
bona fide claims in respect of,	8	14
for acts or omissions independent of the exercise of the will		
under compulsion	16	16
mistake	10	14
events occurring by accident	9	14
offences under necessity	17	16
relating to property	8	14
ignorance of law no excuse for,	7	14
in case of insanity	12	15
intoxication	13	15
intention in connection with,	9	14
motive with reference to,	9	14
not twice for same offence	19	16
of children	14	15
insane persons	12	15
judicial officers	15	16
married women	18	16
presumption of sanity with reference to,	11	15
criminal trespass (see also trespass)	280	87
cultivation		
unauthorised, of land	281	88
daggers		
defined	86	39
forfeiture of,	85	38
offences in connection with,	81	37
death		
causing,		
by an unlawful act	203	70
malice aforethought	204	71
want of precaution or carelessness	210	72
defined	211	72
sentence of,		
commutation of	28	19
how carried out	27(1)	18
not pronounced against person under 16	27(2)	19
on pregnancy	27(3) to (7)	19
deceiving		
shareholder or creditor	312(a)	97
witnesses	119	47

	<i>Section</i>	<i>Page</i>
deeds		
concealing of,	275	87
personation by falsely acknowledging,	361	111
malicious injury to,	324(7)	101
procuring execution of, by threat	289	90
defamation		
absolutely privileged publication	199	67
conditionally privileged publication	200	69
defamatory matter, definition of	195	66
good faith		
explanation as to,	201	70
presumption as to,	202	70
justification when pleadable	198(a)	67
libel		
definition of	194	66
of foreign princes	68	34
publication		
absolutely privileged	199	67
by agent	49	26
conditionally privileged	200	69
definition of,	197	67
unlawful, definition of	198	67
with intent to extort	196	67
defilement		
conspiring to procure,	166	59
of girls under thirteen	153	53
over thirteen and under sixteen	154	53
idiots and imbeciles	155	53
woman under sixteen, householder permitting	161	56
thirteen, householder permitting	160	56
procuring, by threats or drugs	159	56
definitions		
abduction	247	80
accessory after the fact	23	18
ammunition	92	40
assembly	51(2)	27
attempt	366	112
breaking and entering	291	91
burglary	292	91
carries away in larceny	255(2)	82
causing death	211	72
counterfeit	348	107
Court	4	10
crime in libel	195(2)	66
current coin	348	107
dancing girl	97(2)	41
dagger	86	39
defamatory matter	195	66
document	332	102
dwelling house	4	10
false pretences	297	93
felony	4	10
firearm	92	40
forgery	331	102
harm	4	10
dangerous	4	10
grievous	4	10
housebreaking	292	91
idle and disorderly persons	188	65
innocent intention in sedition	48	26
judicial proceedings	4	10
kidnapping		
from the Colony	245	80
lawful guardianship	246	80

	Section	Page
knife	86	39
knowingly	4	10
Law	4	11
libel	194	66
main	4	11
making false document	333	103
malice aforethought	207	71
manslaughter	203	70
misdemeanour	4	11
money	4	11
moslem feast	86	39
Municipal authority	4	11
murder	204	71
night or night time	4	11
oath	4	11
offence	4	11
overt act	46	25
owner in larceny	255(2)	82
person and owner	4	11
person employed in the public service	4	11
possession	4	12
postage stamp	358	110
property	4	13
public	4	13
place or premises	4	13
way	4	13
publicly	4	13
publication of libel	197	67
rape	144	52
reckless and negligent acts	236	78
riot	70	35
robbery	282	88
rogues and vagabonds	189	65
sedition intention	48	25
stealing	255(1)	81
sword stick or sword cane	86	39
takes	255(2)	82
unlawful assembly	70	35
association	63	31
publication in libel	198	67
utter	4	13
valuable security	4	13
vessel	4	13
wound	4	13
defraud		
intent to, definition for forgery	334	103
in concealing deeds	275	87
registers	273	86
wills	274	86
false pretences	298, 299 } 301 }	93
fraudulently dealing with mineral	378	87
disposing trust property	310	95
falsifying accounts etc.	311, 312	96, 97
the public, conspiracy to	302	94
demanding		
property by written threats	287	89
upon forged testamentary instruments	344	106
with menaces, with intent to steal	290	90
desertion		
accessory to	44	24

	<i>Section</i>	<i>Page</i>
destroying		
evidence	120	47
property	324	100
by explosives, attempt of	325	101
destruction		
of notices	96	41
public buildings, monuments etc.	143	52
detainer		
forcible	88	39
detention		
constructive, of women by withholding clothes	162	57
powers of search where suspected	163	57
with intent or in brothel	162	57
deterrence		
of judges etc.	122	47
disabling		
in order to commit felony or misdemeanour	226	76
disaffection		
exciting, against administration of justice	48(c)	26
person of H.M. or Government	48(a)	25
amongst H.M.'s subjects	48(e)	26
disclosure		
of official secrets	135	50
disease		
communicating, to animals of infectious	226	101
unlawful or negligent spreading of, dangerous to life		
disobedience		
of lawful orders		
to statutory duty		
dispersion		
of rioters after proclamation		
districts		
offences committed in more than one		
disturbance		
industrial,		
in public place		
of funeral ceremonies		
religious assemblies		
document		
definition of, for forgery, etc.		
forgery of	333 to 336	104
making false	333	103
entry in	313(a)	97
without authority	343	106
malicious injury to	324(7)	101
mutilation or falsification of,	313(a)	97
omitting material particular from,	313(c)	97
procuring execution of, by false pretence	341	105
seditious, possession of	59	30
publication of	47(b)	25
uttering cancelled or exhausted,	340	105
false,	539	105

