

CRIMES (AMENDMENT) ACT.

Act No. 2, 1929.

An Act to amend the criminal law, and for that purpose to repeal the Crimes (Amendment) Act, 1905, and to amend the Crimes Act, 1900, and certain other Acts; and for purposes connected therewith. [Assented to, 12th March, 1929.]

George V.
No. 2, 1929.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Crimes (Amendment) Act, 1929." Short title.

2. The Crimes Act, 1900, as subsequently amended, is in this Act referred to as the Principal Act. Interpretation.

3. The Crimes (Amendment) Act, 1905, is hereby repealed. Repeal of Crimes (Amendment) Act, 1905, No. 12.

4. Section twenty-two of the Principal Act is amended by omitting the words "for the murder of a child," and by substituting therefor the words "for the murder or manslaughter of a child." Amendment of s. 22 of Principal Act.

5. Section one hundred and nineteen of the Principal Act is amended by omitting the proviso to the section and by substituting therefor the following new proviso:— Amendment of s. 119 of Principal Act.

Provided always that evidence shall not in any such case be given of any taking which occurred more than six months in point of time from any other of such takings.

6.

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Amendment
of s. 120 of
Principal
Act.

6. Section one hundred and twenty of the Principal Act is amended by inserting after the words "the offence of embezzlement" the words "or fraudulent misappropriation."

New s. 178A.

7. The Principal Act is further amended by inserting after section one hundred and seventy-eight the following new sub-heading and section :—

FRAUDULENT MISAPPROPRIATION.Fraudulent
misappropriation
of moneys
collected or
received.

178A. Whosoever having collected or received any money or valuable security under any authority upon terms requiring him to deliver or account for or pay to any person the whole or any part of—

- (a) such money or valuable security or the proceeds thereof; or
- (b) any balance of such money, valuable security, or proceeds thereof after any authorised deductions or payments have been made thereout,

fraudulently misappropriates to his own use or the use of any other person, or fraudulently omits to account for or pay the whole or any part of such money, valuable security, or proceeds, or the whole or any part of such balance in violation of the terms on which he collected or received such money or valuable security, shall be liable to penal servitude for seven years.

For the purposes of this section any such money, valuable security, or proceeds thereof, or any balance thereout shall be deemed to be the property of the person under whose authority the money or valuable security was collected or received notwithstanding that the accused may have been authorised to make any deduction thereout on his own behalf, or any payment thereout to another person, or to mix such money, valuable security, or proceeds thereof, or such balance with his own moneys.

Amendment
of s. 183 of
Principal
Act.

8. Section one hundred and eighty-three of the Principal Act is amended—

- (a) by inserting after the words "amount in law to larceny" the words "or fraudulent misappropriation," and

(b)

(b) by inserting after the words "in the Public Service" the words "or of fraudulent misappropriation." No. 2, 1929.

9. The Principal Act is further amended by inserting after subsection two of section three hundred and forty-one the following new subsection :— Amendment of s. 341 of Principal Act.

(3) Where by reason of the death, illness, termination of appointment, or absence, of any judge, chairman of quarter sessions, or magistrate, it is impossible to apply to such judge, chairman, or magistrate for leave to prosecute under subsection one of this section, in respect of any statement on oath as in the last preceding section mentioned, or it is for any other reason impracticable to do so, a prosecution in respect of any such statement on oath may be instituted with the leave of a judge of the Supreme Court.

10. The Principal Act is further amended by omitting sections three hundred and sixty-five and three hundred and sixty-six and substituting therefor the following new sections :— Amendment of ss. 365 and 366 of Principal Act.

365. (1) Where, before trial, or at any stage of a trial, it appears to the court that the indictment is defective, the court shall make such order for the amendment of the indictment as the court thinks necessary to meet the circumstances of the case, unless, having regard to the merits of the case, the required amendments cannot be made without injustice. Orders for amendment of indictment, separate trial and postponement of trial. cf. 5 & 6 Geo. V. c. 90, s. 5.

