

44. If the Justice, upon the hearing of any case of assault or battery upon the merits, where the complaint was preferred by or on behalf of the party aggrieved, under the last preceding section, deems the offence not to be proved, or finds the assault or battery to have been justified, or so trifling as not to merit any punishment, and accordingly dismisses the complaint, he shall forthwith make out a certificate under his hand, stating the fact of such dismissal, and shall deliver such certificate to the party against whom the complaint was preferred.
- If the magistrate dismisses the complaint he shall make out a certificate to that effect.
45. If any person against whom any such complaint as in either of the last two preceding sections mentioned, has been preferred, by or on the behalf of the party aggrieved, has obtained such certificate, or having been convicted, has paid the whole amount adjudged to be paid or has suffered the imprisonment, or imprisonment with hard labour awarded, in every such case he shall be released from all further or other proceedings, civil or criminal, for the same cause.
- Certificate or conviction shall be a bar to any other proceedings.
46. Provided, that in case the Justice finds the assault or battery complained of to have been accompanied by an attempt to commit felony, or is of opinion that the same is, from any other circumstance, a fit subject for prosecution by indictment, he shall abstain from any adjudication thereupon, and shall deal with the case in all respects in the same manner as if he had no authority finally to hear and determine the same: Provided also, that nothing herein contained shall authorize any Justice to hear and determine any case of assault or battery, in which any question shall arise as to the title to any lands, tenements, hereditaments, or any interest therein or accruing therefrom, or as to any bankruptcy or insolvency, or any execution under the process of any Court of Justice.
- These provisions not to apply to certain cases.
- Proviso.
47. Whosoever is convicted upon an indictment, of any assault occasioning actual bodily harm, shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour; and whosoever is convicted upon an indictment for a common assault, shall be liable to be imprisoned in any gaol or place of confinement, other than a Penitentiary, for any term not exceeding one year, with or without hard labour.
- Assault occasioning bodily harm.
- Common assault.
48. Neither the Justices of the Peace acting in and for any District, County, Division, City or place, nor any Judge of the Sessions of the Peace, nor the Recorder of any City, shall, at any Session of the Peace, or at any adjournment thereof, try any person for any offence under the twenty-seventh, twenty-eight, or twenty-ninth Sections of this Act.
- Court of Q. S. not to try certain offences.

*Rape, abduction and defilement of women.*

49. Whosoever commits the crime of rape is guilty of felony, and shall suffer death as a felon.
- Rape.
50. Whosoever by false pretences, false representations, or other fraudulent means, procures any woman or girl under the age of twenty-one years, to have illicit carnal connection with any man other than the procurer, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement, other than a Penitentiary, for any term less than two years, with or without hard labour.
- Procuring the defilement of girl under age.
51. Whosoever unlawfully and carnally knows and abuses any girl under the age of ten years, is guilty of felony, and shall suffer death as a felon.
- Carnally knowing a girl under ten years of age.