	Section	Page
drilling		
unlawful	55	29
driving		
reckless	236(a)	78
drunkenness		
in connection with criminal responsibility	13	15
in public place	94(1)	40
while in possession of deadly weapon	94(2)	40
duel		
challenge to fight a	90	39
duty		
neglect of filial,	182	62
official,	134	50
of head of family	222	75
master	223	75
persons doing dangerous acts	224	75
in charge of dangerous things	225	75
who have charge of another	221	75
to provide necessaries	235	78
wilful neglect of official,	139	50
dwelling house		
breaking and entering,	292	91
definition of,	4	10
entering, with intent to commit felony	293	91
stealing a thing which is in a,	266(b)	84
threatening violence against a person in a,	90(b)	39
threats to injure or break,	90(a)	39
election		
prevention of, by force	98	41
embezzlement		
by a clerk or servant	268	85
director or officer of company	269	85
persons in the public service	267	85
emergency		
proclamation of, in industrial disturbances	64	33
taking part in strikes etc. during operation of	65	33
employer		
stealing property of	268	85
encouraging		
recourse to violence	51(1)	27
defences to	51(1) (p2)	27
entering		
definition of,	291	91
dwelling house, with intent to commit felony	293	91
property armed, with intent to steal	286	89
with intent to commit offence	280	87
escape		
aiding prisoners to,	129	49
of war to,	45	25
from lawful custody	128	49
intention to facilitate, when malice aforethought	207(d)	71
preventing of, from wreck	229	77
refusal or neglect to aid in prevention of,	230	77

	Section	Page
evidence		
contradictory	113	45
destroying,	120	47
fabrication of,	116	46
inducing witness to give false, or to withhold true,	118	47
of one witness insufficient for perjury	112	45
explosives		
attempt to injury by,	232	77
destroy property by,	325	101
injury to a dwelling house or vessel by,	327(3)	100
omission to take precautions against,	236(h)	78
unlawful explosion of,	228(c)	76
exposure		
indecent,	176	60
of child under the age of two years	181	61
wounds to obtain alms	189(b)	65
extortion		
attempts at, by threats	288	89
by public officers	101	72
conspiracy to extort property	302	94
failure		
to supply necessaries	235	78
false		
assumption of authority	108	43
conspiracy to make, accusations	121(a)	47
document, (<i>see also</i> document)		
making of,	333	103
uttering,	339	105
entry in books	311	96
evidence	313	97
fabricating,	116	46
giving of,	110	44
inducing witness to give,	113	45
information to police,	118	47
light mark or buoy, exhibition of	114	46
news, publication of, to cause alarm	239	79
pretence (<i>see</i> false pretences)	50	27
statements by officials of companies	312	97
to police regarding imaginary offence	115	46
false accounting		
by public officers	314	97
fraudulent	313	97
false accusation		
conspiracy to make, for crime	121(a)	47
false pretences		
definition of	297	93
obtaining		
credit etc., by,	301	93
execution of security by,	299	93
goods by,	298	93
registration etc., by,	305	94
procuring defilement of women by,	166	59
execution of documents by,	341	105
false rumours		
publication of,	50	27

	Section	Page
false swearing	117	46
falsely acknowledging deeds, recognisances, etc.	361	111
falsification		
of accounts		
by clerks or servants	313	97
officials of companies	312	97
public officers	314	97
register	347	106
warrants for money	346	106
felony		
accessories after the fact to, punishment of	24	18
attempts to commit certain, punishment of	368	113
compounding of	123	48
conspiracy to commit	371	114
definition of	4	10
neglect to prevent	369	113
treasonable	39	23
filial duty		
neglect of	182	62
fine		
a form of punishment	26(e)	18
provisions as to,	31	20
recovery of,	31(3)	21
firearms		
definition of,	92	40
discharge of in towns etc.	347(h)	115
drunkenness while in possession of,	94(2)	40
intimidation by discharging,	91(b)	39
possession of, with intent to injure	92	40
fireworks		
annoyance by	374(g)	115
flogging		
as form of punishment	26(c)	18
provisions as to,	30	20
forcible		
detainer	88	39
entry	87	39
foreign		
princes, ambassadors etc., defamation of,	68	34
foreigner		
instigation of armed invasion by,	39(c)	23
forfeiture		
of arms and weapons	80	37
daggers or knives	85	38
dies, stamps, etc.	358	110
documents or propaganda	59	30
seditious documents	59	30
of unlawful association	60	31
	60	31

