

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1831. Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1831.

1 William IV – Chapter 16

An Act for amending the Laws relative to malicious Injuries to Property. Passed 25th March 1831.

Whereas it is expedient to make Provision by Law against certain malicious Injuries to Property, to take Effect at the same Time with an Act of the present Session of the General Assembly for improving the Administration of Justice in Criminal Cases; which Act is to commence on the First Day of October in the present Year:

I. Be it therefore enacted by the President, Council, and Assembly, That this Act shall commence on the said First Day of October in the present Year, except as to Offences committed before or upon the last Day of September, which shall be dealt with and punished as if this Act had not been passed.

II. And be it enacted, That if any Person shall unlawfully and maliciously set Fire to any Church or Chapel, or to any Chapel or other Building set apart and solely used for the religious Worship of Persons dissenting from the United Church of England and Ireland, or shall unlawfully and maliciously set Fire to any House, Stable, Coach House, Out-House, Warehouse, Office, Shop, Mill, 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, with Intent thereby to injure or defraud any Person, every such Offender shall be guilty of Felony, and, being convicted thereof, shall suffer Death as a Felon.

III. And be it enacted, That if any Person shall unlawfully and maliciously set Fire to, or in anywise destroy any Ship or Vessel, whether the same be Complete 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 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, every such Offender shall be guilty of Felony, and, being convicted thereof, shall suffer Death as a Felon.

IV. And be it enacted, That if any Person shall unlawfully and maliciously damage, otherwise than by Fire, any Ship or Vessel, Whether complete or in an unfinished State, with Intent to destroy the same, or to render the same useless, every such Offender shall be guilty of Felony, and, being convicted thereof, shall be liable to the Punishment prescribed for Felony in the said above recited Act of the present Session for improving the Administration of Justice in Criminal Cases.

V. And be it enacted, That if any Person shall unlawfully and maliciously break down or cut down any Sea Bank or Sea Wall, or any Dike or Aboideau [Aboiteau], Whereby any Lands shall be

overflowed or damaged, or shall be in Danger of being so, or shall unlawfully and maliciously cut down, break down, or otherwise destroy any Mill-Dam, or shall unlawfully and maliciously pull down, or in anywise destroy any public Bridge, or do any Injury with Intent and so as thereby to render such Bridge or any Part thereof dangerous or impassable, every such Offender shall be guilty of Felony, and, being convicted thereof, shall be liable to the Punishment herein before last mentioned.

VI. And be it enacted, That if any Person shall unlawfully and maliciously set Fire to any public School House, or any Stack of Corn, Grain, Pulse, Straw, or Hay, every such Offender shall be guilty of Felony, and, being convicted thereof, shall be liable to the Punishment herein before last mentioned.

VII. 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 shall be committed from Malice conceived against the Owner of the Property in respect of which it shall be committed, or otherwise.

VIII. And be it enacted, That in every Case of 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 punished by Fine or Imprisonment, or both, as the Court shall award; such Imprisonment to be either, with or without hard Labour as the Court shall see fit, and not to exceed the Term of Two Years.

IX. And for the more effectual Apprehension of all Offenders under this Act; Be it enacted, That any Person found committing any Offence against this Act may be immediately apprehended without a Warrant by any Peace Officer, or the Owner of the Property injured, or his Servant or any Person authorized by him, and forthwith taken before a Justice of the Peace, to be dealt with according to Law.

X. And be it enacted, That all the Provisions contained in the Twenty sixth Section of an Act of the present Session for consolidating and amending the Laws relative to Larceny and other Offences connected therewith, for the Protection of Persons acting in Execution of that Act, shall apply to, and be in Force and available for the Protection of Persons acting in Execution of this Act, in the same Manner as if the said Provisions were expressly contained in this Act.