

after issue joined; or if, upon demurrer or otherwise, judgment shall be given against the Plaintiff, the Defendant shall recover his full costs, as between Attorney and Client, and have the like remedy for the same as any Defendant hath by Law, in other cases; and although a verdict shall be given for the Plaintiff in any such action, such Plaintiff shall not have costs against the Defendant, unless the Judge, before whom the trial shall be, shall certify his approbation of the action, and of the verdict obtained thereupon.

Costs

LXIV. *And be it enacted*, That in the case of any Felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable 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 seven years.

LXVII. *And be it enacted*, That where any person shall be convicted of any offence punishable under this Act, for which imprisonment may be awarded, except only in cases of summary convictions, before a Justice of the Peace, when the imprisonment shall always be in the County Jail, and without hard labor or solitary confinement, it shall be lawful for the Court to sentence the offender to be imprisoned and kept to hard labour in the Common Gaol, Bridewell or House of Correction, in the County where such conviction shall take place, or in any public Penitentiary, Bridewell or House of Correction, which may be hereafter established in any part of this Province; 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, such solitary confinement, not exceeding one month at one time, and not exceeding three months in any one year, as to the Court, in its discretion, shall seem meet.

Place & mode of imprisonment under this Act

CAP. VIII.

An Act to abolish the punishment of Pillory, Cutting the Ears of Offenders, and Whipping, and to substitute Imprisonment in lieu thereof.

(Passed the 29th day of March, A. D. 1841.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the passing of this Act, judgment or sentence shall not be given and awarded against any person or persons convicted of any offence whatsoever, that such person or persons do suffer the punishment of being set in the Pillory, or of having his or their ears nailed thereto, or cut off, or do suffer the punishment of being whipped—any Law, Statute or usage, to the contrary notwithstanding.

No person to be punished by Pillory or having their ears cut or by whipping

II. *And be it enacted*, That in all cases where the punishment of being set in the Pillory, or of having the offender's ears nailed to the Pillory, or cut off, or of being publicly or privately whipped, has hitherto formed the whole or part of the judgment or sentence to be pronounced, or has in any other case been inflicted, it shall and may be lawful for the Court, before whom any such offender shall be tried or convicted, to pass sentence of imprisonment, or imprisonment with hard labor, in the Common Gaol, Bridewell or House of Correction, in the County where such conviction shall take place, or in any Public Penitentiary, Bridewell, or House of Correction, which may be hereafter established in any part of this Province; 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 labor—such solitary confinement 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.

Imprisonment to be substituted