	Section	Page
forgery		
definition of,	331	102
demanding property upon forged testamentary instruments	344	106
document, defined,	332	102
general punishment of,	335	104
imprisonment for life in certain cases	336	104
ten years	337	104
seven years	338	104
intent to defraud in,	334	103
making false document	335	103
documents : without authority	343	106
of banknotes	336	104
bills of exchange	336	104
cheques	336	104
document of title to land	336	104
negotiable instrument	336	104
judicial document	337	104
record	336	104
official document	337	104
policy of insurance	336	104
promissory note	336	104
record	347	106
stamps	338	104
warrants for payment of money	346	106
wills	336	104
obliterating crossings on cheques	342	105
procuring execution of documents by false pretences	341	105
purchasing forged banknotes	345	106
uttering cancelled or exhausted documents	340	105
false documents	339	105
fortune telling	304	94
fouling		
air	192	66
water	191	66
fraud		
abduction of child by,	185	63
appropriation of power or water by,	279	87
by clerks or servants	313	97
directors and officers of corporations	311	96
officials of companies	312	97
public officers	314	97
trustees	310	95
conspiracy to defraud	302	94
in causing belief that he is lawfully married	178	61
dealings with minerals etc.	278	87
obtaining credit	301	93
money or goods	300	93
intent to defraud (<i>see</i>)		
on sale or mortgage of property	303	94
the public	302	94
good faith		
claim of right made in, in larceny	255(1)	81
explanation as to, in libel	201	70
presumption as to, in libel	202	70
grievous harm		
acts intended to cause,	228	76
definition of,	4	10
doing,	231	73
intention to do, malice aforethought	207(a)	
	& (c)	71
harbouring		

	Section	Page
harm		
assault causing actual bodily,	243	79
definition of,	4	10
grievous,		
acts intended to cause	228	76
definition of	4	10
doing.. .. .	231	77
kidnapping or abducting with intent to cause	251	81
negligent acts likely to cause,	236	78
to servant or apprentice by negligence of master	184	63
homicide (<i>see</i> murder, manslaughter, killing)		
housebreaking		
burglary, during night	292	91
carrying arms with intent to commit	296	92
instruments of	296(c)	92
definition of	291	91
having entered, breaking out	292(c)	91
into building and committing felony	294	92
with intent to commit felony	295	92
possession of, instrument by night	296(c)	92
possession of, instrument by day	296(d)	92
husband and wife		
compulsion of husband	18	16
procuration of one of them to deal dishonestly with property		
of the other	261	84
rape by personation of husband	144	52
wife not becoming accessory after the fact of husband'	23	18
husband and wife		
compulsion by husband	18	16
procuration of one of them to deal dishonestly with the		
property of the other	261	84
rape by personation of husband	144	52
wife not becoming accessory after the fact of husband	23	18
idiots and imbeciles		
defilement of	155	53
idle and disorderly persons		
who are	188	65
ignorance		
of law, no excuse	7	14
fact (<i>see</i> mistake)		
imprisonment		
as form of punishment	26(b)	18
fine in lieu of,	29	20
provisions as to term of,	29	20
incest	147	52
incitement		
to commit offence	370	113
mutiny	42	24
sedition or disobedience to any lawful order	43(b)	24
indecent		
committing publicly any act of,	176	60
indecent		
assault on females	151	53
assault on males	152	53
show or performance	177(c)	61

	<i>Section</i>	<i>Page</i>
industrial disturbances		
lock-out or strikes during proclamation of emergency on,	65 ..	33
proclamation of emergency on,	64 ..	33
infanticide	209 ..	72
infectious disease (<i>see</i> disease)		
injury		
malicious, generally	324(1) ..	100
special cases	324(2) to (7) 100 &	101
threats of, to persons or property	91(c) ..	40
to animals	323 ..	99
boundary marks and survey marks	328 ..	101
railway works	329 ..	102
innocent intention		
in sedition, defined	48 prov.	26
when a defence in encouraging violence	51 prov.	27
insanity		
when excluding criminal responsibility	12 ..	15
insult		
public	99 ..	41
publications containing, to religion	142 ..	52
when element of provocation	208 ..	71
intent to defraud		
definition for forgery	334 ..	103
in concealing deeds	275 ..	87
registers	273 ..	86
wills	274 ..	86
false pretences	298, 299,	
.. .. .	301 ..	93
fraudulently dealing with minerals	278 ..	87
disposing trust property	310 ..	95
falsifying accounts	311 ..	96
.. .. .	312 ..	97
when presumed	334 ..	103
intention		
distinguished from motive	9 ..	14
necessary for criminal responsibility except for negligent acts	9 ..	14
when particular, necessary	9 ..	14
interpretations (<i>see also</i> construction, definitions)		
of Criminal Code in accordance with principles of English		
law	3 ..	9
intimidation		
by discharge of firearms	91(b) ..	39
threats	91(a) & (c) ..	39, 40
obtaining possession by, in larceny	255(2)(a)(ii)	82
procuring defilement of girls by	159(a) ..	56
intoxication (<i>see also</i> drunkenness)		
in connection with criminal responsibility	13(1) & (2) ..	15
when specific intent ingredient of offence	13(3) ..	15
invasion		
instigating	37 ..	22
armed by any foreigner	39(c) ..	23
joint offenders (<i>see also</i> accessories, counselling)		
offences committed by,	20 ..	17
in prosecution of common purpose	21 ..	17

