

CHAPTER 300

THE OFFENCES AGAINST THE PERSON ACT

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OFFENCES AGAINST THE PERSON

(10th April, 1873.)

711873.
411939.
511941.
1511953.
S.R.O. 2211956.
15/1961.
111966.
3511982.
1211984.
4011986.

1. This Act may be cited as the Offences against the Person Act. Short title.

PART I
HOMICIDE

2. Whosoever is convicted of murder shall suffer death as a felon. Murder.

3. (1) Upon every conviction for murder, the Court shall pronounce sentence of death, and the same may be carried into execution, and all other proceedings upon such sentence, and in respect thereof, may be had and taken in the same manner, and the Court, before which the conviction takes place, shall have the same power, in all respects, as after a conviction for any other felony for which a prisoner may be sentenced to suffer death as a felon: Sentence for murder.

Provided that 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 eighteen years; but in lieu thereof the Court shall sentence him to be detained during Her Majesty's pleasure; and if so sentenced he shall be liable to be detained in such place and under such conditions as the Governor-General may direct and while so detained, be deemed to be in legal custody.

(2) The Governor-General shall direct the time and place for the execution of the sentence of death on persons convicted of murder, and the Provost-Marshal shall cause the body of such murderer to be buried in such place as the Governor-General may approve.

**Conspiring or
soliciting to
commit murder.**

4. All persons who conspire, confederate, and agree, to murder any person, whether he be a subject of Her Majesty or not, and whether he be within the Queen's dominions or not, and whosoever solicits, encourages, persuades, endeavours to persuade, or proposes to any person to murder any other person, whether he be a subject of Her Majesty or not, and whether he be within the Queen's dominions or not, are and is guilty of a misdemeanour, and shall be liable to be imprisoned for any term not exceeding thirty-five years, with or without hard labour.

Manslaughter.

5. Whosoever shall be convicted of manslaughter shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding thirty-five years, with or without hard labour, or to pay such fine as the Court may award, in addition to or without any such other discretionary punishment as aforesaid.

**Offences of
Infanticide.**

6. (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 Act the offence would have amounted to murder, she shall be guilty of felony,

to wit 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 jury are 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 jury may, notwithstanding that the circumstances were such that but for the provisions of this Act they might have returned a verdict of murder, return in lieu thereof a verdict of infanticide.

(3) Nothing in this Act shall affect the power of the jury upon an indictment for the murder of a child to return a verdict of manslaughter, or a verdict of guilty but insane, or a verdict of concealment of birth, in pursuance of section 58, except that for the purposes of the proviso to that section a child shall be deemed to have recently been born if it had been born within twelve months before its death.

(4) Section 58 shall apply in the case of an acquittal of a woman upon an indictment for infanticide as it applies upon the acquittal of a woman upon an indictment for murder, and upon the trial of any person for infanticide it shall be lawful for the jury, if they are satisfied that the accused is guilty of an offence under section 29, to find the accused guilty of such offence (notwithstanding the death of the child in respect of whom the offence is committed) and in that case that section shall apply accordingly.

7. Every accessory after the fact to murder shall be liable to be imprisoned for life.

Accessory after the fact to murder.

8. No punishment or forfeiture shall be incurred by any person who kills another by misfortune, or in his own defence, or in any other manner without felony.

Excusable homicide.

9. Where any person, being feloniously stricken, poisoned, or otherwise hurt upon the sea, or at any place out of Antigua and Barbuda, shall die of such stroke,

Provision for trial of murder and manslaughter in certain cases.

poisoning, or hurt in Antigua and Barbuda, or being feloniously stricken, poisoned, or otherwise hurt at any place in Antigua and Barbuda, shall die of such stroke, poisoning, or hurt upon the sea, or at any place out of Antigua and Barbuda, every offence committed in respect of any such case, whether the same amounts to murder or manslaughter, or of being accessory to murder or manslaughter, may be dealt with, inquired of, tried and determined, and punished in Antigua and Barbuda, in the same manner in all respects as if such offence had been wholly committed in Antigua and Barbuda.

Abolition of constructive malice.

10. (1) Where a person kills another in the course or furtherance of some other offence, the killing shall not amount to murder unless done with the same malice aforethought (express or implied) as is required for a killing to amount to murder when not done in the course or furtherance of another offence.

