

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 32

An Act to amend the Law relating to Burglary. Passed 31st March 1842.

Whereas it is expedient to amend so much of an Act made and passed in the first year of the Reign of His late Majesty King William the Fourth, intituled "An Act for consolidating and amending the Laws relative to Larceny and other Offences connected therewith," as relates to the punishment of any Person convicted of Burglary

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That so much of the said Act as is hereinbefore referred to, shall continue 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throughout the thirtieth day of April one thousand eight hundred and forty two, and shall from and after that day be repealed, except as to offences committed before or upon the said thirtieth day of April, which shall be dealt with and punished as if this Act had not been passed.

II. And be it enacted, That whosoever shall burglariously break and enter into any Dwelling House, and shall assault, with intent to murder, any person being therein, or shall stab, cut, wound, beat or strike any such person, shall be guilty of felony, and being convicted thereof, shall suffer death.

III. And be it enacted, That whosoever shall be convicted of the crime of Burglary, 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.

IV. Provided always, and be it enacted, That so far as the same is essential to the offence of Burglary, or to the offence of breaking and entering in the night time, any building under the tenth Section of the said hereinbefore recited Act, the night shall be considered and is hereby declared to commence at nine of the clock in the evening of each day, and to conclude at six of the clock in the morning of the next succeeding day.

V. And be it enacted, That in 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.

VI. And be it enacted, That where 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

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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 enacted, That this Act shall commence and take effect on the first day of May one thousand eight hundred and forty two.