	Section	Page
judicial officers		
criminal responsibility of,	15	16
deterrence of,	122(a)	47
judicial proceedings		
deceiving witnesses in,	119	47
definition of,	4	10
fabricating evidence with intent to mislead in,	116	46
inducing witness to give false evidence or to withhold true testimony in,	118	47
interference with, or obstruction of,	122(b)	47
perjury in, (<i>see also</i> perjury)	110	44
justification (<i>see also</i> defamation)		
when a defence in libel	198(a)	67
kidnapping		
from the colony	245	80
lawful guardianship	246	80
in order to murder	249	80
subject person to grievous hurt	251	81
of child under fourteen in order to steal from him,	253	81
punishment of,	248	80
with intent secretly to confine	250	81
killing		
on provocation	208	71
knives		
at weddings, fair or brothel	83	38
carrying outside house	82	37
clasp,	84	38
defined	86	39
forfeiture of,	85	38
in brothels or licensed premises	83	38
knowledge		
of age of female immaterial in certain cases	170	59
property being stolen on receiving	306, 307	96
labour		
unlawful compulsory,	254	81
larceny (<i>see</i> stealing)		
Law		
definition of	4	11
hatred or contempt against government as established by resisting execution of, by armed force	48(a)	25
resisting execution of, by armed force	41	24
lawful custody		
aiding prisoners to escape from,	129	49
escape from,	128	49
rescue from,	127	49
lawful orders		
disobedience of,	137	51
libel (<i>see</i> defamation, sedition)		
line of navigation		
causing danger of obstruction in	241	79
living on earnings of prostitution (<i>see also</i> brothels)	164	58

	Section	Page
lock-outs		
taking part in, during proclamation of emergency	65	33
maim		
definition of,	4	11
grievous harm with intent to,	228	76
maintenance		
of public service, transport, etc., offences against	66	34
power of court to make orders of,	183	62
alteration, suspension, etc., of orders of,	183(2)	62
payment of arrears under an order of,	183(3)	62
malice aforethought		
circumstances evidencing,	207	71
constituent element of murder	204	71
malicious injuries (<i>see also</i> injury)		
in general	324(1)	100
special cases	324(2) to (7)	100, 101
manslaughter		
definition of,	203	70
negligence for,	203	70
infanticide punishable as if were,	209	72
killing by provocation	208	71
punishment for,	206	71
marriage		
abduction to compel,	148	52
ceremony of, fraudulently gone through	180	61
during life of spouse	179	61
compulsion of,	150	53
fraudulent pretence of,	178	61
second marriage after seven years	179(b)	61
master		
duty to provide for necessaries	223	75
not providing for servant or apprentice	184	63
stealing property of the,	268	85
food belonging to	256(2)	82
menaces		
demanding property with, with intent to steal	290	90
mines		
arson of,	315(d)	98
fraudulently dealing with minerals in,	278	87
miscarriage (<i>see</i> abortion)		
misdemeanour		
accessory after the fact to,	25	18
conspiracy to commit,	372	114
definition of,	4	11
general punishment for,	35	22
misprision		
of treason	38	23
mistake		
of fact, criminal responsibility in cases of	10	14
stealing by taking possession under,	255(2)(iii)	82
money		
definition of,	4	11
received for another, property of that person	259	83

	Section	Page
mortgage		
fraud on, of property	303	94
moslem feast		
dancing at,	97(1)	41
definition of,	97(2)	41
motive		
usually immaterial for criminal responsibility	9	14
murder		
abduction in order to,	249	80
attempt to,	214	74
by convict	215	74
causing deaths in, defined	211	72
conspiracy to,	217	74
definition of,	204	71
kidnapping in order to,	249	80
limitation time as to death	213	73
malice aforethought, circumstances evidencing	207	71
element of	204	71
of child under the age of twelve by mother	209	72
punishment of,	205	71
written threats to,	216	74
mutiny		
aiding, etc., soldiers and policemen to	43	24
inciting to	42	24
unlawful oaths to engage in,	53(a)(i)	28
necessaries		
duty of head of family to provide,	222	75
master to provide,	223	75
persons having charge of another to provide,	221	75
failure to supply, by master to servants or apprentices	184	63
to parents	182	62
necessity		
when excluding criminal responsibility	17	16
neglect		
of filial duty	182	62
to prevent felony	369	113
to repair or pull down dangerous building	374(e)	115
furnace or chimney	374(f)	115
negligence		
causing death by careless act not amounting to culpable	210	72
harm by negligence	237	79
criminal negligence, acts of	236	78
culpable negligence, in manslaughter	203	70
escape of prisoner war, through,	45(b)	25
manslaughter by,	203	70
of public officers	134	50
spreading of infectious disease by,	190	66
news		
publication of false, with intent to cause alarm	50	27
notices		
destruction of,	96	41
nuisance		
common,	186	63
fouling air	192	66
water	191	66
upon land belonging to railway works	329(c)	102