(2) For the purposes of subsection (1), a killing done in the course or for the purpose of resisting a peace officer, or of resisting or avoiding or preventing a lawful arrest, or of affecting or assisting an escape or rescue from legal custody, shall be treated as a killing in the course or furtherance of an offence.

Diminished responsibility.

11. (1) Where a person kills or is a party to the killing of another, he shall not be convicted of murder if he was suffering from such abnormality of mind (whether arising from a condition of arrested or retarded development of mind or any inherent causes or induced by disease or injury) as substantially impaired his mental responsibility for his acts and omissions in doing or being a party to the killing.

(2) On a charge of murder it shall be for the defence to prove that the person charged is by virtue of this section not liable to be convicted of murder.

(3) A person who but for this section would be liable, whether as principal or as accessory, to be convicted of murder shall be liable instead to be convicted of manslaughter.

(4) The fact that one party to a killing is by virtue of this section not liable to be convicted of murder shall not affect the question whether the killing amounted to murder in the case of any other party to it.

12. Where on a charge of murder there is evidence **Provocation.** on which the jury can find that the person charged was provoked (whether by things done or by things said or by both together) to lose self-control, the question whether the provocation was enough to make a reasonable man do as he did shall be left to be determined by the jury; and in determining that question the jury shall take into account everything both done and said according to the effect which, in their opinion, it would have on a reasonable man.

PART II

ATTEMPTS TO MURDER

13. Whosoever administers to, or causes to be administered to, or to be taken by any person, any poison, or other destructive thing, or, by any means whatsoever, wounds, or causes any grievous bodily harm to any person with intent, in any of the cases aforesaid, to commit murder is guilty of felony, and, being convicted thereof, may be imprisoned for any term not exceeding thirty-five years, with or without hard labour. **Administering poison, &c.**

14. Whosoever, by the explosion of gunpowder or other explosive substance, destroys or damages any building, with intent to commit murder, is guilty of felony, and, being convicted thereof, shall be imprisoned for any term not exceeding thirty-five years, with or without hard labour. **Destroying or damaging a building with gunpowder with intent to murder.**

15. Whosoever sets fire to any ship or vessel, or any part thereof, or any part of the tackle, apparel, or furniture thereof, or any goods or any chattels being therein, or casts away or destroys any ship or vessel, with the intent, in any of such cases, to commit murder, is guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding thirty-five years, with or without hard labour. **Setting fire to, or casting away a ship, with intent to murder.**

Attempting to administer poison, or shooting, or attempting to shoot, or attempting to drown, &c., with intent to murder.

16. Whosoever attempts to administer to, or attempts to cause to be administered to, or to be taken by any person, any poison or other destructive thing, or shoots at any person, or by drawing a trigger or in any other manner attempts to discharge any kind of loaded arms at any person, or attempts to drown, suffocate, or strangle any person, with intent in any of the cases aforesaid to commit murder, whether any bodily injury be effected or not, is guilty of felony, and shall be liable to be imprisoned for any term not exceeding thirty-five years, with or without hard labour.

By any other means attempting to commit murder.

17. Whosoever, by any means other than those specified in the preceding sections of this Act, attempts to commit murder, is guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding thirty-five years, with or without hard labour.

PART III

LETTERS THREATENING TO MURDER

Sending letters threatening to murder.

18. Whosoever maliciously sends, delivers, or utters, or directly or indirectly causes to be received, knowing the contents thereof, any letter or writing threatening to kill or murder any person is guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years, with or without hard labour.

PART IV

ACTS CAUSING OR TENDING TO CAUSE DAMAGE TO LIFE, OR BODILY HARM

Impeding a person endeavouring to save himself from shipwreck.

19. Whosoever unlawfully and maliciously prevents, or impedes, any person being on board of, or having quitted any ship or vessel in distress, or wrecked, stranded or cast on shore, in his endeavour to save his life, or unlawfully and maliciously prevents, or impedes any person in his endeavour to save the life of any such person as in this section first aforesaid is guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding ten years, with or without hard labour.

