

7. ' And whereas for the maintenance of the credit and good faith of this Province ' it is indispensable that the annual revenues from all sources should never fall short ' of the amount collected in the present year, while any portion of the loan contem- ' plated by this Act remains due and unpaid; ' Until the moneys advanced or guar- ' anteed by the Imperial Government shall have been repaid, or until the Railway built with the same shall yield a net income sufficient to pay the interest upon the moneys to be borrowed under the provisions of this Act, the Tariff of the year one thousand eight hundred and fifty one shall form the basis of the Revenue Laws of this Province, and shall not be varied or changed so as to diminish the amount of security which it is the intention and meaning of this Act should be pledged to Her Majesty's Government; but nothing herein contained shall be construed to prevent the Legislature from annually revising particular duties comprised in such Tariff, or from making regulations in respect to Trade and the protection of the Revenue, due care being taken that any alterations to be made shall not diminish the net income of the Province below the amount collected in the year one thousand eight hundred and fifty one; and changes which may so operate shall, before becoming law, be reported to and approved of by Her Majesty's Government.

The Tariff of the year 1851 not to be varied so as to diminish the security granted by this Act.

See R. L. Vol. 1. Page 484

CAP. XXXI.

Amendment to the provisions relating to the definition of offences and the punishment thereof

An Act in amendment of and in addition to the Act relating to the definition of offences and the punishment thereof.

Passed 30th March 1852.

R. L. Vol. 1. Page 410. &c. &c.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, as follows :—

1. The following Sections and Articles of an Act made and passed in the twelfth year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the several Acts of Assembly relating to the Criminal Law of this Province so far as relates to the definition of offences and the punishment thereof*, that is to say :—Article 2 of Sub-Chapter III., Article 6 of Sub-Chapter V., Article 4 of Section 2 of Sub-Chapter VII., Article 16 of Section 2 of Sub-Chapter VII., Article 17 of Section 2 of Sub-Chapter VII., Article 16 of Section 1 of Sub-Chapter IX., Section 4 of Sub-Chapter IX., Article 1 of Section 1 of Sub-Chapter X., Section 2 of Sub-Chapter X., and Article 1 of Sub-Chapter XI., are hereby repealed; provided always, that as regards any offence perpetrated before the passing of this Act, and also as regards any offence perpetrated in part by any act done prior thereto, and which offence shall be completed or consummated on or after the passing hereof, the offender shall be punished as if this Act had not been passed; and nothing in this Act contained shall extend or be construed to extend to affect or annul any proceeding, conviction, judgment, sentence or commutation of punishment heretofore or which before the passing of this Act may be commenced, had, made, passed or allowed under and by virtue of any Section or Sections, Article or Articles hereby repealed, but all such proceedings, convictions, judgments, sentences and commutations of punishment, may be continued and proceeded in, and shall be as valid and effectual as if the Sections and Articles hereby repealed, continued and remained in full force and effect.

12 V. c. 29, in part repealed.

Reservation. Offence committed.

Proceedings, convictions, judgments or commutation of punishment.

2. Any person who shall be lawfully convicted of Adultery by any Court of Oyer and Terminer or General Gaol Delivery in this Province shall be adjudged guilty of a misdemeanor, and shall be liable to be fined or imprisoned in the discretion of the Court; provided, that if fined, in a sum not exceeding one hundred pounds, and if imprisoned, for a term not exceeding two years.

Adultery a misdemeanor, punishable by fine or imprisonment.

Incest a misdemeanor.

3. Any person who shall be lawfully convicted of Incest in any Court of Oyer and Terminer or General Gaol Delivery in this Province, shall be adjudged guilty of a misdemeanor, and shall be liable to be imprisoned for any term not exceeding fourteen years.

Malicious destruction of specified public or private buildings.

4. If any person or persons shall unlawfully, maliciously and with force and against the will of the owner or owners, occupier or occupiers thereof 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, warehouse, office, shop, mill, malt house, 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, or any school house, work shop, or any farm building or buildings, or any court house, gaol or lock-up house, market house, mechanics' institute, or any hall or building of any kind, whether owned or occupied by any society of persons incorporated or not, or by a private individual or individuals, and used in whole or in part for public meetings or other purposes of a public nature, or any public bridge, every such person or persons shall be guilty of felony, and on being lawfully convicted thereof, shall be liable to be imprisoned for any term not exceeding fourteen years.

