

CHAPTER XXIV.—ASSAULTS

227. Any person who unlawfully assaults another is guilty of a misdemeanour, and, if the assault is not committed in circumstances for which a greater punishment is provided in this Code, is liable to imprisonment for one year.

Common assault.

228. Any person who commits an assault occasioning actual bodily harm is guilty of a misdemeanour, and is liable to imprisonment for five years.

Assaults causing actual bodily harm.

229. Any person who assaults and strikes or wounds any magistrate, officer, or other person lawfully authorised in or on account of the execution of his duty in or concerning the preservation of any vessel in distress, or of any vessel or goods or effects wrecked, stranded, or cast on shore, or lying under water, is guilty of a misdemeanour, and is liable to imprisonment for seven years.

Assaults on persons protecting wreck.

230. Any person who—

(a) assaults any person with intent to commit a felony or to resist or prevent the lawful apprehension or detainer of himself or of any other person for any offence; or

Assaults punishable with two years' imprisonment.

(b) assaults, resists, or wilfully obstructs any police officer in the due execution of his duty, or any person acting in aid of such officer; or

(c) assaults any person in pursuance of any unlawful combination or conspiracy to raise the rate of wages, or respecting any trade, business, or manufacture or respecting any person concerned or employed therein; or

(d) assaults, resists or obstructs any person engaged in lawful execution of process, or in making a lawful distress, with intent to rescue any property lawfully taken under such process or distress; or

(e) assaults any person on account of any act done by him in the execution of any duty imposed on him by law,

is guilty of a misdemeanour, and is liable to imprisonment for two years.

Slave-dealing; various forms.

230A. Whosoever--

- (a) sells, purchases, gives or takes in barter, transfers or receives any slave or other person, in order that such slave or other person may be held or treated as a slave; or
- (b) places or receives any person in servitude as a pledge or security for debt, whether then due or owing, or to be incurred or contingent, whether under the name of pawn or by whatever other name such person may be called or known; or
- (c) conveys any person, or induces any person to come into The Gambia in order that such person may be bought or sold, given or taken in barter, transferred, or may be held or treated as a slave, or be placed in servitude as a pledge or security for debt; or
- (d) conveys or sends any person, or induces any person to go outside The Gambia in order that such person may be bought, sold, given or taken in barter, transferred, or held or treated as a slave, or be placed in servitude as a pledge or security for debt; or
- (e) enters into any contract or agreement, with or without consideration, for doing or procuring to be done any of such acts or accomplishing any of such purposes; or
- (f) ships, tranships, embarks, receives, detains or confines on board, or contracts for, or authorises the shipping, transshipping, embarking, receiving, detaining or confining on board of any ship, vessel, boat or canoe, slaves or other persons for the purpose of their being carried away or removed from any place whatsoever, or imported or brought into any place whatsoever, as or in order to their being bought, sold, bartered, transferred or held or treated as slaves; or
- (g) by any species of coercion or restraint unlawfully compels or attempts to compel the service of any person;

shall on conviction be liable to imprisonment with or without hard labour for any period not exceeding seven years.

Presumption of intention to treat as a slave.

230B. Any person bringing any slave into The Gambia, or purchasing, selling, or giving or taking in barter, any slave or other person, shall be presumed to have bought, sold, or otherwise dealt

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with such person in order that such person may be held or treated as a slave, unless the contrary be shown.

230C. (1) Any person who, with whatever intention---

- (a) brings any slave into The Gambia; or
- (b) lodges or receives any slave so brought, or come into The Gambia; or
- (c) adopts or takes into his household any runaway, purchased, redeemed or liberated slaves;

Slaves brought into The Gambia to be reported.

shall report the matter forthwith, in Bathurst or Kombo Saint Mary to the Commissioner of Police and elsewhere to the Commissioner of the Division in which such person resides or into which such slave is brought; and, in case of failure to do so, shall be guilty of an offence and shall be liable to be punished therefor as for an offence under section 230A. of this Code.

(2) It shall be the duty of the Commissioner of Police or the Commissioner of the Division, as the case may be, to inquire into the facts of any case so reported to him; and

- (a) where he is of opinion that an offence against this Code has been committed, to take proceedings for the punishment of the offenders;
- (b) in every case to make suitable arrangements to secure the liberty of the slave.