(2) Where, before trial, or at any stage of a trial, the court is of opinion that a person accused may be prejudiced or embarrassed in his defence by reason of being charged with more than one offence in the same indictment, or that for any other reason it is desirable to direct that the person should be tried separately for any one or more offences charged in an indictment, the court may order a separate trial of any count or counts of such indictment.

(3) Where, before trial, or at any stage of a trial, the court is of opinion that the postponement of the trial of a person accused is expedient as a consequence of the exercise of any power of the court

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court under this Act to amend an indictment or to order a separate trial of a count, the court shall make such order as appears necessary.

(4) Where an order of the court is made under this section for a separate trial, or for the postponement of a trial—

- (a) if such an order is made during a trial, the court may order that the jury are to be discharged from giving a verdict on the count or counts the trial of which is postponed, or on the indictment as the case may be; and
- (b) the procedure on the separate trial of a count and the procedure on the postponed trial shall be the same in all respects (if the jury has been discharged), as if the trial had not commenced; and
- (c) the court may make such order as to admitting the accused person to bail and as to the enlargement of recognizances and otherwise as the court thinks fit.

(5) Any power of the court under this section shall be in addition to and not in derogation of any other power of the court for the same or similar purposes.

Amended indictment.

363. Where any indictment is amended, a note of the order for amendment shall be endorsed on the indictment, and the indictment in its amended form shall be treated as the indictment for the purposes of the trial, and for the purposes of all proceedings in connection therewith or consequent thereon.

Amendment of s. 419A of Principal Act.

11. (1) Section 419A of the Principal Act is amended by inserting after the words “and adjoining such dock, wharf, or quay” the words “or in the course of transit from any vessel, barge, or boat, or from any store or shed used in connection with and adjoining such wharf, dock, or quay.”

Further amendment of Principal Act, Sec. 463. (Revocation of license.)

(2) The Principal Act is further amended—

- (a) by inserting in subsection two of section four hundred and sixty-three after the words “police force” the words “with or without a warrant”;

(b)

- (b) by inserting at the end of the subsection the words "Any justice may issue a warrant for the apprehension of any person who has been convicted of an offence committed within the State whether the offence is indictable or punishable on summary conviction, and whose license is revoked as aforesaid. Any such warrant may be in the form stated in the Eighth Schedule";
- (c) by inserting next after the Seventh Schedule the following new Schedule:—

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EIGHTH SCHEDULE.

Sec. 463.

Warrant for arrest of person whose license has been revoked.

To the Commissioner of Police and all other Peace Officers in the State of New South Wales—

Whereas A.B. was on the _____ day of _____ convicted of (the indictable offence of _____ or an offence punishable upon summary conviction) and the said offence was committed within the said State And Whereas for his said offence the said A.B. was sentenced to be imprisoned for the space of _____ thereafter And Whereas the said A.B. was afterwards released under license from the gaol at _____ in the said State And Whereas the said license has been revoked These are therefore to command you to take the said A.B. and (him or her) safely to convey to the said gaol and deliver (him or her) to the keeper thereof together with this precept And I do hereby command you, the said keeper of the said gaol to receive the said A.B. into your custody in the said gaol there to undergo the remainder of (his or her) said sentence.

Given under my hand and seal this _____ day of _____ in the year of Our Lord one thousand nine hundred and _____ at _____ in the said State.

C.D. (l.s.)

A Justice of the Peace for the State of New South Wales.

- 12.** The Principal Act is further amended by inserting after section 526A the following new sub-heading and section:—

Person drunk while driving vehicle.

526B. (1) Any person who, while driving on any highway or other public place any mechanically-propelled vehicle, is drunk or being under the influence of intoxicating liquor is incapable of properly

Penalty for drunkenness while in charge of motor vehicle.
cf. 15 & 16 Geo. V, c. 86, s. 40.

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properly controlling such vehicle, shall, on conviction before two justices, be liable to imprisonment for a term not exceeding six months, or to pay a fine not exceeding fifty pounds, or to both such imprisonment and fine.