20. Whosoever unlawfully and maliciously, by any means whatsoever, wounds, or causes any grievous bodily harm to any person, or shoots at any person, or by drawing a trigger, or in any other manner, attempts to discharge any kind of loaded arms at any person, with intent, in any of the cases aforesaid, to maim, disfigure, or disable any person, or to do some other grievous bodily harm to any person, or with the intent to resist, or prevent the lawful apprehension, or detainer, of any person, is guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding fifteen years, with or without hard labour.

Shooting or attempting to shoot, or wounding with intent.

21. Any gun, pistol, or other arm, loaded in the barrel with gunpowder, or other explosive substance, and ball, shot, slug, or other destructive material, or charged with compressed air and having ball, shot, slug, or other destructive material in the barrel, shall be deemed to be loaded arms within the meaning of this Act, although the attempt to discharge the same may fail for want of proper priming or other causes.

What shall constitute loaded arms.

22. Whosoever unlawfully and maliciously wounds, or inflicts any grievous bodily harm upon any other person, either with or without any weapon or instrument, is guilty of a misdemeanour, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding five years, with or without hard labour; and, if upon the trial of any indictment for any felony (except in case of murder or manslaughter), the indictment alleges that the defendant did cut, stab, wound, or inflict grievous bodily harm on any person, and the jury be satisfied that the defendant is guilty of the cutting, stabbing or wounding or inflicting grievous bodily harm charged in the indictment but be not satisfied that the defendant is guilty of the felony charged in the indictment, the jury may acquit of the felony and find the defendant guilty of unlawfully cutting, stabbing, or wounding, or inflicting grievous bodily harm, and such defendant shall be liable to be imprisoned for any term not exceeding five years with or without hard labour.

Inflicting bodily injury with or without weapon.

Attempting to choke, &c., in order to commit any indictable offence.

23. Whosoever, by any means whatsoever, attempts to choke, suffocate, or strangle any other person, or, by any means calculated to choke, suffocate, or strangle, attempts to render any other person insensible, unconscious, or incapable of resistance, with intent, in any of such cases, thereby to enable himself, or any other person, to commit, or with intent, in any of such cases, thereby to assist any other person in committing, any indictable offence is guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding fifteen years.

Using chloroform, &c., to commit any indictable offence.

24. Whosoever unlawfully applies or administers to, or causes to be taken by, or attempts or causes to be administered to, or taken by, any person, any chloroform, laudanum, or other stupefying or overpowering drug, matter, or thing, with intent, in any of such cases, thereby to enable himself, or any other person, to commit, or with intent, in any of such cases, thereby to assist any other person in committing any indictable offence is guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for any period not exceeding fifteen years, with or without hard labour.

Maliciously administering poison, &c., as to endanger life or inflict bodily harm.

25. Whosoever unlawfully and maliciously administers to, or causes to be administered to or taken by, any other person, any poison, or other destructive or noxious thing, so as thereby to endanger the life of such person, or so as thereby to inflict upon such person any grievous bodily harm, is guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding fifteen years, with or without hard labour.

Maliciously administering poison, &c., with intent to injure, aggrieve, or annoy any other person.

26. Whosoever unlawfully and maliciously administers to, or causes to be administered to, or taken by, any other person, any poison, or other destructive or noxious thing, with intent to injure, aggrieve, or annoy such person, is guilty of a misdemeanour, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years, with or without hard labour.

If the jury be not satisfied that the person charged is guilty of a felony, &c.

27. If, upon the trial of any person for any felony in the last but one preceding section mentioned, the jury are not satisfied that such person is guilty thereof, but are

satisfied that he is guilty of any misdemeanour in the last preceding section mentioned, then, and in every such case, the jury may acquit the accused of such felony and find him guilty of such misdemeanour, and thereupon he shall be punished in the same manner as if convicted upon an indictment for such misdemeanour.

28. Whosoever, being legally liable, either as a husband, parent, guardian or committee, master or mistress, nurse or otherwise to provide for any person as wife, child, ward, lunatic or idiot, apprentice or servant, infant, or otherwise, necessary food, clothing, or lodging, wilfully and without lawful excuse, refuses or neglects to provide the same, or unlawfully or maliciously does, or causes to be done, any bodily harm to any such apprentice or servant, so that the life of such apprentice or servant is endangered, or the health of such apprentice or servant has been or is likely to be, permanently injured, is guilty of a misdemeanour, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

Not providing apprentices or servants with food, &c., whereby life is endangered.