230D. Any ship, vessel, boat or canoe used for the commission of any offence under section 230A. of this Code shall be forfeited to the Crown.

Vessels employed to be forfeited.

CHAPTER XXV.—OFFENCES AGAINST LIBERTY

231. Any person who conveys any person beyond the limits of The Gambia without the consent of that person, or of some person lawfully authorised to consent on behalf of that person, is said to kidnap that person from The Gambia.

Definition of kidnapping from The Gambia.

232. Any person who takes or entices any minor under fourteen years of age if a male, or under sixteen years of age if a female, or any person of unsound mind, out of the keeping of a lawful guardian or such minor or person of unsound mind, without the consent of

Definition of kidnapping from lawful guardianship.

such guardian, is said to kidnap such minor or person from lawful guardianship.

Definition of abduction.

233. Any person who by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person.

Punishment for kidnapping.

234. Any person, who kidnaps any person from The Gambia or from lawful guardianship, is guilty of a felony, and is liable to imprisonment for seven years.

Kidnapping or abducting in order to murder.

235. Any person who kidnaps or abducts any person in order that such person may be murdered, or may be so disposed of as to be put in danger of being murdered, is guilty of a felony, and is liable to imprisonment for ten years.

Kidnapping or abducting with intent to confine person.

236. Any person who kidnaps or abducts any person with intent to cause that person to be secretly and wrongfully confined, is guilty of a felony, and is liable to imprisonment for seven years.

Kidnapping or abducting in order to subject person to grievous harm, slavery, etc.

237. Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous harm, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, is guilty of a felony, and is liable to imprisonment for ten years.

Wrongfully concealing or keeping in confinement kidnapped or abducted person.

238. Any person who, knowing that any person has been kidnapped or has been abducted, wrongfully conceals or confines such person, is guilty of a felony, and shall be punished in the same manner as if he had kidnapped or abducted such person with the same intention or knowledge, or for the same purpose, as that with which he conceals or detains such person in confinement.

Kidnapping or abducting child under 14 years with intent to steal from its person.

239. Any person who kidnaps or abducts any child under the age of fourteen years with the intention of taking dishonestly any movable property from the person of such child, is guilty of a felony, and is liable to imprisonment for seven years.

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240. Any person who imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives, or detains against his will any person as a slave, is guilty of a felony, and is liable to imprisonment for seven years. Buying or disposing of any person as a slave.

241. Any person who habitually imports, exports, removes, buys, sells, traffics or deals in slaves is guilty of a felony, and is liable to imprisonment for ten years. Habitual dealing in slaves.

242. Any person who unlawfully compels any person to labour against the will of that person is guilty of a misdemeanour. Unlawful compulsory labour.

243. Every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority—

(a) uses violence to or intimidates such other person or his wife or children, or injures his property; or

(b) persistently follows such other person about from place to place;

(c) hides any tools, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the use thereof; or

(d) follows such other person with two or more other persons in a disorderly manner in or through any street or road;

shall be liable to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months.

Division V.—Offences Relating to Property

CHAPTER XXVI.—THEFT

244. Every inanimate thing whatever which is the property of any person, and which is movable, is capable of being stolen. Things capable of being stolen.

245. Every animate thing which is the property of any person, and which is capable of being made movable, is capable of being stolen although it becomes movable, although it is made movable in order

Every tame animal, whether tame by nature or wild by nature and subsequently tamed, which is the property of any person, is capable of being stolen.

Animals wild by nature, of a kind which is not ordinarily found in a condition of natural liberty in The Gambia, which are the property of any person, and which are usually kept in a state of confinement, are capable of being stolen, whether they are actually in confinement or have escaped from confinement.

Animals wild by nature, of a kind which is ordinarily found in a condition of natural liberty in The Gambia, which are the property of any person, are capable of being stolen while they are in confinement, and while they are being actually pursued after escaping from confinement, but not at any other time.

An animal wild by nature is deemed to be in a state of confinement so long as it is in a den, cage, sty, tank, or other small enclosure, or is otherwise so placed that it cannot escape, and that its owner can take possession of it at pleasure.