(2) The court before whom any person is convicted under the preceding subsection may, in addition to any punishment or penalty, order that the person convicted shall be disqualified to hold a license for any period stated in the order, and any license held by him shall, so long as the disqualification continues, be of no effect.

The court before whom any person is so convicted shall cause particulars of any such conviction and of the disqualification (if any) to be endorsed upon any license held by the person convicted, and shall send notice of the conviction and disqualification (if any) to the licensing authorities by whom the license was granted.

(3) If a person who under this section is disqualified to hold a license applies for or obtains a license while he is so disqualified, he shall be guilty of an offence and shall be liable to a penalty not exceeding twenty pounds, and any license so obtained shall be of no effect.

(4) A person who by virtue of a conviction under this section is disqualified to hold a license, or who, by virtue of an order made under any Act or any regulation made thereunder on his being convicted of an offence is disqualified to obtain a license or whose license is suspended, may at any time after the expiration of six months from the date of the conviction, apply from time to time to the court before which he was convicted to remove the disqualification or suspension, and on any such application the court may by order, as it thinks proper, having regard to the character of the person convicted and his conduct subsequent to conviction, the nature of the offence, and the other circumstances of the case, either remove the disqualification or suspension from such date and on such condition as may be specified in the order or refuse the application, and if the court orders

a disqualification or suspension to be removed the court shall order particulars of the order to be endorsed on the license, if any, held by the applicant.

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(5) In this section the expression "license" means a license to drive a vehicle, and includes any such license under the Metropolitan Traffic Act, 1900, the Motor Traffic Act, 1909, the Local Government Act, 1919, or any other Act providing for the grant of such a license, and the expression "licensing authorities" means the persons authorised to grant such a license.

(6) Nothing in this section shall affect any liability of any person by virtue of any statute or at common law.

(7) Any person who is arrested for an offence under this section shall be entitled upon request made by him or on his behalf to be examined by a legally qualified medical practitioner, and where any such request is made the arresting officer shall afford all reasonable facilities for the holding of such an examination.

13. The Principal Act is amended by inserting after New s. 547A, section five hundred and forty-seven the following new sub-heading and section :—

(G) FALSE STATEMENT RESPECTING BIRTHS,
DEATHS, OR MARRIAGES.

547A. (1) Every person who wilfully gives to any district registrar, or assistant district registrar, appointed under any Act providing for the registration of births or deaths, any false information concerning any birth or death, or the cause of any death, or who wilfully makes any false declaration under or for the purpose of any Act relating to the registration of births or deaths, shall on conviction before two justices be liable to imprisonment for a term not exceeding six months, or to pay a fine not exceeding fifty pounds.

False statements respecting births, deaths, and marriages.

(2) Any person who wilfully makes any false statement before any minister of religion, or district registrar, authorised to celebrate marriages, or before any person authorised to give his written consent

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consent to the marriage of any minor, for the purpose of procuring the celebration of any marriage, or any person who induces or endeavours to induce any person to celebrate a marriage between parties where such first-mentioned person knows that one of such parties is under age, and that the written consent required by law has not previously been obtained, shall upon conviction before two justices be liable to imprisonment for a term not exceeding six months, or to pay a fine not exceeding fifty pounds.

(3) Proceedings for an offence against this section may be commenced within one year after the date of the commission of the offence, and subject to the permission of the Attorney-General.

Amendment
of s. 554 of
Principal
Act.

14. Subsection two of section five hundred and fifty-four of the Principal Act is amended—

- (a) by omitting the words “or in substitution for any sentence of imprisonment” and by substituting therefor the words “or in substitution for any sentence imposing a fine or a term of imprisonment”; and
- (b) by omitting the words “to be of good behaviour for a term not exceeding twelve months,” and by substituting therefor the words “to be of good behaviour for a term which shall not be less than twelve months or more than three years.”

New s. 556A.

15. The Principal Act is further amended by inserting after section five hundred and fifty-six the following new sub-heading and section :—

Conditional release of offenders.

Power to
permit
conditional
release of
offenders.
cf. 7 Edw.
VII, c. 17,
s. 1.