	Section	Page
oath		
definition of,	4	11
false,	117	46
form of, immaterial in perjury	110(1)	44
unlawful, to commit capital offences	52	28
offences	53	28
obliterating		
crossings on cheque	342	105
obscene		
publications and exhibitions.. .. .	177	60
obstruction		
danger of, in public way or line of navigation	241	79
of common rights of the public	186	63
course of justice and legal process	121(b) & (c)	47
courts officers	132	50
free passage on public thoroughfare	374(a)	114
judicial proceedings	122(b)	47
officers of railway	329(d)	102
public officers	66(c)	34
service	66(a)	34
transport services	66	34
witnesses	121(b)	47
to election by force, etc.	98	41
loading or unloading of vessel	79	37
making proclamation in riot	76	36
offence		
definition of	4	11
incitement to commit	370	113
offences		
against Administration of Justice	Part III	44 to 51
Constitution and Social Order	56 to 67	29 to 34
Morality	144 to 117	52 to 60
the person	Part V	70 to 81
minor,	Part X	81 to 97
relating to property	Part VI	114
offensive trades	193	66
officers (<i>see</i> public officers—companies)		
official corruption	100	41
official secrets		
disclosure of,	135	50
overt acts		
definition of,	46	25
owner		
definition of,	4	11
for the purposes of stealing	255(2)(c)	82
parties to offences		
accessories, after the fact		
definition of,	23	18
punishment of, to felony	24	18
to misdemeanour	25	18
wife not, to husband	23	18
aiding and abetting in commission of offence	20(c)	17
counselling to commit offence	22	17
enabling commission of offence	20(b)	17
joint offenders in prosecution of common purpose	21	17
how charged	20	17
principal offenders, who are	20	17
procuring commission of offence	20(d)	17

	Section	Page
penal actions		
compounding,	124	48
perjury		
definition of,	110(1)	44
form of oath immaterial	110(1)	44
evidence on charge for,	112	45
immaterial in, whether		
person competent to witness	110(1)	44
testimony oral or in writing	110(1)	44
tribunal properly constituted	110(1)	44
procuring,	110(2)	45
punishment of,	111	45
subornation of,	110(2)	45
personation		
by falsely acknowledging deeds, recognisances, etc.	361	111
in general	360	111
lending, etc., certificate for	363	112
testimonials for	365	112
of husband, for rape	144	52
person named on certificate	362	112
testimonial of character.. .. .	364	112
public officers	109	44
to obtain property untestamentary or at intestate		
succession.. .. .	360	111
piracy	69	35
poison		
administration of, with intent to harm	233	77
injure or annoy	234(b)	78
attempt to procure abortion by,	167	59
by woman with child	168	59
negligence in dispensing,	236(f)	78
police		
desertion by members of, inducing	44	24
false information to,	114	46
powers of,		
of arrest and seizure on suspected seditious or unlawful		
association	60	31
to arrest rioters	74	36
make proclamation in riot	73	35
statements to, contradictory.. .. .	113(2)	45
regarding imaginary offence	115	46
possession		
constructive	4(a)	12
definition of,	4	12
joint	4(b)	12
of documents		
having a seditious intention	59	30
propaganda of unlawful association	59	30
unlawful, of property.. .. .	309	95
postal		
matter, stealing of	264	84
packets, examination of	61	31
transmission of, packet containing seditious matter	50	30
power		
fraudulent appropriation of,	279	87
power of attorney		
forgery of,	336	104
receiving, for sale, etc., with special direction	257	82

	Section	Page
previous conviction		
convicted as an idle and disorderly person after having, for same	189(a) ..	65
preventing		
escape from wreck	229 ..	77
from accepting employment in public service	66(c) ..	34
for transport, etc.	66(f) ..	34
making proclamation in riot	76 ..	36
refusal to aid in, crime	130 ..	49
principal offenders (<i>see also</i> parties to offence)	20 ..	17
prisoners of war		
aiding, to escape	45 ..	25
privilege		
absolute, in defamation	199 ..	67
conditional, in defamation	200 ..	69
proclamation		
dispersion of rioters after,	74 ..	36
making of, in riots	73 ..	35
obstruction of, making	76 ..	36
of state of emergency on industrial disturbances	64 ..	33
rioting after,	75 ..	36
taking part in lock-outs or strikes during operation of, of emergency	65 ..	33
procuracion		
of girl or woman	157 ..	55
propaganda		
of unlawful association, possession of	59 ..	30
property		
advertisement for stolen,	125 ..	48
conspiracy to extort,	302 ..	94
bona fide claim of right to,	8 ..	14
fraud on sale or mortgage of,	303 ..	94
fraudulent appropriation of,		
by officers of corporation	311(a) ..	96
concealment or removal of,	301(c) ..	94
disposal of trust,	310 ..	95
gift, delivery or transfer of	301(b) ..	93
in which public officer has an interest	103 ..	42
malicious injury to,	324 ..	100
obtaining, by false pretence	298 ..	93
offences causing injury to,	315 to 330	98 to 102
receiving, fraudulently obtained	307 ..	95
stolen	306 ..	95
threatening injury to,	91(c) ..	40
under lawful seizure, removal of	131 ..	49
unlawful, possession of,	309 ..	95
prostitution		
accessories to	164 ..	58
aiding by woman for, of another woman	165 ..	59
living on earnings of	164(1)(a) ..	58
persistently soliciting	164(1)(b) ..	58
procuracion for	157(b)(c) & (d) ..	55

