

What Punishments the Justices may award.

and, on Conviction either by Confession or on the Testimony of One or more credible Witness or Witnesses, the said Magistrates are hereby authorized and empowered to punish the Offender by Imprisonment, with or without hard Labour, as they in their Discretion may think fit, for any Term not exceeding Six Months, or else by Whipping, the said Whipping not to exceed Thirty nine Stripes.

CAP. XVI.

An Act for amending the Laws relative to malicious Injuries to Property.

Passed 25th March 1831.

Preamble.

‘**WHEREAS** it is expedient to make Provision by Law against certain malicious Injuries to Property, to take Effect at the same Time with an Act of the present Session of the General Assembly for improving the Administration of Justice in Criminal Cases ; which Act is to commence on the First Day of October in the present Year :’

Commencement of Act.

I. Be it therefore enacted by the President, Council, and Assembly, That this Act shall commence on the said First Day of October in the present Year, except as to Offences committed before or upon the last Day of September, which shall be dealt with and punished as if this Act had not been passed.

Setting Fire to a Church, Chapel, House, or certain Buildings.

II. And be it enacted, That if any Person shall unlawfully and maliciously set Fire to any Church or Chapel, or to any Chapel or other Building set apart and solely used for the religious Worship of Persons dissenting from the United Church of England and Ireland, or shall unlawfully and maliciously set Fire to any House, Stable, Coach House, Out-House, Warehouse, Office, Shop, Mill, Barn or Granary, or to any Building

Building or Erection used in carrying on any Trade or Manufacture, or any Branch thereof, whether the same or any of them respectively shall then be in the Possession of the Offender, or in the Possession of any other Person, with Intent thereby to injure or defraud any Person, every such Offender shall be guilty of Felony, and, being convicted thereof, shall suffer Death as a Felon.

III. And be it enacted, That if any Person shall unlawfully and maliciously set Fire to, or in anywise destroy any Ship or Vessel, whether the same be complete or in an unfinished State, or shall unlawfully and maliciously set Fire to, cast away, or in anywise destroy any Ship or Vessel, with Intent thereby to prejudice any Owner or Part Owner of such Ship or Vessel, or of any Goods on board the same, or any Person that hath underwritten or shall underwrite any Policy of Insurance upon such Ship or Vessel, or on the Freight thereof, or upon any Goods on board the same, every such Offender shall be guilty of Felony, and, being convicted thereof, shall suffer Death as a Felon.

Setting Fire to, or destroying a Ship.

IV. And be it enacted, That if any Person shall unlawfully and maliciously damage, otherwise than by Fire, any Ship or Vessel, whether complete or in an unfinished State, with Intent to destroy the same, or to render the same useless, every such Offender shall be guilty of Felony, and, being convicted thereof, shall be liable to the Punishment prescribed for Felony in the said above recited Act of the present Session for improving the Administration of Justice in Criminal Cases.

Damaging a Ship otherwise than by Fire.

V. And be it enacted, That if any Person shall unlawfully and maliciously break down or cut down any Sea Bank or Sea Wall, or any Dike or Aboldeau, whereby any Lands shall be overflowed or damaged, or shall be in Danger

Destroying any Sea Bank &c., or any Mill Dam, or any public Bridge.

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of being so, or shall unlawfully and maliciously cut down, break down, or otherwise destroy any Mill-Dam, or shall unlawfully and maliciously pull down, or in anywise destroy any public Bridge, or do any Injury with Intent and so as thereby to render such Bridge or any Part thereof dangerous or impassable, every such Offender shall be guilty of Felony, and, being convicted thereof, shall be liable to the Punishment herein before last mentioned.

Setting Fire to any public School-house, or any Stack of Corn, Grain, Hay, &c.

VI. And be it enacted, That if any Person shall unlawfully and maliciously set Fire to any public School House, or any Stack of Corn, Grain, Pulse, Straw, or Hay, every such Offender shall be guilty of Felony, and, being convicted thereof, shall be liable to the Punishment herein before last mentioned.

Malice against the Owner not essential to any Offence under this Act.

VII. And be it enacted, That every Punishment by this Act imposed on any Person maliciously committing any Offence, shall equally apply and be enforced whether the Offence shall be committed from Malice conceived against the Owner of the Property in respect of which it shall be committed, or otherwise.

Principals in the Second Degree and Accessories.

VIII. And be it enacted, That in every Case of Felony punishable under this Act, every Principal in the Second Degree, and every Accessory before the Fact, shall be punishable with Death or otherwise, in the same Manner as the Principal in the First Degree is by this Act punishable ; and every Accessory after the Fact to any Felony punishable under this Act shall, on Conviction, be liable to be punished by Fine or Imprisonment, or both, as the Court shall award ; such Imprisonment to be either with or without hard Labour as the Court shall see fit, and not to exceed the Term of Two Years.

Persons in the Act of committing any Offence may be apprehended without a Warrant.

XI. And for the more effectual Apprehension of all Offenders under this Act ; Be it enacted, That any Person found committing any Offence against

against this Act may be immediately apprehended without a Warrant by any Peace Officer, or the Owner of the Property injured, or his Servant or any Person authorized by him, and forthwith taken before a Justice of the Peace, to be dealt with according to Law.

X. And be it enacted, That all the Provisions contained in the Twenty sixth Section of an Act of the present Session for consolidating and amending the Laws relative to Larceny and other Offences connected therewith, for the Protection of Persons acting in Execution of that Act, shall apply to, and be in Force and available for the Protection of Persons acting in Execution of this Act, in the same Manner as if the said Provisions were expressly contained in this Act.

Provision for the Protection of Persons acting under this Act.

CAP. XVII.

An Act further to amend the Laws relative to Offences against the Person.

Passed 25th March 1831.

• **WHEREAS** an Act of Assembly of the Fifthieth Year of the Reign of King George the Third, relating to the destroying and murdering of Bastard Children, is repealed by an Act of the present Session for improving the Administration of Justice in Criminal Cases, which last mentioned Act is to commence on the First Day of October in the present Year ; and it is expedient to amend the Law relative to the Offence of concealing the Birth of Children by this Act, to take Effect at the same Time with the said Act for improving the Administration of Justice in Criminal Cases :

Preamble.

I. Be it therefore enacted by the President, Council, and Assembly, That if any Woman shall be delivered of a Child, and shall, by secret burying or otherwise disposing of the dead Body

A Woman secreting the dead Body of her Child, to conceal the Fact of its Birth, guilty of Misdemeanor.

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