29. Whosoever unlawfully abandons or exposes any child being under the age of two years, whereby the life of such child is endangered, or the health of such child has been, or is likely to be, permanently injured, is guilty of a misdemeanour, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

Exposing children whereby life is endangered.

30. Whosoever, unlawfully and maliciously, by the explosion of gunpowder, or other explosive substance, burns, maims, disfigures, disables, or does any grievous bodily harm to any person, is guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding fifteen years, with or without hard labour.

Causing bodily injury by gunpowder.

31. Whosoever, unlawfully and maliciously, causes any gunpowder, or other explosive substance, to explode, or sends or delivers to, or causes to be taken or received by, any person, any explosive substance, or any other dangerous or noxious thing, or puts or lays at any place, or casts or throws at or upon, or otherwise applies to any person, any corrosive fluid, or any destructive or explosive substance, with intent, in any of the cases aforesaid, to burn,

Causing gunpowder to explode or sending to any person an explosive substance, &c.

maim, disfigure, or disable any person, or to do some grievous bodily harm to any person, whether any bodily harm be effected or not, is guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding fifteen years, with or without hard labour.

Placing
gunpowder near
a building, with
intent to do
bodily injury to
any person.

32. Whosoever, unlawfully and maliciously, places Or throws in, into, upon, against, or near, any building, ship or vessel, any gunpowder, or other explosive substance, with intent to do any bodily injury to any person, whether or not any explosion takes place, and whether or not any bodily injury is effected, is guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding fifteen years, with or without hard labour.

Setting spring-
gun &c., with
intent to inflict
grievous bodily
harm.

33. Whosoever sets or places, or causes to be set or placed, any spring-gun, man-trap, picket or other engine, calculated to destroy human life or inflict grievous bodily harm, with the intent that the same, or whereby the same, may destroy or inflict grievous bodily harm upon any trespasser, or other person, coming in contact therewith, is guilty of a misdemeanour, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

Drivers of
carriages injuring
persons by
furious driving.

34. Whosoever, having the charge of any carriage or vehicle, by wanton or furious driving or racing, or other wilful misconduct, or by wilful neglect, does, or causes to be done, any bodily harm to any person whatsoever, is guilty of a misdemeanour, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

Causing bodily
injury by doing
or omitting to do
any act.

35. Whosoever by any lawful act, or by doing negligently, or omitting to do, any act which it is his duty to do, causes grievous bodily injury to any other person, is guilty of a misdemeanour, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

PART V

ASSAULTS

36. Whosoever, by threats or force, unlawfully obstructs or prevents, or endeavours to obstruct or prevent, any clergyman or other minister, in, or from, celebrating divine service, or otherwise officiating in any church, chapel, meeting-house, school-house, or other place used for divine worship, or in, or from, the performance of his duty in the lawful burial of the dead in any churchyard, or other burial place, or strikes, or offers any violence to, or upon any civil process, or, under the pretence of executing any civil process, arrests any clergyman, or other minister, who is engaged in, or to the knowledge of the offender, is going to perform the same, or returning from the performance thereof, is guilty of a misdemeanour. and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

Obstructing or assaulting a clergyman, or other minister in the discharge of his duties.

37. Whosoever wilfully disturbs, interrupts, or disquiets any assemblage of persons met for religious worship, or for any moral, social, or benevolent purpose, by profane discourse, by rude or indecent behaviour, or by making a noise, either within the place of such meeting, or so near it as to disturb the order, or solemnity, of the meeting, may be arrested on view by any peace officer present at such meeting, or by any other person present, thereto verbally authorized by any Justice of the Peace present thereat, and detained until he can be brought before a Magistrate, and such offender shall, on summary conviction, forfeit and pay such sum of money, not exceeding one thousand dollars, as the convicting magistrate may think fit, and costs.

Disturbing or interrupting assemblage of persons met for religious, moral, social, or benevolent purpose.

38. Whosoever assaults and strikes or wounds any Magistrate, officer, or other person whatsoever lawfully authorized, in, or on account of, the exercise of his duty in, or concerning, the preservation of any vessel in distress, or of any vessel, goods, or effects wrecked, stranded, or cast on shore, or lying under water, is guilty of a misdemeanour, and, being convicted thereof, is liable to be imprisoned for any term not exceeding two years, with or without hard labour.