	Section	Page
public		
buildings or monuments, destruction of	143	52
conspiracy to defraud the,	303	94
definition of,	4	13
insult	99	41
mischief, effecting	115	46
place, definition of	4	13
obstructing	373(a)	114
refuse or sweeping on	323(b) (d)	115
thoroughfare, offences in respect of,	373	115
tranquillity, offences against	70 to 99	35 to 41
way, definition of	4	13
public mischief		
effecting	115	46
public officers		
abstraction or making copy of,	135(2)	50
abuse of office of authority by,	105	43
acceptance of reward beyond proper pay	101	42
asking or receiving benefit for act or omission	100	41
charged with administration of property or special duty	103	42
corruption of,	100	41
definition of,	4	11
disclosure of official secrets by,	135	50
disobedience to lawful orders of,	137	51
expression of opinion in good faith on the conduct of,	200	69
extortion by,	101	42
false accounting by,	314	97
assumption of authority by,	108	43
certificates by,	107	43
claims by,	104	43
statements by,	314	97
falsification of warrants by,	346	106
frauds and breach of trust by,	133	50
inducing surrender of employment by,	66(b)	34
neglect of official duty by,	134	50
obstruction of, in the maintenance of service	66(a)	34
personating,	109	44
preventing employment as,	66(c)	34
receiving benefit to show favour	102	42
refusal to aid, in prevention of crime	130	49
stealing by,	267	85
public way		
causing danger, etc., in,	241	79
definition of,	4	13
publication		
of defamatory matter		
absolutely privileged, when	199	67
conditionally privileged, when	200	69
defined	197	67
unlawful, defined	198	67
false news, with intent to cause alarm	50	27
propaganda of unlawful association	59(b)	30
seditious words or documents	47(b)	25
statement inciting violence, etc.	51	27
publicly		
act of indecency committed,	176	60
definition of,	4	13

	Section	Page
punishment (<i>see also</i> sentence)		
for acts done before commencement of Code	2(a) ..	9
contempt of Court	2(c) ..	9
forms of,	26 ..	18
general, for conspiracy to commit felony	371 ..	114
misdemeanour	372 ..	114
misdemeanour	35 ..	22
of death		
commutation of	28 ..	19
how carried out	27(1) ..	18
not pronounced against person under sixteen	27(2) ..	19
of pregnant women	27(3) to (7) ..	19
appeal by	27(6) ..	19
fine	31 ..	20
flogging and whipping	30 ..	20
imprisonment	29 ..	20
security for coming up for judgment	33 ..	21
to keep the peace	32 ..	21
supervision	34 ..	21
railway		
acts endangering person travelling by,	{ 230 ..	77
damage of, by rioters	238 ..	79
destruction of, by rioters	78 ..	36
destruction of, by rioters	77 ..	36
endangering free and safe use of,	230(b) ..	77
malicious injury to,	324(b) ..	100
nuisance or trespass on lands or buildings of,	329(c) ..	102
obstructing officers of,	329(d) ..	102
works, etc., of	329(a) ..	102
removing, etc., poles, etc., of,	329(b) ..	102
shooting, etc., at persons on,	230(c) ..	77
stealing from,	266(d) ..	85
tampering with signals, etc., of,	230(d) ..	77
trespassing on,	329(c) ..	102
rape		
attempt to commit,	146 ..	52
by personating husband	144 ..	52
defined	144 ..	52
punishment of,	145 ..	52
receiving		
of property fraudulently obtained	307 ..	95
stolen, etc.	306 ..	95
things after change of ownership	308 ..	95
reckless		
and negligent acts	236 ..	78
manslaughter by, act or omission	204 ..	70
recognisance		
discharge upon,	33 ..	21
false acknowledgment of,	361 ..	11
to come up for judgment	33 ..	21
keep the peace	32 ..	21
refuse		
placing, on public place	374(b) ..	115
throwing, upon public place	374(d) ..	115
register		
falsification of,	347 ..	106
malicious injury to,	324(4) ..	100

