

Q115B.

Ink. till Social-Dept  
d. 6 FEB. 1929

ISLE OF MAN.



THE  
CRIMINAL CODE  
AMENDMENT ACT,  
1886.



DOUGLAS:  
BROWN AND SON, PRINTERS, "TIMES" OFFICE, ATHOL-STREET.

THE CRIMINAL CODE AMENDMENT ACT, <sup>49°-50° Vict.,</sup>  
1886.

Passed 25th May, 1886.  
Promulgated , 1886.

Isle of Man }  
to Brit. }

*An Act to make further provision for the Protection  
of Women and Girls, the Suppression of Brothels,  
and other Purposes.*

WE, your Majesty's most dutiful and loyal subjects,  
the Lieutenant-Governor, Council, Deemsters,  
and Keys of the said Isle, do humbly beseech your  
Majesty that it may be enacted, and be it enacted,  
by the Queen's Most Excellent Majesty, by and with  
the advice and consent of the Lieutenant-Governor,  
Council, Deemsters, and Keys, in Tynwald assembled,  
and by the authority of the same, as follows (that  
is to say):—

1. This Act may be cited as the Criminal Code Short title, &c,  
Amendment Act, 1886.

2. This Act, so far as is consistent with the tenor Act to be  
construed as one  
with Criminal  
Code, 1872.  
thereof, shall be construed as one with the Criminal  
Code, 1872 (hereinafter referred to as the principal  
Act), and the words "this Act" in the principal Act  
shall be deemed to include this Act.

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Repeal of  
enactments in  
Schedule.

3. Sections sixty-two, sixty-three, sixty-four, and sixty-five of the principal Act are hereby repealed, except as to anything heretofore duly done thereunder, and except so far as may be necessary for the purpose of supporting and continuing any proceeding taken, or of prosecuting or punishing any person for any offence committed before the promulgation of this Act.

### PART I.

#### PROTECTION OF WOMEN AND GIRLS.

Procuration.

#### 4. Any person who—

- (1) Procures or attempts to procure any girl or woman under twenty-one years of age, not being a common prostitute, or of known immoral character, to have unlawful carnal connection, either within or without the Queen's dominions, with any other person or persons; or
- (2) Procures or attempts to procure any woman or girl to become, either within or without the Queen's dominions, a common prostitute; or
- (3) Procures or attempts to procure any woman or girl to leave this Isle, with intent that she may become an inmate of a brothel elsewhere; or
- (4) Procures or attempts to procure any woman or girl to leave her usual place of abode in this Isle (such place not being a

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brothel), with intent that she may, for the purposes of prostitution, become an inmate of a brothel within or without the Queen's dominions,

shall be guilty of a misdemeanour.

Provided that no person shall be convicted of any offence under this section upon the evidence of one witness only, unless such witness be corroborated in some material particular by evidence implicating the accused.

#### 5. Any person who—

- (1) By threats or intimidation procures or attempts to procure any woman or girl to have any unlawful carnal connection, either within or without the Queen's dominions; or
- (2) By false pretences or false representations procures any woman or girl, not being a common prostitute or of known immoral character, to have any unlawful carnal connection, either within or without the Queen's dominions; or
- (3) Applies, administers to, or causes to be taken by any woman or girl any drug, matter, or thing, with intent to stupefy or overpower so as thereby to enable any person to have unlawful carnal connection with such woman or girl,

shall be guilty of a misdemeanour.

Procuring  
defilement of  
woman by  
threats of fraud  
or administering  
drugs.

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Provided that no person shall be convicted of an offence under this section upon the evidence of one witness only, unless such witness be corroborated in some material particular by evidence implicating the accused.

Defilement of  
girl under  
thirteen years  
of age.

6. (1) Any person who unlawfully and carnally knows any girl under the age of thirteen years shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for life or for any term not less than five years, or to be imprisoned for any term not exceeding two years with or without hard labour.

(2) Any person who attempts to have unlawful carnal knowledge of any girl under the age of thirteen years shall be guilty of a misdemeanour.

Where upon the hearing of a charge under this section the girl in respect of whom the offence is charged to have been committed, or any other child of tender years who is tendered as a witness, does not, in the opinion of the Court or justices, understand the nature of an oath, the evidence of such girl or other child of tender years may be received, though not given upon oath, if, in the opinion of the Court or justices, as the case may be, such girl or other child of tender years is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth: Provided that no person shall be liable to be convicted of the offence unless the testimony

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admitted by virtue of this section, and given on behalf of the prosecution, shall be corroborated by some other material evidence in support thereof implicating the accused: Provided also that any child wilfully making a false statement under this section shall be liable on summary conviction before a Deemster, High-Bailiff, or two justices, to a fine not exceeding twenty shillings, or to be imprisoned for a term not exceeding one month, and if a male to be whipped at the discretion of the Court.

7. Any person who—

- (1) Unlawfully and carnally knows or attempts to have unlawful carnal knowledge of any girl being of or above the age of thirteen years and under the age of sixteen years; or
- (2) Unlawfully and carnally knows or attempts to have unlawful carnal knowledge of any female idiot or imbecile woman or girl, under circumstances which do not amount to rape but which prove that the offender knew at the time of the commission of the offence that the woman or girl was an idiot or imbecile,

Defilement of  
girl between  
thirteen and  
sixteen years of  
age, and of  
imbecile

shall be guilty of a misdemeanour.

