

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I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, 1 W. 4, c. 15, in part repealed.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throughout the thirtieth day of April one thousand eight hundred and forty two, and shall from and after that day be repealed, except as to offences committed before or upon the said thirtieth day of April, which shall be dealt with and punished as if this Act had not been passed.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

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

hard labour or solitary confinement or both.

shall be lawful for the Court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour in the Common Gaol or House of Correction, or the Provincial Penitentiary, and also to 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.

Commencement of the Act.

VII. And be enacted, That this Act shall commence and take effect on the first day of May one thousand eight hundred and forty two.

CAP. XXXIII.

An Act further to amend the Law relating to Offences against the Person.

Passed 4th April 1842.

Preamble.

‘**W**HEREAS it is expedient to amend the Law relating to offences against the Person by repealing the eighth Section of an Act passed in the Session of the General Assembly held in the Ninth and Tenth Years of the Reign of King George the Fourth, intituled *An Act to amend the Statute Law relative to offences against the Person, and to provide for the more effectual punishment of such offences,*’ which relates to persons who shall use means to procure the miscarriage of Women and by making other provisions with regard to such offences.

9 & 10 G. 4, c. 21.

9 & 10 G. 4, c. 21, s. 8, repealed.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said eighth Section of the said recited Act 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.

Punishment for trying to procure abortion.

II. And be it enacted, That whosoever with intent to procure the miscarriage of any Woman, shall unlawfully administer to her, or cause to be taken by her, any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, shall be guilty of Felony, and being convicted thereof, 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.

Punishment for sending explosive substances or throwing destructive matter, with intent to do bodily harm.

III. And be it enacted, That whosoever shall unlawfully and maliciously send or deliver to, or cause to be taken or received by any person, any explosive substance, or any other dangerous or noxious thing, or shall cast or throw upon, or otherwise apply to any person, any corrosive fluid or other destructive matter with intent in any of the cases aforesaid to burn, maim, disfigure, or disable any person or to do some other grievous bodily harm to any person, and whereby in any of the cases aforesaid, any person shall be burnt, maimed, disfigured or disabled, or receive some other grievous bodily harm shall be guilty of Felony, and being convicted thereof, 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.

Punishment of accessories.

IV. And be it enacted, That in the 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, shall on conviction be liable to be imprisoned for any term not exceeding two years.