Wild animals in the enjoyment of their natural liberty are not capable of being stolen, but their dead bodies are capable of being stolen.

Everything produced by or forming part of the body of an animal capable of being stolen is capable of being stolen.

Definition of theft.

245. (1) A person who fraudulently and without claim of right takes anything capable of being stolen, or fraudulently converts to the use of any person other than the general or special owner thereof anything capable of being stolen, is said to steal that thing.

(2) A person who takes or converts anything capable of being stolen is deemed to do so fraudulently if he does so with any of the following intents, that is to say—

- (a) an intent permanently to deprive the general or special owner of the thing of it;
- (b) an intent to use the thing as a pledge or security;
- (c) an intent to part with it on a condition as to its return which the person taking or converting it may be unable to perform;
- (d) an intent to deal with it in such a manner that it cannot be returned in the condition in which it was at the time of the taking or conversion;

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(2) in the case of money, an intent to use it at the will of the person who takes or converts it, although he may intend afterwards to repay the amount to the owner.

The term "special owner" includes any person who has any charge or lien upon the thing in question, or any right arising from or dependent upon holding possession of the thing in question.

(3) When a thing stolen is converted, it is immaterial whether it is taken for the purpose of conversion, or whether it is at the time of the conversion in the possession of the person who converts it. It is also immaterial that the person who converts the thing in question is the holder of a power of attorney for the disposition of it, or as otherwise authorised to dispose of it.

(4) When a thing converted has been lost by the owner and found by the person who converts it, the conversion is not deemed to be fraudulent if at the time of the conversion the person taking or converting the thing does not know who is the owner, and believes on reasonable grounds that the owner cannot be discovered.

(5) A person shall not be deemed to take a thing unless he moves the thing or causes it to move.

246. (1) When a factor or agent pledges or gives a lien on any goods or document of title to goods entrusted to him for the purpose of sale or otherwise for any sum of money not greater than the amount due to him from his principal at the time of pledging or giving the lien, together with the amount of any bill of exchange or promissory note accepted or made by him for or on account of his principal, such dealing with the goods or document of title is not deemed to be theft.

Special cases.

(2) When a servant, contrary to his master's orders, takes from his possession any food in order that it may be given to an animal belonging to or in the possession of his master, such taking is not deemed to be theft.

247. When a person receives, either alone or jointly with another person, any money or valuable security or a power of attorney for the sale, mortgage, pledge, or other disposition of any property, whether capable of being stolen or not, with a direction in either

Funds, etc., held under direction.

case that such money or any part thereof, or any other money received in exchange for it, or any part thereof, or the proceeds or any part of the proceeds of such security, or of such mortgage, pledge or other disposition, shall be applied to any purpose or paid to any person specified in the direction, such money and proceeds are deemed to be the property of the person from whom the money, security or power of attorney was received until the direction has been complied with.

Funds, etc., received by agent for sale.

248. When a person receives, either alone or jointly with another person, any property from another on terms authorising or requiring him to sell it or otherwise dispose of it, and requiring him to pay or account for the proceeds of the property, or any part of such proceeds, or to deliver anything received in exchange for the property, to the person from whom it is received, or some other person, then the proceeds of the property, and anything so received in exchange for it, are deemed to be the property of the person from whom the property was so received, until they have been disposed of in accordance with the terms on which the property was received, unless it is a part of those terms that proceeds, if any, shall form an item in a debtor and creditor account between him and the person to whom he is to pay them or account for them, and that the relation of debtor and creditor only shall exist between them in respect thereof.

Money received for another.

249. When a person receives, either alone or jointly with another person, any money on behalf of another, the money is deemed to be the property of the person on whose behalf it is received, unless the money is received on the terms that it shall form an item in a debtor and creditor account, and that the relation of debtor and creditor only shall exist between the parties in respect of it.

Theft by person having an interest in the thing stolen.