Provided that it shall be a sufficient defence to any charge under sub-section one of this section if it shall be made to appear to the court or jury before whom the charge shall be brought that the person

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so charged had reasonable cause to believe that the girl was of or above the age of sixteen years.

Provided also that no prosecution shall be commenced for an offence under sub-section one of this section more than three months after the commission of the offence.

Householder,  
&c, permitting  
defilement of  
girl on his  
premises.

8. Any person who, being the owner or occupier of any premises, or having or acting or assisting in the management or control thereof—

Induces or knowingly suffers any girl of such age as is in this section mentioned to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known by any man whether such carnal knowledge is intended to be with any particular man or generally shall

- (1) If such girl is under the age of thirteen years be guilty of felony, and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for life or for any term not less than five years or to be imprisoned for any term not exceeding two years with or without hard labour; and
- (2) If such girl is of or above the age of thirteen years and under the age of sixteen years be guilty of a misdemeanour.

Provided that it shall be a sufficient defence to any charge under this section if it shall be made to

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appear to the Court or jury before whom the charge shall be brought that the person so charged had reasonable cause to believe that the girl was of or above the age of sixteen years.

9. Any person who, with intent that any unmarried girl under the age of eighteen years should be unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, takes or causes to be taken such girl out of the possession and against the will of her father or mother or any other person having the lawful care or charge of her, shall be guilty of a misdemeanour.

Abduction of  
girl under  
eighteen with  
intent to have  
carnal  
knowledge.

Provided that it shall be a sufficient defence to any charge under this section if it shall be made to appear to the Court or jury that the person so charged had reasonable cause to believe that the girl was of or above the age of eighteen years.

10. Any person who detains any woman or girl against her will—

Unlawful  
detention with  
intent to have  
carnal  
knowledge.

- (1) In or upon any premises with intent that she may be unlawfully and carnally known by any man whether any particular man or generally, or
  - (2) In any brothel,
- shall be guilty of a misdemeanour.

And where a woman or girl is in or upon any premises for the purpose of having any unlawful carnal connection, or is in any brothel, a person shall be

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deemed to detain such woman or girl in or upon such premises or in such brothel, if, with intent to compel or induce her to remain in or upon such premises or in such brothel, such person withholds from such woman or girl any wearing apparel or other property belonging to her, or, where wearing apparel has been lent or otherwise supplied to such woman or girl by or by the direction of such person, such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel so lent or supplied.

No legal proceedings, whether civil or criminal, shall be taken against any such woman or girl for taking away or being found in possession of any such wearing apparel as was necessary to enable her to leave such premises or brothel.

Indecent  
assault.

11. Whoever shall be convicted of any indecent assault upon any female shall be guilty of a misdemeanour.

Rape by  
personation of  
husband of a  
married woman.

12. Whereas doubts have been entertained whether a man by personating the husband of a married woman induces her to have connection with him is or is not guilty of rape; it is hereby enacted and declared that such connection shall be deemed to be felonious and against the will of such woman and the offender shall be deemed to be guilty of rape.

Power, on  
indictment for  
rape, to convict  
of certain  
misdemeanours.

13. If upon the trial of any indictment for rape or any offence made felony by section six of this

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Act, the jury shall be satisfied that the defendant is guilty of an offence under section five, six, seven, or eleven of this Act, but are not satisfied that the defendant is guilty of the felony charged in such indictment, or of an attempt to commit the same, then and in every such case the jury may acquit the defendant of such felony and find him guilty of such offence as aforesaid, and thereupon such defendant shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such offence as aforesaid.

14. If it appears to any justice on information Power of search. made before him on oath by any parent, relative, or guardian of any woman or girl, or any other person who, in the opinion of the justice, is bona fide acting in the interests of any woman or girl, that there is reasonable cause to suspect that such woman or girl is unlawfully detained for immoral purposes by any person in any place within the jurisdiction of such justice, such justice may issue a warrant authorizing any person named therein to search for, and when found to take to and detain in a place of safety such woman or girl until she can be brought before a justice; and the justice before whom such woman or girl is brought may cause her to be delivered up to her parents or guardians, or otherwise dealt with as circumstances may permit and require.

The justice issuing such warrant may, by the same or any other warrant, cause any person

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accused of so unlawfully detaining such woman or girl to be apprehended and brought before a justice and proceedings to be taken for punishing such person according to law.

A woman or girl shall be deemed to be unlawfully detained for immoral purposes if she is so detained for the purpose of being unlawfully and carnally known by any man whether any particular man or generally and—

- (a) Either is under the age of sixteen years; or
- (b) If of or over the age of sixteen years and under the age of eighteen years, is so detained against her will or against the will of her father or mother or of any other person having the lawful care or charge of her; or
- (c) If of or over the age of eighteen years is so detained against her will.

Any person authorized by warrant under this section to search for any woman or girl so detained as aforesaid may enter (if need be by force) any house, building, or other place specified in such warrant and may remove such woman or girl therefrom.

