

## CAP. XXXI.

An Act to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to amend the Law relating to Robbery.*

5 V. c. 34.

*Passed 11th April 1843.*

Preamble.

‘**W**HEREAS by the third section of the said in part recited Act, it is enacted that any person who shall be convicted of any offence in the said third section of the said Act mentioned, 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: And whereas by the fourth section of the same Act, it is further enacted that any person who shall be convicted of any offence in the said fourth section of the said Act mentioned, 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: And whereas it is deemed expedient to mitigate the punishment prescribed by the said third and fourth Sections of the said Act for any offence therein mentioned;’

5 V. c. 34, s. 3 and 4, so far as they prescribe the punishment of imprisonment for life, &c. repealed.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, those parts of the said third and fourth Sections of the said Act, which subject any offender convicted of any offence mentioned in either of the said third and fourth Sections of the said Act to be imprisoned for the term of the natural life of such offender, or for any term not less than three years, be and the same are hereby severally repealed.

Imprisonment not exceeding fourteen years may be awarded for offences mentioned in 5 V. c. 34, s. 3 and 4.

II. And be it further enacted, That from and after the passing of this Act, every offender who shall be convicted of any offence in either of the said third and fourth Sections of the said Act mentioned, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding fourteen years.

## CAP. XXXII.

An Act to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to amend the Laws relating to burning or destroying Buildings and Ships.*

5 V. c. 35.

*Passed 11th April 1843.*

Preamble.

‘**W**HEREAS by the third section of the said in part recited Act, it is enacted that any person who shall be convicted of any offence in the said third section of the said Act mentioned, 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: And whereas by the fourth section of the same Act it is further enacted that any person who shall be convicted of any offence in the said fourth section of the said Act mentioned, 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: And whereas by the seventh section of the same Act, it is further enacted that any person who shall be convicted of any offence in the said seventh section of the said Act mentioned, 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: And whereas by the eighth section of the same Act, it is further enacted, That any person who shall be convicted of any offence in the said eighth section of the said Act mentioned, 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: And whereas it is deemed expedient to alter and amend the said

said

' said recited Act, by repealing those parts of the said third, fourth, seventh and eighth sections, which subject any offender convicted of any offence in the said third, fourth, seventh and eighth sections of the said Act mentioned, to be imprisoned for the term of the natural life of such offender, or for any term not less than three years ;'

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, those parts of the said third, fourth, seventh and eighth sections of the same Act, which subject any offender convicted of any offence in the said third, fourth, seventh and eighth sections of the same, to be imprisoned for the term of the natural life of such offender, or for any term not less than three years, be and the same are hereby respectively repealed.

5 V. c. 35, s. 3, 4, 7 and 8, so far as they prescribe the punishment of imprisonment for life, &c., repealed.

II. And be it further enacted, That from and after the passing of this Act, every offender who shall be convicted of any offence in either of the said third, fourth, seventh and eighth Sections of the same Act mentioned, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding fourteen years.

Imprisonment not exceeding fourteen years may be awarded for offences mentioned in 5 V. c. 35, s. 3, 4, 7 and 8.

III. And be it further enacted, That the tenth section of the same in part recited Act, be and the same is hereby repealed.

5 V. c. 35, s. 10, repealed.

### CAP. XXXIII.

An Act to amend the Law relating to the Practice in the Inferior Courts of Common Pleas, and render the same uniform in the several Counties.

*Passed 11th April 1843.*

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That in all actions in the Inferior Courts of Common Pleas in this Province in which the said Courts may be authorized by Law after judgment by default to enquire of the truth of any matters, or to assess the damages or the amount to be recovered in the action without the intervention of a Jury, such enquiry and assessment may be made by a Judge of the said Court in vacation ; and upon the production of such assessment signed by such Judge, it shall be lawful for the Clerk of such Court to tax the costs and sign judgment, whereupon execution may issue forthwith: Provided always, that no such enquiry or assessment shall be made in vacation, until the expiration of twenty days after the day on which the judgment by default shall have been entered: Provided also, that the Defendant in any such action, may, upon due application therefor, have such enquiry and assessment made by a Jury, and that the Judge who may be applied to in vacation to make such enquiry or assessment, shall have power to order the same to be made by a Jury in like manner as is now the Law and practice in cases before the Court in Term.

A Judge may enquire or assess damages, &c., in vacation, where the Court may do so without a Jury.

Clerk to tax costs and sign judgment.

Enquiry and assessment may be made by a Jury on application of Defendant.

II. And be it enacted, That in all Summary Actions hereafter brought in the said Courts, a copy of the particulars of the Plaintiff's demand in all cases when the Defendant shall be entitled to the same, shall be annexed to the copy of the Writ to be served on the Defendant in such Action, and in every such Summary Action, wherein the Plaintiff may be entitled to judgment by default, such judgment may be entered in vacation as an Interlocutory Judgment, and the damages or amount to be recovered may be assessed and proceedings had to final judgment in like manner as is provided by the first Section of this Act.

Copy of particulars to be annexed to copy of Writ served.

Judgment by default may be entered in vacation as an interlocutory judgment.

III. And be it enacted, That the time for any Defendant in any Summary Action in the said Courts to put in Bail or enter an appearance and file the general Issue, shall be and is hereby enlarged to the period of thirty days after the day

Time for putting in Bail, entering appearance, or filing general issue, enlarged.

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