

No. XII.**POISON
ADMINISTERING.****An Act to amend the Law relating to the unlawful
administering of Poison. [20th January, 1862.]****Preamble.**

WHEREAS the present Law has been found insufficient to protect persons from the unlawful administering of Poison except in cases where the intent is to commit murder Be it therefore enacted by the Queen'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 :—

Administering
poison &c. with
intent to endanger
life or inflict grievous
bodily harm to be
felony.

1. That whosoever shall unlawfully and maliciously administer to or cause 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 shall be guilty of felony and being convicted thereof shall be liable to be sentenced to be worked on the roads or other public works of the Colony for any period not exceeding ten years and not less than three years or to imprisonment for any term not more than three years with or without hard labor at the discretion of the Court.

Any person adminis-
tering poison &c. to
be guilty of a mis-
demeanor.

2. Whosoever shall unlawfully and maliciously administer to or cause 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 shall be guilty of a misdemeanor and being convicted thereof shall be liable to be sentenced to imprisonment for any period not exceeding three years with or without hard labor at the discretion of the Court.

Persons charged with
felony may be found
by jury guilty of
misdemeanor.

3. If upon the trial of any person charged with the felony above mentioned the Jury shall not be satisfied that such person is guilty thereof but shall be satisfied that he is guilty of the misdemeanor above mentioned then and in every such case the Jury may acquit the accused of such felony and find him guilty of such misdemeanor and thereupon the delinquent shall be liable to be punished in the same manner as if convicted upon an indictment for the misdemeanor.