

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1852.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1852.

15 Victoria – Chapter 31

**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.**

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Article 1 of Section 1 of Sub-Chapter X., Section 2 of Sub-Chapter X., and Article 1 of Sub-Chapter XI., are hereby repealed; provided always, that as regards any offence perpetrated before the passing of this Act, and also as regards any offence perpetrated in part by any act done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be commenced, had, made, passed or allowed under and by virtue of any Section or Sections, Article or Articles hereby repealed, but all such proceedings, convictions, judgments, sentences and commutations of punishment, may be continued and proceeded in, and shall be as valid and effectual as if the Sections and Articles hereby repealed, continued and remained in full force and effect.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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 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.