556A. (1) Where any person is charged before a court of summary jurisdiction with an offence punishable by such court, and the court thinks that the charge is proved, but is of opinion that, having regard to the character, antecedents, age, health, or mental condition of the person charged, or to the trivial nature of the offence, or to the extenuating circumstances under which the offence

was

was committed, it is inexpedient to inflict any punishment, or any other than a nominal punishment, or that it is expedient to release the offender on probation, the court may, without proceeding to conviction, make an order either—

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- (a) dismissing the charge; or
- (b) discharging the offender conditionally on his entering into a recognizance, with or without sureties, to be of good behaviour and to appear for conviction and sentence when called on at any time during such period, not exceeding three years, as may be specified in the order.

(2) Where an order is made under this section the order shall, for the purpose of re-vesting or restoring stolen property, and of enabling the court to make orders as to the restitution or delivery of property to the owner, and as to the payment of money upon or in connection with such restitution or delivery, and for the purpose of the exercise of any power conferred by subsection three of section five hundred and fifty-four, have the like effect as a conviction.

16. (1) The Sixth Schedule of the Principal Act is amended—

- (a) by inserting at the commencement of the column headed "Sections enumerated" the figures "33" and "34" and by inserting opposite thereto respectively in the column headed "Offences" the words "Wounding, &c., with intent to do bodily harm, &c.," and the words "Maliciously wounding or inflicting grievous bodily harm";
- (b) by omitting from the column headed "Sections enumerated" the figures "64" opposite the words "Attempt to commit rape, &c." and by inserting in lieu thereof the figures "65";
- (c) by omitting from the same column the figures "65" opposite the words "Procuring or having carnal knowledge by fraud" and by inserting in lieu thereof the figures "66";

Amendment
of Sixth
Schedule of
Principal Act.
(Offences in
which
whipping may
be ordered.)

(d)

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(d) by omitting from the same column the figures and word "77 and 78" opposite the words "Indecent assaults" and by inserting in lieu thereof the figures "76."

New s. 353B.

(2) by inserting next after section 353A the following new subsection :—

Person apprehended carrying razor, &c.

353B. Where a person is in lawful custody upon a charge of committing any crime or offence and is found to have been carrying at the time or immediately before he was apprehended any razor, razor blade or other cutting weapon, he shall, unless the justice before whom he is brought is satisfied that he was carrying the same for a lawful purposes the proof of which shall lie upon the accused, be liable to imprisonment for a term not exceeding six months.

Amendment of Act No. 16, 1912.

Sec. 5B.

17. Section 5B of the Criminal Appeal Act, 1912, is amended by inserting at the end of the section the words "and the Court of Criminal Appeal may make any such order or give any such direction to the Court of Quarter Sessions as it thinks fit."

Further amendment of Criminal Appeal Act, 1912, No. 16.

Appeal by person declared an habitual criminal.

18. The Criminal Appeal Act, 1912, is further amended by inserting after section 5D the following new section :—

5E. Any person who is declared to be an habitual criminal, may, by leave of the court, appeal against such declaration, and the provisions of this Act applicable to an appeal against a sentence passed on a conviction on indictment shall apply to such an appeal.

Amendment of Jury Act, 1912, No. 31.

Provision for continuance of trial where juror dies or becomes incapable.
cf. 15 & 16
Geo. V, c. 86,
s. 15.

19. The Jury Act, 1912, is amended by inserting after section twenty-seven the following new section :—

27A. Where in the course of a criminal trial any member of a jury dies or is discharged by the court as being through illness incapable of continuing to act, or for any other reason, the jury shall nevertheless, subject to assent being given in writing by or on behalf of both the Crown Prosecutor and the accused (which assent the accused is hereby authorised to give), and so long as the number of its members is not reduced below ten, be considered as remaining for all the purposes of that trial properly constituted, and the trial shall proceed and a verdict may be given accordingly.

20.

20. The Police Offences Act, 1901, is amended by omitting section thirty and by substituting therefor the following new section:—

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Amendment of s. 30 of the Police Offences Act, 1901, No. 5.