250. When any person takes or converts anything capable of being stolen, under such circumstances as would otherwise amount to theft, it is immaterial that he himself has a special property interest therein, or that he himself is the owner of the thing taken or converted subject to some special property or interest of some other person therein, or that he is lessee of the thing, or that he himself

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is one of two or more joint owners of the thing, or that he is a director or officer of a corporation or company or society who are the owners of it.

251. A person who, while a man and his wife are living together, procures either of them to deal with anything which is, to his knowledge, the property of the other in a manner which would be theft if they were not married,* is deemed to have stolen the thing, and may be charged with theft.

Husband and wife.

252. Any person who steals anything capable of being stolen is guilty of the felony termed theft, and is liable, unless owing to the circumstances of the theft or the nature of the thing stolen, some other punishment is provided, to imprisonment for five years.

General punishment for theft.

253. If the thing stolen is a testamentary instrument, whether the testator is living or dead, the offender is liable to imprisonment for ten years.

Stealing wills.

254. If the thing stolen is postal matter or any chattel, money or valuable security contained in any postal matter, the offender is liable to imprisonment for ten years.

Stealing postal matter, etc.

255. If the thing stolen is any of the things following, that is to say, a horse, mare, gelding, ass, mule, camel, ostrich, bull, cow, ox, sheep, ewe, wether, goat or pig, the offender is liable to imprisonment for ten years.

Stealing cattle.

255A. If the thing stolen is a vehicle the offender is liable to imprisonment for ten years.

Stealing vehicles.

No criminal proceeding shall be taken by any wife against her husband by virtue of this Act, while they are living together, as to or concerning any property claimed by the husband while they are living apart as to or concerning any act done by the husband while they were living together, concerning property claimed by the wife, unless such property shall have been wrongfully taken by the husband when leaving or deserting or abandoning or deserting his wife." (Married Women's Property Act, Cap. 115, s. 10 (3).) "No wife, doing any act with respect to any property of her husband, which, if done by her husband with respect to property of the wife, would make the husband liable to a criminal proceeding by the wife under this Act, shall in like manner be liable to a criminal proceeding by her husband." (ibid. s. 14 (1).)

Stealing from the person; stealing goods in transit, etc.

256. If a theft is committed under any of the circumstances following, that is to say—

- (a) if the thing is stolen from the person of another;
- (b) if the thing is stolen in a dwelling-house, and its value exceeds five pounds, or the offender at or immediately before or after the time of stealing uses or threatens to use violence to any person in the dwelling-house;
- (c) if the thing stolen is from any kind of vessel or vehicle;
- (d) if the thing stolen is attached to or forms part of a railway;
- (e) if the thing is stolen from a vessel which is in distress or wrecked or stranded;
- (f) if the thing is stolen from a public office in which it is deposited or kept;
- (g) if the offender, in order to commit the offence, opens any locked room, box, or other receptacle, by means of a key or other instrument;

the offender is liable to imprisonment for seven years.

Stealing by persons in public service.

257. If the offender is a person employed in the public service and the thing stolen is the property of Her Majesty, or came into the possession of the offender by virtue of his employment, he is liable to imprisonment for seven years.

Stealing by clerks and servants.

258. If the offender is a clerk or servant, and the thing stolen is the property of his employer, or came into the possession of the offender on account of his employer, he is liable to imprisonment for seven years.

Stealing by directors or officers of companies.

259. If the offender is a director or officer of a corporation or company, and the thing stolen is the property of the corporation or company, he is liable to imprisonment for seven years.

Stealing by agents, etc.

260. If the thing stolen is any of the things following, that is to say—

- (a) property which has been received by the offender with power or attorney for the disposition thereof;

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- (b) property which has been entrusted to the offender either alone or jointly with any other person for him to retain in safe custody or to apply, pay, or deliver for any purpose or to any person the same or any part thereof or any proceeds thereof;
- (c) property which has been received by the offender either alone or jointly with any other person for or on account of any other person;
- (d) the whole or part of the proceeds of any valuable security which has been received by the offender with a direction that the proceeds thereof should be applied to any purpose or paid to any person specified in the direction;
- (e) the whole or part of the proceeds arising from any disposition of any property which have been received by the offender by virtue of a power of attorney for such disposition, such power of attorney having been received by the offender with a direction that such proceeds should be applied to any purpose or paid to any person specified in the direction;

the offender is liable to imprisonment for seven years.