Assaulting a Magistrate, &c., on account of his preserving wreck, &c.

Assault with
intent to commit
felony.

39. Whosoever assaults any person with intent to commit felony, or assaults, resists, or wilfully obstructs any revenue or peace officer in the due execution of his duty, or any person acting in aid of such officer, or assaults any person with the intent to resist or prevent the lawful apprehension or detainer of himself, or of any other person, for any offence, is guilty of a misdemeanour, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

Assault with
intent to obstruct
the sale of grain
or its free
passage.

40. Whosoever beats, or uses any violence or threat of violence to, any person, to deter or hinder him from buying, selling, or otherwise disposing of any wheat or other grain, flour, meal, malt, or potatoes, or other produce, or goods, in any market or other place, or beats, or uses any such violence or threat to, any person having the charge, or care, of any wheat, or other grain, flour, meal, malt, or potatoes, whilst on the way to or from any city, market-town, or other place, with intent to stop the conveyance of the same, shall, on summary conviction, be liable to be imprisoned and kept to hard labour for any term not exceeding three months:

Provided, that no person punished for any such offence by virtue of this section shall be punished for the same offence by virtue of any other law whatsoever.

Assaults on
seamen, &c.

41. Whosoever unlawfully and with force hinders, or prevents any seaman, stevedore, ship-carpenter, or other person usually working at or on board any ship or vessel, from working at or exercising his lawful trade, business, or occupation, or beats, or uses any violence to, any such person, with intent to hinder, or prevent him from working at, or exercising the same, shall, on summary conviction, be liable to be imprisoned and kept to hard labour for any term not exceeding three months:

Provided, that no person punished for any such offence by reason of this section shall be punished for the same offence by any other law whatsoever.

Assault arising
from
combination.

42. Whosoever, in pursuance of any unlawful combination, or conspiracy to raise the rate of wages, or of unlawful combination, or conspiracy, respecting any trade, business or manufacture, or respecting any person concerned

or employed therein, unlawfully assaults any person, or, in pursuance of any such combination or conspiracy, uses any violence or threat of violence to any person, with a view to hinder him from working or being employed at such trade, business or manufacture, is guilty of a misdemeanour, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

43. When any person unlawfully assaults or beats any other person, any Magistrate, upon the complaint by or on behalf of the party aggrieved, praying him to proceed summarily on the complaint, may hear and determine such offence, and the offender shall, on summary conviction, at the discretion of the Magistrate either be imprisoned, with or without hard labour for any term not exceeding two months, or else shall forfeit and pay such fine as shall appear to the Magistrate to be meet, not exceeding the sum of one thousand dollars, together with costs (if ordered).

Common assault
or battery.

44. When any person shall be charged before a Magistrate with an assault or battery upon any male child, whose age shall not, in the opinion of such Magistrate, exceed fourteen years, or upon any female, either upon the complaint of the party aggrieved or otherwise, the said Magistrate, if the assault or battery is of such an aggravated nature that it cannot, in his opinion, be sufficiently punished under the provisions hereinbefore contained as to common assaults and batteries, may proceed to hear and determine the same, and every such offender shall be liable on summary conviction, to be imprisoned, with or without hard labour, for any period not exceeding six months, or to pay a fine, not exceeding (together with costs) the sum of five thousand dollars and, if the Magistrate shall so think fit, in any of the said cases, shall be bound to keep the peace and be of good behaviour for any period not exceeding six months from the expiration of such sentence.

Aggravated
assaults on
females, and
boys under the
age of 14 years.

45. If the Magistrate, 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 either of the last two preceding sections, 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

Certificate of
dismissal of
complaint.

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.

Certificate or conviction shall be a bar to any other proceedings.

46. If any person, against whom any such complaint, as in either of the last two preceding sections mentioned, has been preferred by or on behalf of the party aggrieved, has obtained such certificate, or, having been convicted, has paid the whole amount adjudged, 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.

These provisions not to apply to certain cases.

47. In case the Magistrate finds any 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 that nothing herein contained shall authorize any Magistrate to hear and determine any case of assault or battery in which any question shall arise as to the title to any lands, tenements or hereditaments, or any interest therein or accruing thereon, or as to any bankruptcy or insolvency, or any execution under the process of any Court of Justice.

