

(b.) Everyone shall be liable to penal servitude for *five years*— A.D. 1878.

Who 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  
 5 to procure the miscarriage of any woman, whether she be or be not with child, and whether she is or is not aware of such intention.

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CHAPTER XXIV.

CRIMES AFFECTING CONJUGAL AND PARENTAL RIGHTS  
 --BIGAMY--ABDUCTION.

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SECTION 169.

BIGAMY.

Bigamy is—

(a.) The act of any person who, whilst any valid marriage subsists between himself and another person, goes through a form of marriage  
 15 with any other person in any part of the world, which form is recognised as valid by the law of the place where it is used, whether or not the parties to such form, would, at the time when it is used, be by that law competent to contract marriage, if each of them were then unmarried, and although by the fraud of either of them  
 20 the form employed would have been insufficient by that law to constitute a valid marriage if they had been competent to marry each other.

(b.) The act of any person who, being unmarried, knowingly takes part in any such form of marriage as is herein-before mentioned.

25 Provided that no one shall be deemed to commit bigamy by going through such a form of marriage as aforesaid if at the time when he does so he believes in good faith and upon reasonable grounds that the person to whom he is then legally married is dead, or if he has been continually absent from such person for seven years then last  
 30 passed, and is not proved to have known that that person was alive at any time during those seven years.

Provided also that when it has been proved that a marriage has been had between any person accused of bigamy and any other person shown to have been alive when the alleged offender went through a  
 35 form of marriage with another person, the burden of proving that the first marriage had been dissolved or annulled before the form of marriage was gone through shall be on the defendant.

A.D. 1878.

## SECTION 170.

## PUNISHMENT OF BIGAMY.

Everyone who commits bigamy shall be guilty of an indictable offence, and shall be liable upon conviction thereof to *seven years* penal servitude. 5

This section shall extend—

- (i.) To acts done by any natural born or naturalised subject of Her Majesty in whatever part of the world either the valid marriage or the form of marriage was performed, and in the case of naturalised subjects of Her Majesty whether both or either took 10 place before or after the alleged offender was naturalised.
- (ii.) To forms of marriage celebrated in any part of Her Majesty's dominions by married aliens owing Her Majesty local allegiance at the time when such form of marriage is celebrated.

But this Act shall not extend to forms of marriage celebrated 15 between an alien and another person out of Her Majesty's dominions, although such alien may have owed local allegiance to Her Majesty both before and after such form of marriage, and may have contracted a valid marriage whilst he owed such allegiance to Her Majesty. 20

## SECTION 171.

## ABDUCTION WITH INTENT TO MARRY.

Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to *fourteen years* penal servitude, who, with intent to marry or carnally know any woman, or with intent to 25 cause any woman to be married or carnally known by any other person—

(a.) Takes away or detains any woman of any age against her own will; or

(b.) Takes away or detains any woman, being under the age of 30 *twenty-one years*, and having any such interest in property as is herein-after mentioned, 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.

If any woman against whom any such offence is committed has 35 any interest 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, or one of the presumptive next of kin to anyone having such interest, any person convicted of any such offence against her shall be incapable 40 of taking any estate or interest, legal or equitable, in any real or personal property of such woman, or in which she has any interest,

or which comes to her as such heiress, co-heiress, or next of kin, and if any such marriage takes place, such property shall, upon such conviction, be settled in such manner as the High Court may upon any information at the instance of the Attorney-General appoint. If  
 5 such property is situated in any other part of Her Majesty's dominions, such settlement shall be made under the direction of such court, and upon the information of such officer as correspond to the High Court and the Attorney-General.

When any person is prosecuted for any offence against this section,  
 10 a woman who having been taken away is married to the offender, shall notwithstanding that marriage be competent to be a witness against him.

## SECTION 172.

## ABDUCTION OF GIRL UNDER SIXTEEN.

15 Everyone shall be guilty of an indictable offence, and shall upon conviction thereof be liable to be imprisoned and kept to hard labour for *two years*, who takes or causes to be taken an unmarried girl under the age of *sixteen years* from any person who has the lawful care or charge of her to any place where that person cannot  
 20 exercise control over her, in order that she may there be under the power, charge, or protection of the offender, either permanently or for a time, for some purpose inconsistent with the control which would have been exercised by the person in charge of her if he had not been deprived of it, such taking or causing to be taken being  
 25 without the consent of the person from whom the girl is taken or with his consent obtained by fraud.

It is immaterial whether the girl is taken with her own consent or at her own suggestion or against her will.

It is immaterial whether or not the offender knows the age of  
 30 the girl, and whether or not he supposes in good faith and on reasonable grounds that she is over sixteen years of age, and whether or not he knows that she is under the lawful care or charge of any person, and whether or not he supposes in good faith and on reasonable grounds that she is not under such care.

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## SECTION 173.

## STEALING CHILDREN UNDER FOURTEEN.

Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to *seven years* penal servitude, who—  
 with intent to deprive any parent or guardian, or other person  
 40 having the lawful care or charge of any child under the age of

A.D. 1878. *fourteen years*, of the possession of such child, or with intent to steal any article about or upon the person of any such child,

(a.) unlawfully leads, or takes away, or decoys or entices away, or detains any such child; or

(b.) receives or harbours any such child, knowing it to have been so dealt with.

Provided that nothing in this section shall extend to any person who gets possession of any child, or takes any child out of the possession of any one who has lawful charge of it, if such person either in good faith claims a right to the possession of the child, or (if it is an illegitimate child) is its mother, or claims to be its father.

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## CHAPTER XXV.

### OFFENCES AGAINST CHILDREN BY PARENTS AND OTHERS.

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#### SECTION 174.

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##### NEGLECTING SERVANTS AND APPRENTICES.

Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to *five years* penal servitude, who, being under a legal duty of whatever nature or origin to provide for any person under his charge unable to withdraw himself therefrom, and unable to provide for himself necessary food, clothing, lodging, warmth, or medical aid, intentionally and without lawful excuse omits to provide the same, so that the life of such person is endangered, or his health is or is likely to be permanently injured.

#### SECTION 175.

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##### ABANDONING CHILDREN UNDER TWO.

Everyone shall be guilty of an indictable offence, and shall be liable upon conviction thereof to *five years* penal servitude—

Who unlawfully abandons or exposes any child, being under the age of two years, whereby the life of such child is endangered, or its health has been or is likely to be permanently injured.

The words "abandon" and "expose" include a wilful omission to take charge of the child on the part of a person legally bound to do so, and any mode of dealing with it calculated to leave it exposed to risk without protection.

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