

twenty five, who together shall be proprietors of six hundred shares in the Capital Stock of the said Corporation, shall have the power, at any time, by themselves or their proxies, to call a general meeting of the Stockholders, for the purpose of taking into consideration the propriety of dissolving the said Corporation, giving at least three months previous notice in two or more of the newspapers printed and published in this Province, and specifying in such notice the time and place of such meeting, with the objects thereof; and should it be agreed upon at such meeting that the said Corporation should be dissolved, such Stockholders are hereby authorized and empowered to take all legal and necessary ways and means to dissolve the said Corporation: and upon such or any other dissolution of the said Corporation, the Directors then in office shall take immediate and effectual measures for closing all the concerns of the said Corporation, and for dividing the capital and profits which may remain, among the Stockholders, in proportion to their respective shares.

Special Meetings for considering of the dissolution of the Company, may be called by 25 Stockholders, Proprietors of 600 Shares.

XXXI. And be it enacted, That the Secretary of the said Corporation shall on the first Thursday of January in each and every year, make a return in triplicate of the state of the affairs of the said Corporation, as they existed at three of the clock in the afternoon of that day, and shall forthwith transmit the same to the Office of the Secretary of the Province; which return shall specify the aggregate amount of the risks at that time taken by the said Corporation, the amount of losses incurred during the preceding year, the amount of Capital actually paid in, and how the same has been invested and secured, also a particular statement of the manner in which the residue of the Capital has been secured, the amount of the Dividends for the preceding year, and when declared, together with the amount of surplus profits, if any, then belonging to the said Corporation, and how the same have been invested and secured, the amount of real estate owned by said Corporation, together with a particular statement of all other the affairs of the said Corporation; which return shall be signed by the Secretary of the said Corporation, who shall make oath or affirmation before some Justice of the Peace for the County of Charlotte, to the truth of the said return, according to the best of his knowledge and belief; and the Secretary of the said Corporation shall also at the same time make a return, under oath or affirmation, of the names of the Stockholders, and the amount of Stock owned by each: and a majority of the Directors of the said Corporation shall certify and make oath or affirmation before the same Justice of the Peace, that the books of the said Corporation indicate the state of facts so returned by their Secretary, and that they have full confidence in the truth of the return so made by him; and it shall be the duty of the Secretary of the Province, annually, to lay before the Legislature of this Province, so soon after the opening of the Session as practicable, such returns as aforesaid as he may have received since the then next previous Session.

A statement of the affairs to be made up on the first Tuesday in January annually, to be laid before the Legislature.

XXXII. And be it enacted, That this Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and seventy two.

Limitation,

CAP. XXXI.

An Act to amend the Law relating to the punishment of Offences.

Passed 31st March 1842.

6 **W**HEREAS it is expedient to amend the Law relating to the punishment of Felonies;

Preamble.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the twenty seventh and twenty eighth sections of an Act passed in the first

1 W. 4, c. 14, s. 27 and 28, repealed,

year of the Reign of His late Majesty King William the Fourth, intituled *An Act for improving the Administration of Justice in Criminal Cases*, be and the same are hereby repealed.

Punishment of felony not punishable by death.

All felony for which no punishment is specially provided to be punishable under this Act.

II. And be it enacted, That every person convicted of any Felony not punishable with death, shall be punished in the manner prescribed by the Act or Acts, Statute or Statutes specially relating to such Felony; and that every person convicted of any Felony for which no punishment hath been, or hereafter may be specially provided, shall be deemed to be punishable under this Act, and shall be liable, in the discretion of the Court, to be imprisoned for any term not exceeding seven years, and in addition to such imprisonment if the Court shall so think fit, to be either fined in such sum as the Court shall award, or if a male to be once, twice or thrice publicly or privately whipped; and such imprisonment may be either with or without hard labour for the whole or any portion or portions of such imprisonment in the Common Gaol or House of Correction or the Provincial Penitentiary, as to the Court in its discretion shall seem meet; and the Court may also direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, or of such imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year as to the Court in its discretion shall seem meet.

Felony punishable as in 1 W. 4, c. 14, to be punishable under this Act.

III. And be it enacted, That every Felony which by any Act or Acts of Assembly now in force, is made punishable in the manner prescribed for Felony in the said Act of the first year of the Reign of King William the Fourth, for improving the administration of Justice in Criminal Cases, shall be deemed to be punishable under this Act.

The Court may, in cases of misdemeanors, punish-able by imprisonment with hard labour, add solitary confinement.