Attempt to cause grievous bodily harm.

5. Whosoever shall maliciously, by any means manifesting a design to cause grievous bodily harm, attempt to cause grievous bodily harm to any other person, shall be guilty of a misdemeanor, and shall be liable to be imprisoned for any term not exceeding four years.

Assault and battery with intent of felony.

6. Whosoever shall commit an assault and battery upon any person with intent to commit a felony, shall be deemed guilty of a felony, and shall be liable to be imprisoned for any term not exceeding two years, and fined, if the Court shall so direct.

Conviction of assault on trial for felony.

7. Whosoever on a trial for any felony whatever, which shall include an assault, shall be convicted of an assault only, shall be guilty of a misdemeanor, and shall be liable to be imprisoned for any term not exceeding three years, or fined, in the discretion of the Court.

Stealing, destroying, &c. any valuable security.

8. Whosoever shall steal, or for any fraudulent purpose destroy, conceal or make away with any valuable security, shall be guilty of felony, and shall be liable to be imprisoned for any term not exceeding seven years and not less than one year.

Unlawful receiving or having in possession articles stolen or obtained on false pretence.

9. Whosoever shall wilfully and unlawfully receive or have in his possession or keeping any thing which shall have been stolen or obtained by any false pretence, or which shall have been embezzled, knowing the same to have been so stolen, obtained or embezzled, shall, in case the stealing, obtaining or embezzling of such thing shall amount to felony, be deemed guilty of felony, and shall be liable to be imprisoned for any term not exceeding seven years, and shall, in case the stealing, obtaining or embezzling of such thing be a misdemeanor, be deemed guilty of a misdemeanor, and shall be liable to be imprisoned for any term not exceeding two years.

Knowingly forging, altering or uttering writings, &c. without the consent of the owner.

10. Whosoever shall forge or alter, or shall offer, utter, dispose of or put off, knowing the same to be forged or altered, any writing, or clandestinely and without the consent of the owner thereof, make any indorsement on any written instrument, with intent to defraud any person whomsoever, shall be deemed to have committed the crime of forgery, and shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding seven years.

11. Whosoever shall be charged with and convicted of the false making or counterfeiting of any coin, or of uttering any counterfeited coin, knowing the same to be counterfeit, or of the false making of any pieces of metal or metal composition of any kind, whether counterfeited or not, with the intention of passing such pieces of metal or metal composition as legal coin, or money of any kind, or pieces of metal not the current coin of the Province, or of uttering, offering, disposing or putting off any pieces of metal or metal composition as and for the legal or current coin of the Province, knowing the same to be false, shall be guilty of a misdemeanor, and shall be liable to be imprisoned for any term not exceeding two years.

Counterfeiting coin or metal to pass as current money, or uttering the same.

12. Whosoever shall maliciously set fire to any Church, Chapel or Meeting House, for the exercise of any mode or form of religious worship whatever, or shall maliciously set fire to any house, court house, gaol or lock-up house, market house, mechanics' institute, or to any hall or building of any kind, whether owned or occupied by any society of persons incorporated or not, or by a private individual or individuals, and used in whole or in part for public meetings or other purposes of a public nature, or any school house, stable, wood house, out house, warehouse, office, shop, mill, malt house, barn or granary, or to any building or erection used in carrying on any trade or manufacture or any branch thereof, or to any work shop, or any farm building, or any building or erection used in farming land, whether the said houses or buildings, or any of them, shall respectively then be in the possession of the offender or in the possession of any other person, or shall maliciously set fire to any public bridge, shall, in each and every of the said cases, be guilty of felony, and shall be liable to be imprisoned for any term not exceeding fourteen years.

Maliciously setting fire to specified public and private buildings.

