

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1842. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1842.

5 Victoria – Chapter 31

An Act to amend the Law relating to the punishment of Offences. Passed 31st March 1842.

Whereas it is expedient to amend the Law relating to the punishment of Felonies;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the twenty seventh and twenty eighth sections of an Act passed in the first year of the Reign of His late Majesty King William the Fourth, intituled *An Act for improving the Administration of Justice in Criminal Cases*, be and the same are hereby repealed.

II. And be it enacted, That every person convicted of any Felony not punishable with death, shall be punished in the manner prescribed by the Act or Acts, Statute or Statutes specially relating to such Felony; and that every person convicted of any Felony for which no punishment hath been, or hereafter may be specially provided, shall be deemed to be punishable under this Act, and shall be liable, in the discretion of the Court, to be imprisoned for any term not exceeding seven years, and in addition to such imprisonment if the Court shall so think fit, to be either fined in such sum as the Court shall award, or if a male to be once, twice or thrice publicly or privately whipped; and such imprisonment may be either with or without hard labour for the whole or any portion or portions of such imprisonment in the Common Gaol or House of Correction or the Provincial Penitentiary, as to the Court in its discretion shall seem meet; and the Court may also 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.

III. And be it enacted, That every Felony which by any Act or Acts of Assembly now in force, is made punishable in the manner prescribed for Felony in the said Act of the first year of the Reign of King William the Fourth, for improving the administration of Justice in Criminal Cases, shall be deemed to be punishable under this Act.

IV. And be it enacted, That when any person shall be convicted of any misdemeanor now by Law punishable by imprisonment with hard labour, such person shall be liable, at the discretion of the Court, to be imprisoned at hard labour either in the Provincial Penitentiary, or in the Common Gaol or House of Correction, for any term for which he is by Law liable to such imprisonment; and the Court may also direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment 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.

V. 'And whereas it is expedient to amend and consolidate the Laws relating to the punishment of misdemeanors by imprisonment with hard labour'; be it enacted, That an Act passed in the

second year of Her present Majesty's Reign, intituled *An Act in further amendment of the Criminal Law*, and the first section of an Act passed in the third year of the same Reign, intituled *An Act in addition to the Acts for the amendment of the Criminal Law*, be and the same are hereby repealed.

VI. And be it enacted, That when any person shall be charged with, and convicted of any of the following offences as misdemeanors, that is to say, of any assault with intent to commit Felony, of any assault upon any Peace Officer, Officer of the Customs, or Revenue Officer in the due execution of his duty, or upon any person acting in aid of such officer, or of any assault upon any person with intent to resist or prevent the lawful apprehension or detainure of the party so assaulting, or of any other person for any offence for which he or they may be liable by Law to be apprehended or detained, or of any perjury or subornation of perjury, or of any riot, or of falsely making or counterfeiting any coin, uttering any counterfeit coin knowing the same to be counterfeit, or of keeping any bawdy house, gaming house, or other disorderly house, or of any Act of open lewdness or indecency, or of any incest, or any rescue, or breach of Prison, in any such case the Court may sentence the offender to be imprisoned with or without hard labour, in the Provincial Penitentiary, or in the Common Gaol, or House of Correction, for any term not exceeding two years, and may also if it shall so think fit, fine the offender and require him to find sureties for keeping the Peace and being of good behaviour; and the Court may also 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.

VII. And be it enacted, That from and after the passing of this Act, judgment shall not be given or awarded against any person or persons convicted of any offence, that such person or persons do stand in or upon the pillory, any Law, Statute, or usage to the contrary notwithstanding.