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261. If the thing stolen is a fixture or chattel let to the offender to be used by him with a house or lodging, and its value exceeds five pounds, he is liable to imprisonment for seven years.

Stealing by tenants or lodgers.

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262. If the offender, before committing the theft, had been convicted of a theft punishable under section 252 he is liable to imprisonment for seven years.

Stealing after previous conviction.

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CHAPTER XXVII.—OFFENCES ALLIED TO STEALING

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263. Any person who, with intent to defraud, conceals or takes from any place of deposit any register which is authorised or required by law to be kept for authenticating or recording the title to any property or for recording births, baptisms, marriages, deaths or burials, or a copy of any part of any such register which is required by law to be sent to any public office, is guilty of a felony, and is liable to imprisonment for ten years.

Concealing registers.

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Concealing wills.

264. Any person who, with intent to defraud, conceals any testamentary instrument, whether the testator is living or dead, is guilty of a felony, and is liable to imprisonment for ten years.

Concealing deeds.

265. Any person who, with intent to defraud, conceals the whole or part of any document which is evidence of title to any land or estate in land, is guilty of a felony, and is liable to imprisonment for three years.

Killing animals with intent to steal.

266. Any person who kills any animal capable of being stolen with intent to steal the skin or carcass, or any part of the skin or carcass, is guilty of an offence, and is liable to the same punishment as if he had stolen the animal.

Severing with intent to steal.

267. Any person who makes anything movable with intent to steal it is guilty of an offence, and is liable to the same punishment as if he had stolen the thing after it had become movable.

Fraudulent disposition of mortgaged goods.

268. (1) Any person who, being the mortgagor of mortgaged goods, removes or disposes of the goods without the consent of the mortgagee, and with intent to defraud, is guilty of a misdemeanour.

(2) In this section the term "mortgaged goods" includes any goods and chattels of any kind and any animals, and any progeny of any animals and any crops or produce of the soil, whether growing or severed, which are subject for the time being, by virtue of the provisions of any Act or of any written instrument, to a valid charge or lien by way of security for any debt or obligation.

Fraudulently dealing with minerals in mines.

269. Any person who takes, conceals, or otherwise disposes of any ore or any metal or mineral in or about a mine, with intent to defraud any person, is guilty of a felony, and is liable to imprisonment for five years.

Fraudulent appropriation of power.

270. Any person who fraudulently abstracts or diverts to his own use or to the use of any other person any mechanical, illuminating, or electrical power derived from any machine, apparatus, or substance, the property of another person, is guilty of a felony, and is liable to imprisonment for five years.

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271. Any person who unlawfully and without colour or right, but not so as to be guilty of stealing, takes or converts to his own use or to the use of any other person, any draught or riding animal or any vehicle or cycle, however propelled, or any vessel, shall be guilty of a misdemeanour, and shall be liable to imprisonment for six months, or to a fine of fifty pounds, or to both such imprisonment and such fine.

Unlawful use
of vehicles,
animals, etc.

CHAPTER XXVIII.—ROBBERY AND EXTORTION

272. Any person who steals anything, and, at or immediately before or immediately after the time of stealing it, uses or threatens to use actual violence to any person or property in order to obtain or to retain the thing stolen or to prevent or overcome resistance to its being stolen or retained, is guilty of the felony termed robbery.

Definition of
robbery.

273. Any person who commits the felony of robbery is liable to imprisonment for fourteen years.

Punishment
of robbery.

If the offender is armed with any dangerous or offensive weapon or instrument, or is in company with one or more other person or persons, or if, at or immediately before or immediately after the time of the robbery, he wounds, beats, strikes, or uses any other personal violence to any person, he is liable to imprisonment for life, with or without corporal punishment.

274. Any person who assaults any person with intent to steal anything, and, at or immediately before or immediately after the time of the assault, uses or threatens to use actual violence to any person or property in order to obtain the thing intended to be stolen, or to prevent or overcome resistance to its being stolen, is guilty of a felony, and is liable to imprisonment for seven years.

Attempted
robbery.