Assault occasioning bodily harm.

48. Whosoever is convicted, upon an indictment, of any assault occasioning actual bodily harm shall be liable to be imprisoned for any term not exceeding five years, with or without hard labour; and whosoever is convicted, upon an indictment, for a common assault shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

PART VI

RAPE, ABDUCTION, AND DEFILEMENT OF WOMEN

Rape.

49. Whosoever shall be convicted of the crime of rape, shall be guilty of felony, and, being convicted thereof, shall

be liable, at the discretion of the Court, to be imprisoned for any term not exceeding thirty-five years, with or without hard labour.

50. Whosoever commits any indecent assault upon any female is guilty of a misdemeanour and, being convicted thereof, is liable to be imprisoned for any term not exceeding five years. Indecent assault.

51. Where any woman of any age has any interest, whether legal or equitable, present or future, absolute, conditional, or contingent, in any real or personal estate, or is a presumptive heiress or co-heiress, or presumptive next-of-kin, to any one having such interest, whosoever, from motives of lucre, takes away or detains any such woman against her will, with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person, and whosoever fraudulently allures, takes away, or detains such woman, being under the age of eighteen years, out of the possession and against the will of her father or mother, or of any other person having the lawful care or charge of her, with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person, is guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour; and whosoever is convicted of any offence against this section shall be incapable of taking any estate or interest, legal or equitable, in any real or personal property of such women, or in which she has any such interest, or which shall come to her as such heiress, co-heiress, or next-of-kin as aforesaid; and if any such marriage as aforesaid shall have taken place, such property shall, upon such conviction, be settled in such manner as a Judge shall appoint, upon any information at the suit of the Attorney-General. Abduction of a woman against her will from motives of lucre.

52. Whosoever by force takes away or detains against her will any woman of any age with intent to marry or carnally know her, or to cause her to be married, or carnally known by any other person, is guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding five years. Forcible abduction of any woman with intent to marry her.

Abduction of a girl under 16 years of age.

53. Whosoever unlawfully takes, or causes to be taken, any unmarried girl, being under the age of sixteen years, out of the possession and against the will of her father or mother, or of any other person having the lawful care or charge of her, is guilty of a misdemeanour, and, being convicted thereof shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

PART VII

CHILD STEALING

Child stealing.

54. Whosoever unlawfully, either by force or fraud, leads or takes away, or decoys or entices away or detains, any child under the age of fourteen years, with intent to deprive any parent, guardian, or other person having the lawful care or charge of such child, of the possession of such child, or with intent to steal any article upon or about the person of such child, to whomsoever such article may belong, and whosoever, with such intent, receives or harbours any such child, knowing the same to have been by force or fraud led, taken, decoyed, enticed away, or detained as in this section before mentioned, is guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding three years, with or without hard labour, and if a male under sixteen years, with or without whipping:

Provided that, no person who has claimed any right to the possession of such child, or is the mother, or has claimed to be the father, of an illegitimate child, shall be liable to be prosecuted by virtue hereof on account of the getting possession of such child, or taking such child out of the possession of any person having the lawful charge thereof.

PART VIII

BIGAMY

Bigamy.

55. Whosoever, being married, marries any other person during the life of the former husband or wife, whether the second marriage has taken place in Antigua and Barbuda or elsewhere, is guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding three years with or without hard labour:

Provided that, nothing in this section contained shall extend to any second marriage contracted elsewhere than in Antigua and Barbuda, by any other than a subject of Her Majesty resident in Antigua and Barbuda, and leaving the same with intent to commit the offence, or to any person marrying a second time, whose husband or wife has been continually absent from such person for the space of seven years then last past, and was not known by such person to be living within that time, or shall extend to any person who, at the time of such second marriage, was divorced from the bond of the first marriage, or to any person whose former marriage has been declared void by the sentence of any Court of competent jurisdiction.

PART IX

ATTEMPTS TO PROCURE ABORTION

56. Every woman, being with child, who, with the intent to procure her own miscarriage, unlawfully administers to herself any poison or other noxious thing, or unlawfully uses any instrument, or other means whatsoever, with the like intent; and whosoever, with intent to procure the miscarriage of any woman, whether she be or be not with child, unlawfully administers to her, or causes to be taken by her, any poison or other noxious thing, or unlawfully uses any instrument or other means whatsoever, with the like intent, is guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding ten years, with or without hard labour.

