

1869 c. 36.

CAP. IV. *Repealed by Stat. Act*

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

## Section.

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

## Section.

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 Sections Revised Statutes repealed.

*Passed 11th April, 1864.*

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

1. When any person being feloniously stricken, poisoned or otherwise hurt at any place out of this Province, shall die of such stroke, poisoning or hurt in this Province, every offence committed in respect of any such case, whether the same shall amount to the offence of murder or of manslaughter, or of being accessory to murder or manslaughter, may be dealt with, enquired of, tried, determined and punished in the County or place in this Province in which such death shall happen, in the same manner in all respects as if such offence had been wholly committed in that County or place.

2. Whosoever shall unlawfully abandon or expose any child, being under the age of two years, whereby the life of such child shall be endangered, or the health of such child shall have been or shall be likely to be permanently injured, shall be guilty of a misdemeanor, and being convicted thereof shall be imprisoned in the Provincial Penitentiary for any term not exceeding two years, with hard labour.

3. If any woman shall be delivered of a child, every person who shall by any secret disposition of the dead body of the said child, whether such child died before, at or after its birth, endeavour to conceal the birth thereof, shall be guilty of a misdemeanor, and be imprisoned in the Provincial Penitentiary for any term not exceeding two years, with hard labour; provided that if any person tried for the murder of any child shall be acquitted thereof, it shall be lawful for the jury by whose verdict such person shall be acquitted, to find, in case it shall so appear in evidence that the child had recently been born, and that such person did, by some secret disposition of the dead body of such child, endeavour to conceal the birth thereof, and thereupon the Court may pass such sentence as if such person had been convicted upon an indictment for the concealment of the birth.