If the offender is armed with any dangerous or offensive weapon or instrument, or is in company with one or more other person or persons, or if, at or immediately before or immediately after the time of the assault, he wounds, beats, strikes, or uses any other personal violence to any person, he is liable to imprisonment for life, with or without corporal punishment.

Assault with
intent to
steal.

275. Any person who assaults any person with intent to steal anything is guilty of a misdemeanour, and is liable to imprisonment for two years.

Demanding
property by
written
threats.

276. Any person who, with intent to extort or gain anything from any person, and knowing the contents of the writing, causes any person to receive any writing demanding anything from any person without reasonable or probable cause, and containing threats of any injury or detriment of any kind to be caused to any person, either by the offender or any other person, if the demand is not complied with, is guilty of a felony, and is liable to imprisonment for fourteen years.

Attempts at
extortion by
threats.

277. Any person who, with intent to extort or gain anything from any person—

- (1) accuses or threatens to accuse any person of committing any felony or misdemeanour, or of offering or making any solicitation or threat to any person as an inducement to commit or permit the commission of any felony or misdemeanour; or
- (2) threatens that any person shall be accused by any other person of any felony or misdemeanour, or of any such act; or
- (3) knowing the contents of the writing, causes any person to receive any writing containing any such accusation or threat as aforesaid;

is guilty of a felony, and if the accusation or threat of accusation is of—

- (a) an offence for which the punishment of death or imprisonment for life may be inflicted; or
- (b) any of the offences defined in Chapter XV, or an attempt to commit any such offences; or
- (c) an assault with intent to have carnal knowledge of any person against the order of nature, or an unlawful and indecent assault upon a male person; or
- (d) a solicitation or threat offered or made to any person as an inducement to commit or permit the commission of any of the offences aforesaid;

the offender is liable to imprisonment for fourteen years.

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In any other case the offender is liable to imprisonment for three years.

It is immaterial whether the person accused or threatened to be accused has or has not committed the offence or act of which he is accused or threatened to be accused.

278. Any person who, with intent to defraud, and by means of any unlawful violence to, or restraint of, the person of another, or by means of any threat of violence or restraint to be used to the person of another, or by means of accusing or threatening to accuse any person of committing any felony or misdemeanour, or by offering or making any solicitation or threat to any person as an inducement to commit or permit the commission of any offence, compels or induces any person—

Procuring execution of deeds, etc., by threats.

(a) to execute, make, accept, endorse, alter, or destroy the whole or any part of any valuable security; or

(b) to write any name or impress or affix any seal upon or to any paper or parchment, in order that it may be afterwards made or converted into or used or dealt with as a valuable security;

is guilty of a felony, and is liable to imprisonment for fourteen years.

279. Any person who, with intent to steal anything, demands from any person with menaces or force, is guilty of a felony, and is liable to imprisonment for five years.

Demanding property with menaces with intent to steal.

CHAPTER XXIX.—BURGLARY, HOUSEBREAKING AND SIMILAR OFFENCES

280. A person who breaks any part, whether external or internal, of a building, or opens by unlocking, pulling, pushing, lifting, or any other means whatever, any door, window, shutter, cellar flap, or other thing intended to close or cover an opening in a building, or an opening giving passage from one part of a building to another, is deemed to break the building.

Definitions.

A person is deemed to enter a building as soon as any part of his body or any part of any instrument used by him is within the building.

with intent to steal liable to imprisonment

to gain anything from the writing, causes any writing from any person containing threats of caused to any person, if the demand is not able to imprisonment for

to extort or gain anything

person of committing any or making any solicitation or inducement to commit or or misdemeanour; or

is accused by any other person, or of any such act; or

and causes any person to be accused by such accusation or threat

or threat of accusation is

guilty of a felony, and is liable to imprisonment

under section XV, or an attempt to

with knowledge of any person to commit a unlawful and indecent

is made to any person as an inducement to the commission of any offence

is liable to imprisonment for fourteen years.

A person who obtains entrance into a building by means of any threat or artifice used for that purpose, or by collusion with any person in the building, or who enters any chimney or other aperture of the building permanently left open for any necessary purpose, but not intended to be ordinarily used as a means of entrance, is deemed to have broken and entered the building.