Administering drugs, or using instruments, to procure abortion.

57. Whosoever unlawfully supplies, or procures, any poison or other noxious thing, or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used, or employed, with intent to procure the miscarriage of any woman, whether she be or be not with child, is guilty of a misdemeanour, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding two years, with or without **hard** labour.

Procuring drugs, &c., to cause abortion.

PART X

CONCEALING THE BIRTH OF A CHILD

58. If any woman is delivered of a child, every person who, by any secret disposition of the dead body of the said

Concealing the birth of a child.

child, whether such child died before, at, or after its birth, endeavours to conceal the birth thereof, is guilty of a misdemeanour, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour:

Provided that, if any person tried for the murder of any child be acquitted thereof, it shall be lawful for the jury, by whose verdict such person is acquitted, to find, in case it so appears in evidence, that the child had recently been born, and that such person did, by some secret disposition of such child, or 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 birth.

PART XI

UNATURAL OFFENCES

Sodomy and
bestiality.

59. Whosoever is convicted of the abominable crime of buggery, committed either with mankind or with any animal, shall be liable to be imprisoned for any term not exceeding ten years, with or without hard labour.

Attempt to
commit an
infamous crime.

60. Whosoever attempts to commit the said abominable crime, or is guilty of any assault with intent to commit the same, or of any indecent assault upon any male person, is guilty of a misdemeanour, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years, with or without hard labour.

PART XII

PROOF IN CERTAIN CASES

Carnal
knowledge
defined.

61. Whenever, upon the trial of any offence punishable under this Act, it is necessary to prove carnal knowledge, it shall not be necessary to prove the actual emission of seed in order to constitute a carnal knowledge, but the carnal knowledge shall be deemed complete on proof of any degree of penetration only.

PART XIII

MAKING GUNPOWDER TO COMMIT OFFENCES AND
SEARCHING FOR THE SAME

62. Whosoever knowingly has in his possession, or makes, or manufactures any gunpowder or explosive substance, or any dangerous or noxious thing, or any machine, engine, instrument, or thing, with intent, by means thereof, to commit, or for the purpose of enabling any other person to commit, any of the felonies in this Act, or in any other Act, mentioned, is guilty of a misdemeanour, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour, and, if a male under sixteen years of age, with or without whipping.

Making or having gunpowder, &c., with intent to commit any felony against this Act.

63. Any Magistrate in any district in which such gunpowder or other explosive, dangerous, or noxious substance or thing, or any such machine, engine, instrument or thing, is suspected to be made, kept, or carried for the purpose of being used in committing any of the felonies in this Act, or in any other Act, mentioned, upon reasonable cause assigned upon oath by any person, may issue a warrant, under his hand and seal, for searching, in the daytime, any house, mill, magazine, store-house, warehouse, shop, cellar, or yard, wharf, or other place, or any carriage, waggon, cart, ship, boat, or vessel, in which the same is suspected to be made, kept, or carried for such purpose as hereinbefore mentioned; and every person, acting in the execution of any such warrant, may seize any gunpowder or explosive substance, or any dangerous or noxious thing, or any machine, engine, or instrument, or thing, which he has good cause to suspect is intended to be used in committing, or enabling any other person to commit, any offence against this Act, and with all convenient speed after the seizure, shall remove the same to such proper place as he thinks fit, and detain the same until ordered by a Judge to restore it to the person who may claim the same.

Magistrate may issue search warrants.

64. Any gunpowder, explosive substance, or dangerous or noxious thing, or any machine, engine, instrument or thing, intended to be used in committing, or to enable any other person to commit, any offence against this Act, and seized and taken possession of, under the

Forfeiture of dangerous or noxious things.

provisions hereof, shall, in the event of the person in whose possession the same is found, or of the owner thereof, being convicted of any offence against this Act, be forfeited; and the same shall be sold under the direction of the Court before which any such person may be convicted, and the proceeds thereof shall be paid into the Treasury to and for the use of Antigua and Barbuda.

PART XIV

KIDNAPPING

Kidnapping.