	<i>Section</i>	<i>Page</i>
religion		
burial places, trespassing on	140	51
damaging or destroying place of worship or sacred objects	138	51
disturbance of assemblies or ceremonies	139	51
insult to,	138	51
publications insulting,	142	52
trespass on places of worship, etc.	140	51
vilifying,	141	51
wounding feelings of,	141	51
removal		
of property under seizure	131	49
with intent to defraud creditors	301(c)	94
responsibility		
criminal, general rules as to	7 to 19	14 to 16
of person who has charge of another	221	75
rescue		
by force from lawful custody	127	49
of person in private custody	127	49
under sentence of death, etc.	127(a)	49
any other sentence	127(b)	49
refusal to aid in preventing,	130	49
revolution		
overthrow of the constitution by,	63(a)(i)	32
reward		
corruptly taking,	126	48
offering publicly for stolen property	125	48
pretending to exercise witchcraft, etc., for,	304	94
riot		
after proclamation	75	36
arrest of persons rioting after proclamation	75	36
definition of,	70	35
demolition of buildings, etc., in,	77	36
dispersion after proclamation in,	74	36
harm or death in,	74	36
injuring buildings, machinery, etc., in,	78	36
making proclamation in,	73	35
obstruction of making proclamation in,	76	36
powers of police in,	74	36
preventing the making of proclamation in,	76	36
sailing of ships in,	79	37
proclamation to disperse in,	73	35
punishment of,	72	35
after making proclamation	75	36
robbery		
armed,	283	88
attempted,	284	88
armed,	284	88
committed by two or more persons	283	88
definition of,	282	88
punishment of,	283	88
armed, or committed by two or more persons	283	88
attempted,	284	88
use of force in,	283, 284	88
rogues and vagabonds		
who are,	189	65
running water		
fraudulently abstracting or diverting,	279	87

	Section	Page
sabotage		
overthrowing constitution by,	63(a)(i)	32
sacrilege		
by trespassing on places of worship	140	51
sanity		
presumption of,	12	15
saving		
of certain laws	2	9
seals		
possession of plate or instrument for making,	358	111
search		
power of if postal packets	61	31
when woman suspected to be unlawfully detained	163	57
security		
for coming up for judgment	33	21
keeping the peace	32	21
valuable (<i>see</i> valuable security)		
sedition		
incitement to,	43(b)	24
unlawful oath to engage in,	53	28
seditious		
conspiracy	47	25
enterprise, oath for a	53(a)(i)	28
intention, defined	48	25
possession of documents having,	59	30
publication of words and documents having,	47(b)	25
unlawful associations, bodies having a,	63(b)	32
matters, publication of by agent	49	26
sentence (<i>see also</i> punishment)		
of death	27	18
commutation of,	28	19
remission or respite of, power of	2(e)	9
servant		
duty of master to provide food etc. for,	223	75
failure of master to provide for,	184	63
stealing by,	268	85
of food from master	256(2)	82
setting fire (<i>see also</i> arson)		
attempt of,		
to crops etc.	318	99
goods in buildings	320	99
to crops and growing plants	317	98
goods in buildings	319	99
severing		
of property adhering to realty	255(2)	82
with intent to steal	277	87
smuggling		
assembly for purpose of,	93	40
sodomy (<i>see also</i> unnatural offences)		
attempt to commit,	173	60
sodomy	171	60
with child under thirteen	174	60
violence	172	60

	Section	Page
soliciting		
by male in public place for immoral purposes	188(c) ..	65
persistently, in public place for immoral purposes	164(b) ..	58
sorcery		
pretending to exercise or use, for gain or reward	304 ..	94
stamps		
counterfeiting,	357, 358 ..	109 & 110
forgery of,	338 ..	104
making etc. plate, instrument etc., for making,	357 ..	109
possessing paper and dies for postage stamps	358 ..	110
statement		
contradictory, by witness	113 ..	45
made of proving offence of making,	113(2) ..	46
defamatory (<i>see</i> libel, defamation)		
statutory duty		
disobedience to,	136 ..	50
stealing		
after previous conviction	272 ..	86
animals	265 ..	84
by agents	270 ..	85
clerks and servants	268 ..	85
directors and officers of companies	269 ..	85
persons having an interest in the thing stolen	260 ..	83
persons in the public service	267 ..	85
procuring one of the spouses to deal with property		
stolen	261 ..	84
severing	277 ..	87
tenant and lodgers	271 ..	86
cattle, crops etc.	265 ..	84
definition of,	255 ..	81
from dwelling house	266(b) ..	84
locked room, box etc.	266(g) ..	85
person of another	266(a) ..	84
public office	266(f) ..	85
railway	266(d) ..	85
vessel or vehicle	266(c) ..	85
in distress or wrecked	266(e) ..	85
funds etc. held under direction	257 ..	82
received by agent for sale etc.	258 ..	83
general punishment for,	262 ..	84
goods in transit	266 ..	84
money received for another	258 ..	83
offences allied to,	273 to 279 ..	86 & 87
postal matter etc.	264 ..	84
proceeds arising from disposition of property	270(e) ..	86
of valuable security received with a direction	270(d) ..	86
property entrusted for custody or application	270(b) ..	85
received on account of another	270(c) ..	86
received on a power of attorney for disposition	270(a) ..	85
special cases	256 ..	82
valuable security	263 ..	84
wills	263 ..	84
stolen property		
receiving,	306 ..	95
unlawful possession of,	309 ..	95
strike		
taking part in, during proclamation of emergency	65 ..	33