House-
breaking and
burglary.

281. Any person who—

- (1) breaks and enters any building, tent or vessel used as a human dwelling with intent to commit a felony therein; or
- (2) having entered any building, tent or vessel used as a human dwelling with intent to commit a felony therein, or having committed a felony in any such building, tent or vessel, breaks out thereof;

is guilty of the felony termed housebreaking, and is liable to imprisonment for seven years.

If the offence is committed in the night, it is termed burglary, and the offender is liable to imprisonment for ten years.

Entering
dwelling-
house with
intent to
commit
felony.

282. Any person who enters or is in any building, tent or vessel used as a human dwelling with intent to commit a felony therein, is guilty of a felony, and is liable to imprisonment for five years.

If the offence is committed in the night, the offender is liable to imprisonment for seven years.

Breaking
into
building and
committing
felony.

283. Any person who—

- (1) breaks and enters a schoolhouse, shop, warehouse, store, office, or counting-house, or a building which is adjacent to a dwelling-house and occupied with it, but is no part of it, or any building used as a place of worship, and commits a felony therein; or
- (2) having committed a felony in a schoolhouse, shop, warehouse, store, office, or counting-house, or in any such other building as last mentioned, breaks out of the building;

is guilty of a felony, and is liable to imprisonment for seven years.

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284. Any person who breaks and enters a schoolhouse, shop,
warehouse, store, office, or counting-house, or a building which is
adjacent to a dwelling-house and occupied with it, but is no part of
it, or any building used as a place of worship, with intent to commit
a felony therein, is guilty of a felony, and is liable to imprisonment
for five years.

Breaking
into building
with intent
to commit
felony.

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vessel used as a human
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uilding, tent or vessel,
and is liable to imprison-

284A. When a person committing or attempting to commit an
offence under section 281, 282, 283 or 284 of this Code is at the time
of committing or attempting to commit such offence armed with a
dangerous or offensive weapon, he is liable to imprisonment for
fourteen years.

Penalty
when certain
offences
committed
by armed
persons.

t, it is termed burglary,
for ten years.

285. Any person who is found under any of the circumstances
following, that it so say—

Persons
found
armed, etc.,
with intent
to commit
felony.

y building, tent or vessel
commit a felony therein, is
ment for five years.

(a) being armed with any dangerous or offensive weapon or
instrument, and being so armed with intent to break or enter
a dwelling-house and to commit a felony therein;

, the offender is liable to

(b) being armed as aforesaid by night, and being so armed with
intent to break or enter any building whatever, and to commit
a felony therein;

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ing which is adjacent to
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(c) having in his possession by night without lawful excuse, the
proof of which lies on him, any instrument of house-breaking;

oolhouse, shop, warehouse
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isonment for seven years

(d) having in his possession by day any such instrument with
intent to commit a felony;

(e) having his face masked or blackened or being otherwise
disguised, with intent to commit a felony;

(f) being in any building whatever by night with intent to commit
a felony therein;

(g) being in any building whatever by day with intent to commit
a felony therein, and having taken precautions to conceal his
presence;

is guilty of a felony, and is liable to imprisonment for three years.

If the offender has been previously convicted of a felony relating
to property, he is liable to imprisonment for seven years

290. Any person who by means of any fraudulent trick or device obtains from any other person anything capable of being stolen, or induces any other person to deliver to any person anything capable of being stolen or to pay or deliver to any person any money or goods or any greater sum of money or greater quantity of goods than he would have paid or delivered but for such trick or device, is guilty of a misdemeanour, and is liable to imprisonment for three years.

Cheating.

291. Any person who—

Obtaining credit, etc., by false pretences.

- (1) in incurring any debt or liability obtains credit by any false pretence or by means of any other fraud; or
- (2) with intent to defraud his creditors or any of them, makes or causes to be made any gift, delivery or transfer of or any charge on his property; or
- (3) with intent to defraud his creditors or any of them, conceals, sells or removes any part of his property, after or within two months before the date of any unsatisfied judgment or order for payment of money obtained against him;

is guilty of a misdemeanour, and is liable to imprisonment for one

292. Any person who conspires with another by deceit or any fraudulent means to affect the market price of anything publicly sold or to defraud the public, or any person, whether a particular person or not, or to extort any property from any person, is guilty of a misdemeanour, and is liable to imprisonment for three years.