65. Whosoever, without lawful authority, forcibly seizes and confines or imprisons any other person within Antigua and Barbuda, or kidnaps any other person with intent—

(a) to cause such other person to be secretly confined or imprisoned in Antigua and Barbuda against his will, or

(b) to cause such other person to be unlawfully sent or transported out of Antigua and Barbuda against his will, or

(c) to cause such other person to be in any way held to serve against his will,

is guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding seven years, with or without hard labour.

Defence of non-resistance.

66. Upon the trial of any offence under the preceding section, the non-resisting of the person so kidnapped or unlawfully confined thereto, shall not be a defence unless it appears to the satisfaction of the Court and jury that it was not caused by threats, duress, force, or exhibition of force.

PART XV

OTHER MATTERS

Fines, and sureties for keeping the peace.

67. When any person is convicted of any indictable misdemeanour punishable under this Act, the Court may, if it thinks fit, in addition to, or in lieu of, any punishment by this Act authorized, fine the offender and require him to enter into his own recognizances, and to find sureties both,

or either, for keeping the peace and being of good behaviour, and such fine may be proportioned to the means of the offender; and, in case of any felony punishable under this Act otherwise than with death, the Court may, if it thinks fit, require the offender to enter into his own recognizances, and to find sureties both, or either, for keeping the peace and being of good behaviour, in addition to any punishment by this Act authorized:

Provided that no person shall be imprisoned for not finding sureties under this section for any period exceeding one year.

68. When any person is convicted, on any indictment, of any assault, whether with or without battery and wounding, or either of them, such person may, if the Court thinks fit, in addition to any sentence which the Court may deem proper for the offence, be adjudged to pay to the prosecutor his actual and necessary costs and expenses of the prosecution, and such moderate allowance for loss of time as the Court shall, by affidavit or other enquiry or examination, ascertain to be reasonable; and, unless the sums so awarded are sooner paid, the offender shall be imprisoned for any term the Court shall award, not exceeding three months, in addition to the term of imprisonment (if any) to which the offender may be sentenced for the offence.

Persons convicted under this Act to pay costs of prosecution if Court thinks fit.

69. The Court may by warrant in writing, order such sum as shall be so awarded to be levied by distress and sale of the goods and chattels of the offender, and paid to the prosecutor, and that the surplus (if any) arising from such sale shall be paid to the owner; and, in case such sum shall be so levied, the imprisonment awarded until payment of such sum shall thereupon cease.

Such costs may be levied by distress.

70. Any constable, or peace officer, may take into custody, without a warrant, any person whom he shall find loitering in any highway, yard, or other place during the night and whom he shall have good cause to suspect of having committed, or being about to commit, any felony in this Act mentioned, and shall take such person, as soon as reasonably may be, before a Magistrate to be dealt with according to law.

Persons loitering at night and suspected of any felony against this Act may be apprehended.

Punishment of principals in the second degree and accessories.

71. In the case of every felony punishable under this Act, every principal in the second degree and every accessory before the fact shall be punishable in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act (except murder) shall be liable to be imprisoned for any term not exceeding five years, with or without hard labour; and whosoever shall counsel, aid, or abet the commission of any indictable misdemeanour punishable under this Act shall be liable to be proceeded against, indicted, and punished as a principal offender.

Fines and penalties not payable to prosecutor to be paid to Her Majesty.

72. Every fine or penalty awarded under this Act, and not thereby directed to be paid to the prosecutor or party aggrieved, shall be payable to Her Majesty, Her Heirs and Successors, and shall be paid into the Treasury.

Offences mentioned in this Act committed within the jurisdiction of the Admiralty.

73. All indictable offences mentioned in this Act, which shall be committed within the jurisdiction of the Admiralty of England or Northern Ireland, shall be deemed to be offences of the same nature and liable to the same punishment as if they had been committed upon land within Antigua and Barbuda, and may be dealt with, enquired of, tried, and determined in Antigua and Barbuda in the same manner, in all respects, as if they had been actually committed in Antigua and Barbuda and in any indictment for any such offence or for being an accessory to such an offence, the venue shall be the same as if the offence had been committed in Antigua and Barbuda, and the offence shall be averred to have been committed "on the high seas":

Provided that nothing herein contained shall alter or affect any of the laws relating to the government of Her Majesty's land or naval forces.