13. Whosoever shall maliciously attempt to set fire to any dwelling house, Church, Chapel or Meeting House, for the exercise of any mode or form of religious worship whatever, or shall maliciously attempt to set fire to any house, court house, gaol or lock-up house, market house, mechanics' institute, or to any hall or building of any kind, whether owned or occupied by any society of persons incorporated or not, or by a private individual or individuals, and used in whole or in part for public meetings or for other purposes of a public nature, or to any school house, stable, wood house, out house, warehouse, office, shop, mill, malt house, barn or granary, or to any building or erection used in carrying on any trade or manufacture or any branch thereof, or to any work shop, or any farm building, or any building or erection used in farming land, whether the said houses or buildings, or any of them, shall respectively then be in the possession of the offender or in the possession of any other person, or shall maliciously attempt to set fire to any public bridge, shall, for each and every such attempt, be guilty of a misdemeanor, and shall be liable to be imprisoned for any term not exceeding seven years in the discretion of the Court.

Maliciously attempting to set fire to specified public and private buildings.

14. It shall be lawful for the jury on the trial of any person or persons for the setting fire to any of the buildings or erections described in the twelfth section of this Act, to acquit of the felony charged in the indictment on such trial, and to find a verdict of guilty of an attempt to commit the same, if the evidence shall warrant such finding, and the offender shall thereupon be liable to the punishment imposed by the thirteenth section of this Act.

Jury may acquit of setting fire, and find guilty of attempting to set fire.

15. All the Articles of Sub-Chapter XII. of the Act to which this Act is in addition and amendment, containing definition of terms and explanations, shall be held to apply to all the offences and punishments specified in this Act according to the subject matter, in the same manner and to the same extent as if the said

Interpretation clause.

Articles of sub-chapter XII. of 12 V. c. 29 to apply to this Act.

Sub-chapter.

said offences and punishments were therein and thereby enacted, so far as the same are applicable to this Act; and the term "Sub-Chapter," whenever used in this Act, shall be construed as referring to the several and respective Chapters embraced within Chapter XXIX. of twelfth Victoria, to which this Act is in addition and amendment.

See R. Laws, Vol. 1. Page 484. Repealed

CAP. XXXII. *See further P. L. Vol. 1. Page 344*

13 V. c. 35.

An Act to continue an Act to amend an Act intituled *An Act to provide for the more summary punishment of persons committing trespasses upon Square Timber and other Lumber.*

Passed 30th March 1852.

Act 13 V. c. 35, continued.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act to amend an Act intituled 'An Act to provide for the summary punishment of persons committing trespasses upon Square Timber and other Lumber,'* be and the same is hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty five.

See R. Laws, Vol. 1. Page 484. Repealed

CAP. XXXIII. *See further P. L. Vol. 1. Page 54*

13 V. c. 48.

An Act to amend an Act intituled *An Act to consolidate and amend the Laws relating to Sick and Disabled Seamen belonging to this Province not being Paupers.*

Passed 30th March 1852.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, as follows:—

No vessel to pay the duty imposed by 13 V. c 48, more than six times per annum.

1. In addition to the proviso contained in the fourth section of an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to Sick and Disabled Seamen belonging to this Province not being Paupers,* it is hereby further provided, that no ship or vessel shall be liable to pay the Duty imposed by the said section of the said Act more than six times in any one year, any thing in the said Act contained to the contrary notwithstanding.

Master, &c. of vessels authorized to take from the wages of every articled seaman, &c. one shilling per month to cover the tonnage duty.

2. The master, owner or consignee of any ship or vessel owned in this Province may and they are hereby authorized and empowered to demand and take from the wages of every master, seaman or other person employed and articled for the management and navigation of any such ship or vessel, the sum of one shilling currency per month, to cover the amount of the Tonnage Duty imposed by or arising in and by virtue of the said hereinbefore mentioned Act.

See R. Laws, Vol. 1. Page 484. Repealed

CAP. XXXIV. *See further P. L. Vol. 1. Page 161.*

An Act to establish the Road leading from the Great Road running from Woodstock to the Grand Falls, at or near John Boyer's in the Parish of Simonds, County of Carleton, to the American Line on the Big Presqu'ile, as one of the Great Roads of communication.

Passed 30th March 1852.

Road from Woodstock to the Grand Falls, thence to American line on the Big Presqu'ile, made a Great Road.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Road leading from the Great Road running from Woodstock to the Grand Falls, at or near John Boyer's in the Parish of Simonds, County of Carleton, to the American Line on the Big Presqu'ile, be and the same is hereby established one of the Great Roads of communication in this Province.