

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

' third Sections of an Act passed in the first year of the Reign of His late Majesty King William the Fourth, intituled *An Act for amending the Laws relative to malicious injuries to Property*, and by repealing the thirteenth and fourteenth Sections of an Act passed in the third year of the Reign of Her present Majesty, intituled *An Act relating to wrecked property*, and by making other provisions on this subject ;'

1 W. 4, c. 16.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said several Sections of the said Acts hereinbefore mentioned, shall continue and be 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. 16, in part repealed.

II. And be it enacted, That whosoever shall unlawfully and maliciously set fire to any dwelling house, any person being therein, shall be guilty of Felony, and being convicted thereof, shall suffer death.

Setting fire to a dwelling house.

III. And be it enacted, That whosoever shall unlawfully and maliciously set fire to any Church, Chapel, or Meeting House for the exercise of any mode or form of religious worship whatever, or shall unlawfully and maliciously set fire to any house, stable, coach-house, out-house, ware-house, office, shop, mill, malt-house, hop-oast, barn, or granary, or to any 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, 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.

Setting fire to a Church, &amp;c. or any house, stable, &amp;c.

IV. And be it enacted, That if any persons riotously and tumultuously assembled together, to the disturbance of the public peace, shall unlawfully and with force demolish, pull down, or destroy, or begin to demolish, pull down or destroy any Church, Chapel, or Meeting House for the exercise of any mode or form of religious worship, or any house, stable, coach-house, out-house, ware-house, office, shop, mill, malt-house, hop-oast, barn, or granary, or any building or erection used in carrying on any trade or manufacture or any branch thereof, or any machinery, whether fixed or moveable, prepared for or employed in any manufacture, or in any branch thereof, every such offender 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.

Setting fire to a Church, &amp;c. or any house, stable, &amp;c. accompanied with riot.

V. And be it enacted, That whosoever shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any Ship or Vessel, either with intent to murder any person, or whereby the life of any person shall be endangered, shall be guilty of Felony, and being convicted thereof, shall suffer death.

Setting fire to ships or vessels, with intent to commit murder.

VI. And be it enacted, That whosoever shall unlawfully exhibit any false light or signal, with intent to bring any Ship or Vessel into danger, or shall unlawfully and maliciously do anything tending to the immediate loss or destruction of any Ship or Vessel in distress, shall be guilty of Felony, and being convicted thereof, shall suffer death.

Hanging out false lights to cause ship-wrecks.

VII. And be it enacted, That whosoever shall unlawfully and maliciously set fire to, or in anywise destroy any ship or vessel, whether the same be completed 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

Setting fire to ships or vessels, with intent to destroy the same.

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, 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 other term not less than three years.

Impeding any person endeavouring to save his life from any ship wrecked, &c.

VIII. And be it enacted, That whosoever shall by force, prevent or impede any person endeavouring to save his life from any ship or vessel which shall be in distress or wrecked, stranded or cast on shore, (whether he shall be on board or shall have quitted the same,) 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.

Destroying wrecks or any articles belonging thereto.

IX. And be it enacted, That whosoever shall unlawfully and maliciously destroy any part of any ship or vessel which shall be in distress or wrecked, stranded or cast on shore, or any goods, merchandize or article of any kind belonging to such ship or vessel, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding seven years.

For the purpose of punishment malice in offences to be inferred however conceived.

X. 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 be committed from malice conceived against the owner of the property, in respect of which it shall be committed or otherwise.

Punishment of accessories.

XI. 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.

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

XII. 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.

Commencement of Act.

XIII. 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. XXXVI.

An Act to appropriate a part of the Public Revenue to the payment of the Ordinary Services of the Province.

*Passed 4th April 1842.*

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That there be allowed and paid out of the Treasury of the Province for the Services hereinafter mentioned, the following sums, to wit :

Chaplains.

To the Chaplain of the Legislative Council in General Assembly, the sum of twenty five pounds.

To the Chaplain of the House of Assembly, the sum of twenty five pounds.

To