30. If any goods or money charged to be stolen or fraudulently obtained are in the custody of any constable in connection with any criminal charge, or of any offence punishable summarily, any police or stipendiary magistrate may, on application by an officer of police or by a claimant of the property, make an order for the delivery of such goods or money to the person who appears to be the rightful owner thereof, or if the owner cannot be ascertained, may make such order with respect to such goods or money as to such magistrate seems meet.

Order for delivery of goods in custody of constable. Cf. 60 & 61 Vic. c. 30, s. 1.

No such order shall be any bar to the right of any person to sue the person to whom such goods or money are delivered, and to recover such goods or money from him by an action commenced within six months next after the making of such order.

21. The Principal Act is amended—

(a) by omitting section one and the headings preceding it, and by inserting in lieu thereof the following section and headings:—

Consequential and corrective amendments of Principal Act.

PART I.

PRELIMINARY AND INTERPRETATION.

Short title and division into Parts.

1. This Act may be cited as the “Crimes Act 1900,” and is divided into Parts, as follows:—

Short title and contents of Act.

PART I.—PRELIMINARY AND INTERPRETATION—

Amended, Act No. 10, 1924, s. 26, (b).

(1) *Short title and division into Parts.*—
s. 1.

(2) *Repeals and savings.*—s. 2.

(3) *Application of certain sections and parts.*—s. 3.

(4) *Interpretation.*—ss. 4–8.

(5) *What offences to be deemed and treated as felonies or misdemeanours.*—ss. 9, 10.

PART

PART II.—OFFENCES AGAINST THE
SOVEREIGN—*Treason felony.*—ss. 11-16.

PART III.—OFFENCES AGAINST THE PERSON—

- (1) *Homicide.*—ss. 17-25.
- (2) *Conspiracy to murder.*—s. 26.
- (3) *Attempts to murder.*—ss. 27-30.
- (4) *Letters threatening to murder.*—s. 31.
- (5) *Acts causing danger to life or bodily harm.*—ss. 32-54.
- (6) *Possessing or making explosives, &c., with intent to injure the person.*—s. 55.
- (7) *Assaults upon clergymen, officers, and others.*—ss. 56-60.
- (8) *Common assault.*—s. 61.
- (9) *Rape and similar offences.*—ss. 62-78F.
- (10) *Unnatural offences.*—ss. 79-81.
- (11) *Attempts to procure abortion.*—ss. 82-84.
- (12) *Concealing birth of a child.*—s. 85.
- (13) *Abduction.*—ss. 86-91D.
- (14) *Bigamy.*—ss. 92, 93.

PART IV.—OFFENCES RELATING TO PRO-
PERTY—CHAPTER I.—*Stealing and like offences—*

- (a) ROBBERY—ss. 94-98.
- (b) EXTORTION, &C., BY MENACE
THREAT.—ss. 99-105.
- (c) SACRILEGE, BURGLARY, AND HOUSE-
BREAKING.—ss. 106-115.

(d)

(d) LARCENY—

- (1) *Declaratory.*—s. 116.
- (2) *Simple larceny and general provisions.*—ss. 117-124.
- (3) *Larceny by bailees.*—s. 125.
- (4) *Of animals.*—ss. 126-133.
- (5) *Of written instruments.*—ss. 134-138.
- (6) *Of things attached to or growing on land.*—ss. 139-143.
- (7) *From mines.*—ss. 144-147.
- (8) *In dwelling-house.*—ss. 148, 149.
- (9) *Of goods in process of manufacture, tools, &c.*—ss. 150, 151.
- (10) *From ships or wharfs.*—ss. 152, 153.
- (11) *By tenants or lodgers.*—s. 154.
- (12) *Of vehicles or boats.*—ss. 154A, 154B.

(e) EMBEZZLEMENT OR LARCENY—

- (1) *By clerks or servants.*—ss. 155-158.
- (2) *By persons employed in the Public Service.*—ss. 159, 160.
- (3) *General deficiency.*—s. 161.
- (4) *By joint owners.*—s. 162.
- (5) *Alternative verdict.*—s. 163.

