

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 35

An Act to amend the Laws relating to 'burning or destroying Buildings and Ships. Passed 4th April 1842.

Whereas it is expedient to amend the Laws relating to the burning and destroying of Buildings and Ships, by repealing the second and third Sections of an Act passed in the first year of the Reign of His late Majesty King William the Fourth, intituled An Act for amending the Laws relative to malicious injuries to Property, and by repealing the thirteenth and fourteenth Sections of an Act passed in the third year of the Reign of Her present Majesty, intituled An Act relating to wrecked property, and by making other provisions on this subject;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said several Sections of the said Acts hereinbefore mentioned, shall continue and be 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throughout the thirtieth day of April one thousand eight hundred and forty two, and shall from and after that day be repealed, except as to offences committed before or upon the said thirtieth day of April, which shall be dealt with and punished as if this Act had not been passed.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 unlawfully and maliciously set fire to any dwelling house, any person being therein, shall be guilty of Felony, and being convicted thereof, shall suffer death.

III. And be it enacted, That whosoever shall unlawfully and maliciously set fire to any Church, Chapel, or Meeting House for the exercise of any mode or form of religious worship whatever, or shall unlawfully and maliciously set fire to any house, stable, coach-house, out-house, ware-house, office, shop, mill, malt-house, hop-oast, 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, shall be guilty of Felony, and being convicted thereof, 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. And be it enacted, That if any persons riotously and tumultuously assembled together, to the disturbance of the public peace, shall unlawfully and with force 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, ware-house, office, shop, mill, malt-house, hop-oast, 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, every such offender shall be guilty of Felony, and being convicted thereof, 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.

V. And be it enacted, That whosoever shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any Ship or Vessel, either with intent to murder any person, or whereby the life of any person shall be endangered, shall be guilty of Felony, and being convicted thereof, shall suffer death.

VI. And be it enacted, That whosoever shall unlawfully exhibit any false light or signal, with intent to bring any Ship or Vessel into danger, or shall unlawfully and maliciously do anything tending to the immediate loss or destruction of any Ship or Vessel in distress, shall be guilty of Felony, and being convicted thereof, shall suffer death.

VII. And be it enacted, That whosoever shall unlawfully and maliciously set fire to, or in anywise destroy any ship or vessel, whether the same be completed 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, shall be guilty of felony, and being convicted thereof, 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 other term not less than three years.

VIII. And be it enacted, That whosoever shall by force, prevent or impede any person endeavouring to save his life from any ship or vessel which shall be in distress or wrecked, stranded or cast on shore, (whether he shall be on board or shall have quitted the same,) shall be guilty of felony, and being convicted thereof, 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.

IX. And be it enacted, That whosoever shall unlawfully and maliciously destroy any part of any ship or vessel which shall be in distress or wrecked, stranded or cast on shore, or any goods, merchandize or article of any kind belonging to such ship or vessel, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding seven years.

X. 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 be committed from malice conceived against the owner of the property, in respect of which it shall be committed or otherwise.

XI. And be it enacted, That in the 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, shall, on conviction, be liable to be imprisoned for any term not exceeding two years.

XII. And be it enacted, That when 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 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.

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