Conspiracy to defraud.

293. Any person who, being a seller or mortgagor of any property, or being the solicitor or agent of any such seller or mortgagor, with intent to induce the purchaser or mortgagee to accept the title offered or produced to him, and with intent to defraud—

Frauds on sale or mortgage of property.

- (1) conceals from the purchaser or mortgagee any instrument material to the title, or any incumbrance; or
- (2) falsifies any pedigree on which the title depends or may depend; or

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ny valuable security, or
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security, is guilty of a mis-
t for three years.

(3) makes any false statement as to the title offered or conceals any fact material thereto;
 is guilty of a misdemeanour, and is liable to imprisonment for two years.

Pretending to exercise witchcraft or tell fortunes.

294. Any person who for gain or reward pretends to exercise or use any kind of witchcraft, sorcery, enchantment, or conjuration, or undertakes to tell fortunes, or pretends from his skill or knowledge in any occult science to discover where or in what manner anything supposed to have been stolen or lost may be found, is guilty of a misdemeanour, and is liable to imprisonment for one year.

Obtaining registration, etc., by false pretence.

295. Any person who wilfully procures or attempts to procure for himself or any other person any registration, licence or certificate under any law by any false pretence, is guilty of a misdemeanour and is liable to imprisonment for one year.

False declaration for passport.

296. Any person who makes a statement which is to his knowledge untrue for the purpose of procuring a passport, whether for himself or for any other person is guilty of a misdemeanour.

CHAPTER XXXI.—RECEIVING PROPERTY STOLEN OR UNLAWFULLY OBTAINED AND LIKE OFFENCES

Receiving stolen property, etc.

297. (1) Any person who receives or retains any chattel, money, valuable security or other property whatsoever, knowing or having reason to believe the same to have been feloniously stolen, taken, extorted, obtained or disposed of, is guilty of a felony, and is liable to imprisonment for seven years.

Receiving property unlawfully obtained.

(2) Any person who receives or retains any chattel, money, valuable security or other property whatsoever, knowing or having reason to believe the same to have been unlawfully taken, obtained, converted or disposed of in a manner which constitutes a misdemeanour, is guilty of a misdemeanour, and is liable to the same punishment as the offender by whom the property was unlawfully obtained, converted or disposed of.

(3) No person shall be convicted of an offence under this section

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unless it is proved that the chattel, money, valuable security or other property to which the charge relates has in fact been unlawfully taken, obtained, converted or disposed of as the case may be.

298. (1) If any person without lawful excuse receives, or has in his possession, any property stolen outside The Gambia, knowing or having reason to believe such property to have been stolen, he shall be liable to imprisonment, with or without hard labour, for a term not exceeding seven years.

Receipt or possession of property stolen abroad.

(2) For the purposes of this section property shall be deemed to have been stolen where it has been taken, extorted, obtained, embezzled, converted, or disposed of, in such circumstances that, if the act had been committed in The Gambia, the person committing it would have been guilty of an offence under this Code.

(3) An offence under this section shall be a felony or misdemeanour according as the act committed outside The Gambia would have been a felony, or misdemeanour if committed in The Gambia.

298A. (1) Whenever any police officer has seized or detained anything which may reasonably be suspected of having been stolen or unlawfully obtained, and if the person in whose possession such thing was found shall not give an account to the satisfaction of the court of how he came by the same, he shall be guilty of a misdemeanour.

Suspected stolen property.

(2) For the purpose of subsection (1) of this section a thing shall be deemed to be in the possession of a person if it is on the person of or being carried by such person or is part of his goods or luggage or in any part of any building in which such person resides or which he occupies.

299. Whenever any person is being proceeded against under section 297, 298 or 298A for the purpose of providing guilty knowledge or belief there may be given in evidence at any stage of the proceedings

Evidence of guilty knowledge, etc.

the fact that other property stolen within the period of twelve months preceding the date of the offence charged was in his possession or had been in his possession;