Provided always that every warrant issued under this section shall be addressed to and executed by some superintendent, inspector, or other officer of police, who shall be accompanied by the parent, relative, or guardian or other person making the information if such person so desire unless the justice shall otherwise direct.

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15. Any male person who, in public or private, commits, or is a party to the commission of, or procures or attempts to procure the commission by any male person of any act of gross indecency with another male person shall be guilty of a misdemeanour.

Outrages on  
dececy.

16. Whosoever shall be convicted of a misdemeanour under this Act shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years with or without hard labour.

Punishment for  
misdemeanour.

17. Where on the trial of any offence under this Act it is proved to the satisfaction of the Court that the seduction or prostitution of a girl under the age of sixteen years has been caused, encouraged, or favoured by her father, mother, guardian, master, or mistress, it shall be in the power of the Court to divest such father, mother, guardian, master, or mistress of all authority over her, and to appoint any person or persons willing to take charge of such girl to be her guardian until she has attained the age of twenty-one years or any age below this as the Court may direct, and Her Majesty's High Court of Justice of the Isle of Man shall have the power from time to time to rescind or vary such order by the appointment of any other person or persons as such guardian or in any other respect.

Custody of girls  
under sixteen.

18. Every person who—

- (1) Persistently importunes or solicits women or children for immoral purposes:

Public  
solicitation.

- (2) Being a common prostitute loiters about or importunes passengers for the purposes of prostitution,

shall be liable on a conviction before a High-Bailiff or two Justices to a penalty not exceeding forty shillings.

## PART II.

## SUPPRESSION OF BROTHELS.

## 19. Any person who—

- (1) Keeps or manages or acts or assists in the management of a brothel, or
- (2) Being the occupier of any premises knowingly permits such premises or any part thereof to be used as a brothel or for the purposes of habitual prostitution, or
- (3) Being the lessor or landlord of any premises or the agent of such lessor or landlord, lets the same or any part thereof with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof as a brothel,

shall on summary conviction before a High-Bailiff or two Justices be liable—

- (1) To a penalty not exceeding twenty pounds or in the discretion of the Court to imprisonment for any term not exceeding

Summary  
proceedings  
against brothel  
keeper, &c.

three months with or without hard labour, and

- (2) On a second or subsequent conviction to a penalty not exceeding forty pounds, or in the discretion of the Court to imprisonment for any term not exceeding four months with or without hard labour;

and in case of any conviction such person may, in addition to such penalty or imprisonment as aforesaid, be required by the Court to enter into a recognizance with or without sureties as to the Court seems meet, to be of good behaviour for any period not exceeding twelve months, and in default of entering into such recognizance with or without sureties (as the case may be) such person may be imprisoned for any period not exceeding three months in addition to any term of imprisonment as aforesaid.

20. (1) Where the whole or any part of any premises (hereinafter referred to as demised premises) is used as a brothel, and is in the possession or occupation of a tenant or occupier under a lease or a written or parole agreement or an assignment of a lease or agreement; and such tenant or occupier shall be convicted of an offence under the last preceding section of this Act; or of keeping a common bawdy-house or brothel under section three hundred and forty-six of the Criminal Code 1872; and the immediate lessor of the demised premises shall not have had knowledge at the time of the letting thereof

A landlord may determine a letting where the tenant is convicted of keeping a brothel.



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of the illegal purpose for which such premises or any part thereof were intended to be used, or shall not have been a party to the continued use of such premises or any part thereof for such illegal purpose, the said lease or agreement may in the option of the said lessor be determined; and he shall be entitled to demand, sue for, and recover possession of the demised premises in like manner as in the case of a tenant at will refusing to quit the premises in his tenancy or occupation and the said lessor shall also be entitled to recover the current year's rent of the demised premises from the time of his obtaining possession of such premises.

(2) On any such tenant or occupier being convicted as aforesaid it shall be the duty of the Chief Constable to send by post to the lessor of the demised premises, if he can discover the name and place of residence of such lessor, a notice in writing or print containing the date of the conviction, the name of the person convicted, and the situation of the demised premises, and there shall be appended to such notice a copy of this section.

(3) In the construction of this section the word "lessor" shall include an assignor and any person who shall let or sublet premises.

### PART III.

#### MISCELLANEOUS.

Saving of  
liability to other  
criminal  
proceedings.

21. This Act shall not exempt any person from any proceeding for an offence which is punishable

under any Act of Tynwald other than this Act, so that a person be not punished twice for the same offence.

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22. Notwithstanding anything contained in section six of the Evidence Act, 1871, any person who in any criminal proceeding is charged with the commission of any offence or any offence punishable on summary conviction, and the husband or wife of the person so charged, shall be competent, but not compellable, to be witnesses on every hearing at every stage of such charge.

Persons charged  
with offences  
competent to be  
witnesses.

23. All offences under the principal Act and this Act punishable on summary conviction may be prosecuted at the instance of any superintendent, inspector, or serjeant of police.

Prosecution of  
offences  
punishable on  
summary  
conviction under  
Criminal Code,  
1872.