(f) FRAUDS BY FACTORS AND OTHER AGENTS.—ss. 164-178.

(f1) FRAUDULENT MISAPPROPRIATION.—s. 178A.

(g) FALSE PRETENCES.—ss. 179-185.

(h) CORRUPT REWARDS.—s. 186.

(i) RECEIVERS.—ss. 187-193.

CHAPTER II.—*Malicious injuries to property*—

- (1) *Declaratory and general.*—ss. 194, 195.
- (2) *Injuries to buildings, &c., by fire.*—ss. 196-202.
- (3) *Injuries to buildings by explosive substances.*—ss. 203, 204.
- (4) *Injuries to buildings by rioters.*—ss. 205-207.
- (5) *Injuries to buildings by tenants.*—s. 208.
- (6) *Injuries to manufactures, machinery, &c.*—ss. 209, 210.
- (7) *Injuries to corn, haystacks, trees, &c.*—ss. 211-220.
- (8) *Injuries to mines.*—ss. 221-224.
- (9) *Injuries to sea or river banks, &c.*—ss. 225, 226.
- (10) *Injuries to ponds, reservoirs, &c.*—s. 227.
- (11) *Injuries to bridges, viaducts, and toll-bars.*—ss. 228, 229.
- (12) *Injuries to railway carriages and telegraphs.*—ss. 230-234.
- (13) *Injuries to vessels.*—ss. 235-243.
- (14) *Injuries to books, works of art, &c., in museums, &c.*—s. 244.
- (15) *Injuries to cattle.*—ss. 245, 246.
- (16) *Injuries over five pounds not otherwise provided for.*—s. 247.
- (17) *Letters threatening to burn or destroy property.*—s. 248.
- (18) *Making or having gunpowder, &c., with intent to commit offences against property.*—s. 249.

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PART V.—FORGERY—

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- (1) *Declaratory and general.*—ss. 250, 251.
- (2) *Forgeries not specially provided for.*—s. 252.
- (3) *Forgery, &c., of public seals or official signatures.*—ss. 253, 254.
- (4) *Forgery of Acts, proclamations, &c.*—s. 255.
- (5) *Forgery, &c., of transfers of stock, &c.*—ss. 256–259.
- (6) *Forgery of India bonds, Exchequer bills, &c.*—ss. 260–263.
- (7) *Forgery, &c., of stamps or having forged dies, &c.*—s. 264.
- (8) *Forgery, &c., of or engraving plate, &c., for bank notes, &c.* ss. 265–270.
- (9) *Forgery, &c., of wills, deeds, bills of exchange, &c.*—ss. 271–276.
- (10) *Forgery of instruments, &c., made by Judges, Officers of Court, Justices of the Peace, &c., or of signature thereto.*—ss. 277, 278.
- (11) *Forgery, &c., of records, &c., or copies thereof.*—ss. 279–283.
- (12) *Forgery, &c., of instruments of evidence.*—ss. 284–292.
- (13) *Forgery of instruments, &c., under Registration of Deeds Acts.*—s. 293.
- (14) *Falsely acknowledging recognizances &c.*—s. 294.
- (15) *Forgery, &c., of matters relating to marriage.*—s. 295.
- (16) *Falsifying entries of birth, deaths, &c.*—ss. 296, 297.
- (17) *Obtaining or demanding property on forged instruments.*—s. 298.
- (18) *Forgery or fraudulent use of trade-marks.*—s. 299.

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PART VI.—OFFENCES RELATING TO THE
COINAGE—