	<i>Section</i>	<i>Page</i>
stupefying		
in order to commit crime	227	76
woman in order to have carnal knowledge	159(c)	56
subornation of perjury		
definition of,	110(2)	45
punishment of,	111	45
suicide		
abetting,	218	74
attempting,	219	74
supervision		
as form of punishment	26(h)	18
order of, in certain cases	34	21
survey marks		
wilful damage etc. of,	328	101
telling fortunes		
for reward	304	94
tenants and lodgers		
stealing by,	271	86
territorial application	5 & 6	14
theft (<i>see</i> stealing)		
threats		
attempts at extortion by,	288	89
carrying out, causing death	211(c)	73
defilement of women by,	159(a)	56
demanding property by written,	287	89
of violence	91	39
prevention of election by,	98	41
procuring execution of deeds by,	289	90
to burn etc.	330	102
break or injure a dwelling house	91(a)	39
injure person or property	91(c)	40
kill or maim cattle	330	102
publish libel	196	67
with intent to steal	290	90
written, to murder	216	74
threshing floor		
malicious injury to,	324(2)	100
treason		
concealment of treason	38	23
definition of, by the law of England	36	22
instigating invasion is,	37	22
misprision of,	38	23
punishment of, death	36, 37	22
reasonable felonies		
defined	39	23
overt acts for	39	23
trees		
damaging or destroying,	143	52
of railway	329(b)	102
standing, malicious injury of	324(2)	100

	Section	Page
trespass		
armed, on property with intent to steal	286	89
criminal,	280	87
on burial places	140	51
land etc. of railway	329(c)	102
on places of worship	140	51
trustee		
definition of,	310	95
fraudulently disposing of trust property	310	95
unauthorised cultivation	281	88
unlawful association		
advocating and encouraging,	57	30
branch or committee of,	63	33
definition of,	63	32
documents of, possession etc. of	59	30
giving or soliciting contributions for,	58	30
holding office in,	56(2)	29
membership of,	56(1)	29
onus of proof	62	32
order declaring an,	63(d)	33
power of arrest and seizure in case of,	60	31
to examine postal packages, in connection with,	61	31
propaganda of, publication of	59	30
unlawful assembly		
definition of,	70	35
punishment of,	71	35
unlawful drilling	55	29
unlawful oaths		
to commit capital offences	52	28
other offences	53	28
unlawful possession		
of property reasonably suspected of being stolen	309	95
unlawful publication		
in libel defined	198	67
unnatural offences		
attempt to commit,	173	60
committing,	171(a)	60
permitting, to be committed on him	171(b)	60
with child under thirteen	174	60
violence	172	60
use		
of amplifier	187	64
armed force against government	41	24
uttering		
cancelled or exhausted documents	340	105
counterfeit coin	353	108
crossed cheque with obliterated crossing	342(b)	105
definition of,	4	13
documents without authority	343(b)	106
false documents	339	105
foreign coin or metal	355	109
repeated,	354	109
vagabonds (<i>see</i> rogues and vagabonds)		

	Section	Page
vagrancy (<i>see</i> idle and disorderly persons, rogues and vagabonds)		
valuable security		
definition of,	4	13
mutilation of,	313(a)	97
obtaining execution of, by false pretences	299	93
stealing of,	264	84
proceeds of,	270(d)	86
threats or violence to procure execution of,	289	90
various minor offences	374	114
vessel		
attempt to cast away,	322	99
casting away,	321	99
definition of,	4	13
malicious injury to, in distress or wrecked	324(5)	100
negligence in navigating,	236(b)	78
riotously preventing sailing of,	79	37
setting fire to,	315(b)	98
stealing from, stranded or wrecked	266(e)	85
unsafe or overloaded, conveying persons by	240	79
violence		
causing death by actual or threat of,	211(c)	72
encouraging,	51	27
obstruction of election by,	98	42
overthrow of organised government by,	63(a)	31
stealing with,	266(g)	85
use of actual, or threatened	282	88
threatening,	91	39
unnatural offence with,	172	60
warrant		
for money payable under public authority, falsification of	346	106
of search for woman unlawfully detained for immoral purposes	163	57
water		
fouling of,	192	66
fraudulent appropriation of running,	279	87
whipping (<i>see</i> flogging and whipping)		
wills		
concealing,	274	86
forgery of,	336	104
demanding property upon forged,	344	106
malicious injury to,	324(4)	100
stealing of,	263	84
witchcraft		
pretending to exercise,	304	94
witness		
contradictory statements by,	113	45
deceiving,	119	47
detaining,	122(a)	47
inducing, to give false evidence	118	47
interference with,	121	47
wound		
definition of,	4	13

	<i>Section</i>	<i>Page</i>
wounding		
and similar acts	234 ..	78
unlawfully,	234(a) ..	78
with intent to do grievous harm	228(a) ..	76
injure or annoy	234(b) ..	78
 wreck		
malicious injury to,	324(5) ..	100
preventing escape from,	229 ..	77
stealing from,	266(e) ..	85
 wrongful confinement		
abducting or kidnapping for the purpose of,	250 ..	81
of abducted or kidnapped person	252 ..	81