

V. And be it enacted, That on the trial of any person for any of the offences hereinbefore mentioned, or for any Felony whatever when the crime charged shall include an assault against the person, it shall be lawful for the Jury to acquit of the Felony, and to find a verdict of Guilty of Assault, against the person indicted, if the evidence shall warrant such finding; and when such verdict shall be found the Court shall have power to imprison the person so found guilty of an assault for any term not exceeding three years.

Court may imprison for three years in certain cases.

VI. And be it enacted, That when any person shall be convicted of any offence punishable under this Act, for which imprisonment may be awarded it 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.

Punishments by imprisonment may be varied by adding hard labor or solitary confinement, or both.

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

Commencement of the Act.

### CAP. XXXIV.

An Act to amend the Law relating to Robbery.

*Passed 4th April 1842.*

**W**HEREAS it is expedient to amend an Act passed 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*, by repealing the fourth and fifth Sections of the said Act, which relate to the crime of Robbery, and to make other provisions on this subject;

Preamble.

1 W. 4, c. 15,

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said fourth and fifth Sections of the said 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throughout the thirtieth day of April one thousand eight hundred and forty two, and shall from and after that day be repealed, except as to offences committed before or upon the said thirtieth day of April, which shall be dealt with and punished as if this Act had not been passed.

1 W. 4, c. 15, in part repealed.

II. And be it enacted, That whosoever shall rob any person, and at the time of, or immediately before or immediately after such robbery, shall stab, cut or wound any person, shall be guilty of Felony, and being convicted thereof shall suffer death.

Punishment of robbery, attended with cutting, &c.

III. And be it enacted, That whosoever shall, being armed with any offensive weapon or instrument, rob or assault with intent to rob any person, or shall together with one or more person or persons, rob, or assault with intent to rob any person, or shall rob any person, and at the time of, or immediately before or immediately after such robbery, shall beat, strike or use any other personal violence to any person 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.

Of robbery attended with violence.

IV. And be it enacted, That whosoever shall accuse or threaten to accuse any person of the abominable crime of Buggery committed either with mankind or with beast, or of any assault with intent to commit the said abominable crime, or of any attempt or endeavour to commit the said abominable crime, or of making or offering any solicitation, persuasion, promise or threat to any person, whereby to

Punishment for obtaining property by threat of accusing of unnatural crimes

to move or induce such person to commit or permit the said abominable crime, with a view or intent in any of the cases aforesaid, to extort or gain from such person, and shall by intimidating such person by such accusation or threat, extort or gain from such person any property 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 stealing from the person.

V. And be it enacted, That whosoever shall rob any person shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding fourteen years nor less than three years.

Punishment for assault with intent to rob.

VI. And be it enacted, That whosoever shall assault any person with intent to rob shall be guilty of Felony, and being convicted thereof shall (save and except in the cases where a greater punishment is provided by this Act) be liable to be imprisoned for any term not exceeding three years.

Attempting to obtain property by menace.

VII. And be it enacted, That whosoever shall with menaces or by force demand any property of any person with intent to steal the same shall be guilty of Felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding three years.

Punishment for wrecking.

VIII. And be it enacted, That whosoever shall plunder or steal any part of any Ship or Vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize or articles of any kind belonging to such Ship or Vessel, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding fourteen years nor less than three years.

Punishment of accessories.

IX. 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 (except only a receiver of stolen property) shall on conviction be liable to be imprisoned for any term not exceeding two years.

Punishment by imprisonment may be varied by adding hard labor or solitary confinement, or both.

X. And be it enacted, That when any person shall be convicted of any offence punishable under this Act for which imprisonment may be awarded, it 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.

Construction of the word "Property."

XI. And be it enacted, That the word "Property" shall throughout this Act be deemed to denote every thing included under the words "Chattel," "Money," or "Valuable Security," used in the said recited Act passed in the first year of the Reign of His late Majesty King William the Fourth.

Commencement of Act.

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

### CAP. XXXV.

An Act to amend the Laws relating to burning or destroying Buildings and Ships.

Passed 4th April 1842.

Preamble.

6 **W**HEREAS it is expedient to amend the Laws relating to the burning and destroying of Buildings and Ships, by repealing the second and third