- (1) *Interpretation and general clauses.*—
ss. 300–302.
- (2) *Counterfeiting, uttering, or impairing
the Queen's gold or silver coin.*—
ss. 303–314.
- (3) *Counterfeiting or uttering the Queen's
copper coin.*—ss. 315–317.
- (4) *Counterfeiting or uttering foreign coin.*
—ss. 318–322.
- (5) *Importing or exporting counterfeit
coin.*—s. 323.
- (6) *Making or having, &c., tools for
coining.*—ss. 324, 325.
- (7) *Provisions for cutting suspected coin.*
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PART VII.—PERJURY AND LIKE OFFENCES.—
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CRIME.—s. 344.PART IX.—ABETTORS AND ACCESSORIES.—
ss. 345–351.PART X.—APPREHENSION OF OFFENDERS,
SEARCH WARRANTS, AND DISCHARGE OF
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- (1) *Apprehension of offenders.*—ss. 352–
353A.
- (2) *Search warrants.*—ss. 354–357.
- (3) *Discharge of persons in custody.*—
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PART XI.—PROCEDURE, EVIDENCE, VERDICT,
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- (1) *As to indictment—Form, venue,
amendments, &c.*—ss. 359–393.
- (2) *Arraignment, plea, and trial.*—ss. 394–
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- (3) *Rules respecting evidence.*—ss. 406-424. No. 2, 1929.
- (4) *Verdict generally.*—ss. 425-427.
- (5) *Reserving questions of law.*—s. 428.
(*Repealed, 1912, No. 16, s. 23 (2).*)

PART XII.—SENTENCES—

- (1) *Juvenile offenders.*—s. 429.
- (2) *Sentences of death.*—ss. 430, 431.
- (3) *Sentences of imprisonment—Hard labour—Solitary confinement—and Sureties.*—s. 432.
- (4) *Sentences of whipping or irons.*—ss. 434-436.
- (5) *Order for payment of compensation.*—s. 437.
- (6) *Order for restitution of property stolen, &c.*—s. 438.
- (7) *Disposal of insane persons.*—s. 439.
- (8) *Sentences for statutory offences.*—s. 440.
- (9) *Deferred sentences.*—s. 441.
- (10) *Reduction of sentence or fine below term or amount fixed.*—s. 442.
- (11) *Additional and cumulative sentences.*—ss. 443-447A.

PART XIII.—PROCEEDINGS AFTER SENTENCE—

(A) EXECUTION OF SENTENCE—

- (1) *Capital sentences.*—ss. 448-452.
- (2) *Penal servitude sentences.*—ss. 453, 454.
- (3) *Whipping sentences.*—ss. 455, 456.
- (4) *Enforcing payment of compensation.*—s. 457.
- (5) *Sentences of Courts-martial.*—s. 458.

(B) COMMUTATION OR MITIGATION OF SENTENCES.—ss. 459-464.

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(C) CONSEQUENCES, &C., OF CONVICTION FOR FELONY.—ss. 465-469.

(D) APPEALS—

(1) *Questions reserved.*—s. 470. (*Repealed, Act No. 16, 1912, s. 23 (2).*)

(2) *Writs of error.*—s. 471. (*Repealed, Ibid.*)

(3) *General provisions as to informalities*—ss. 472, 473. (*Repealed, Ibid.*)

(4) *New trials.*—s. 474. (*Repealed, Ibid.*)

(E) INQUIRY SUBSEQUENT TO CONVICTION.—s. 475.

PART XIV.—OFFENCES PUNISHABLE BY JUSTICES AND PROCEDURE BEFORE JUSTICES GENERALLY—

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- (b) by inserting the following short heading immediately before section two: “Repeals and savings”;
 (c) by inserting the following short heading immediately before section three: “Application of certain sections and Parts”;
 (d) by inserting immediately before section five hundred and one and after the heading “(B) LARCENY AND SIMILAR OFFENCES” the following short heading: “*Larceny, &c., of animals.*”

Amendment
of Act No. 1,
1919.

22. The First Offenders (Women) Act, 1918, is amended by inserting next after section four the following new section:—

Act not to
apply to
certain cases
of larceny.

5. This Act shall not apply when the offence charged is committing or attempting to commit simple larceny, and the offence is charged with respect to goods in a shop where goods are sold by retail:

Provided that where a woman who has not been previously convicted of any offence is charged with the offence referred to in this section and no conviction is recorded, no person shall publish in any newspaper a report or account of the proceedings. Any person publishing any such report or account, contrary to the terms of this proviso, shall be liable to a penalty not exceeding fifty pounds.