

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1858. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1858.

21 Victoria – Chapter 22

An Act in amendment of the Criminal Law. Passed 6th April 1858.

Section.

1. Punishment for assault with intent to commit offences, in Cap. 149, s. 7 and S. Rev. Stat.
2. Jury to be allowed to separate, except in Capital felonies.

Section.

3. Refreshment for Jury in certain cases.
4. Prisoners in Provincial Penitentiary may be brought up as witnesses.
5. Bail and trial in case of larceny or receipt of stolen goods.

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. Whoever on the trial for any or either of the offences specified in Sections seven and eight of Chapter 149, Title xxxix, of the Revised Statutes, "Of Homicide and other offences against the person," shall be found guilty of an assault with intent to commit any or either of the said offences, shall be imprisoned in the Provincial Penitentiary for any term not exceeding fourteen years.
2. In all criminal cases, except capital felonies, the Jury may be allowed to separate during the progress of the trial, under the direction of the Judge, and in his discretion as to the mode and time.
3. When the Judge deems it necessary that the Jury shall be confined to the precincts of the Court House during, the progress or until the completion of any long trial for a criminal offence, the Sheriff shall provide them necessary refreshment, the expense of which shall be paid by the County Treasurer, out of the funds of the County, on the order of the presiding Judge.
4. Any prisoner confined in the Provincial Penitentiary, who may be required as a witness on the part of the Crown, or against whom any indictment may have been found, may be brought from the Penitentiary to the Court, for the purpose of such trial, in the custody of the Sheriff or his Deputy, and kept in such custody until the completion of such trial, by an order of the Judge who presides, which order such Judge may grant at the instance of the prosecuting officer, and it shall have all the effect of a habeas corpus in all respects.
5. Any person charged with larceny, or of receiving stolen goods knowing them to be stolen, may, when the value of the property so taken or received shall not exceed five pounds, be admitted to bail by any Justice before whom the charge may be made; but should such person be committed to gaol for want of bail, and there remain for forty eight hours, he may be tried before three Justices of the County where the offence was committed, and if convicted, may be imprisoned in the common gaol or Provincial Penitentiary for a term not exceeding nine months.