IV. And be it enacted, That when any person shall be convicted of any misdemeanor now by Law punishable by imprisonment with hard labour, such person shall be liable, at the discretion of the Court, to be imprisoned at hard labour either in the Provincial Penitentiary, or in the Common Gaol or House of Correction, for any term for which he is by Law liable to such imprisonment; and the Court may also direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment not exceeding one month at any one time, and not exceeding three months in any one year, as to the Court in its discretion shall seem meet.

2 V. c. 31.

3 V. c. 64, s. 1, repealed.

V. And whereas it is expedient to amend and consolidate the Laws relating to the punishment of misdemeanors by imprisonment with hard labour; be it enacted, That an Act passed in the second year of Her present Majesty's Reign, intituled *An Act in further amendment of the Criminal Law*, and the first section of an Act passed in the third year of the same Reign, intituled *An Act in addition to the Acts for the amendment of the Criminal Law*, be and the same are hereby repealed.

Punishment of offences charged as misdemeanors.

VI. And be it enacted, That when any person shall be charged with, and convicted of any of the following offences as misdemeanors, that is to say, of any assault with intent to commit Felony, of any assault upon any Peace Officer, Officer of the Customs, or Revenue Officer in the due execution of his duty, or upon any person acting in aid of such officer, or of any assault upon any person with intent to resist or prevent the lawful apprehension or detainure of the party so assaulting, or of any other person for any offence for which he or they may be liable by Law to be apprehended or detained, or of any perjury or subornation of perjury, or of any riot, or of falsely making or counterfeiting any coin, uttering any counterfeit coin knowing the same to be counterfeit, or of keeping any bawdy house, gaming house, or other disorderly house, or of any Act of open lewdness

or indecency, or of any incest, or any rescue, or breach of Prison, in any such case the Court may sentence the offender to be imprisoned with or without hard labour, in the Provincial Penitentiary, or in the Common Gaol, or House of Correction, for any term not exceeding two years, and may also if it shall so think fit, fine the offender and require him to find sureties for keeping the Peace and being of good behaviour; and the Court may also direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, or of such imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year, as to the Court in its discretion shall seem meet.

VII. And be it enacted, That from and after the passing of this Act, judgment shall not be given or awarded against any person or persons convicted of any offence, that such person or persons do stand in or upon the pillory, any Law, Statute, or usage to the contrary notwithstanding. Punishment of Pillory abolished.

CAP. XXXII.

An Act to amend the Law relating to Burglary.

Passed 31st March 1842.

6 WHEREAS it is expedient to amend so much of an Act made and passed Preamble.
 'in the first year of the Reign of His late Majesty King William the
 'Fourth, intituled "*An Act for consolidating and amending the Laws relative to*
 '*Larceny and other Offences connected therewith,*" as relates to the punishment of 1 W. 4, c. 15.
 'any Person convicted of Burglary;'

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, 1 W. 4, c. 15, in part repealed.
 That so much of the said Act as is hereinbefore referred to, shall continue in force until and throughout the thirtieth day of April one thousand eight hundred and forty two, and shall from and after that day be repealed, except as to offences committed before or upon the said thirtieth day of April, which shall be dealt with and punished as if this Act had not been passed.

II. And be it enacted, That whosoever shall burglariously break and enter Burglars using violence to suffer death.
 into any Dwelling House, and shall assault, with intent to murder, any person being therein, or shall stab, cut, wound, beat or strike any such person, shall be guilty of felony, and being convicted thereof, shall suffer death.

III. And be it enacted, That whosoever shall be convicted of the crime of Punishment of Burglary.
 Burglary, shall be liable at the discretion of the Court, to be imprisoned for the term of the natural life of such offender, or for any term not less than three years.

IV. Provided always, and be it enacted, That so far as the same is essential to Definition of "Night," so far as essential to Burglary or breaking or entering any building under 1 W. 4, c. 15, s. 10.
 the offence of Burglary, or to the offence of breaking and entering in the night time, any building under the tenth Section of the said hereinbefore recited Act, the night shall be considered and is hereby declared to commence at nine of the clock in the evening of each day, and to conclude at six of the clock in the morning of the next succeeding day.

V. And be it enacted, That in case of every 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, (except only a receiver of stolen property,) shall, on conviction, be liable to be imprisoned for any term not exceeding two years. Punishment of accessories.

VI. And be it enacted, That where any person shall be convicted of any offence punishable under this Act, for which imprisonment may be awarded, it shall Punishments by imprisonment may be varied by adding shall