

punishment to which the offender might otherwise be lawfully sentenced on a subsequent conviction for any other Felony.

And whereas, there are certain Misdemeanors, which render the parties convicted thereof incompetent witnesses, and it is expedient to restore the competency of such parties, after they have undergone their punishment:

XXVI. Be it therefore enacted, That where any offender hath been, or shall be, convicted of any such Misdemeanor, except perjury, or subornation of perjury, and hath endured, or shall endure, the punishment to which such offender hath been, or shall be, adjudged for the same, such offender shall not, after the punishment so endured, be deemed to be, by reason of such Misdemeanor, an incompetent witness in any Court, or proceeding, civil or criminal.

No Misdemeanor (except perjury) shall render witness incompetent after punishment is undergone

CAP. V.

An Act to amend the Law relating to burning or destroying Buildings and Ships.

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

See Act on to amend Chap. 10 of 1841 9 Stat. C. 30 1166-91

WHEREAS, it is expedient to amend so much of the Act passed in the Thirty-second Year of the Reign of King George the Second, intituled, An Act relating to Treasons and Felonies, as relates to any person or persons who shall wilfully and maliciously burn, or cause to be burned, any Dwelling House, Barn, Out House or Warehouse, of another, or any Public Building, or any hovel, cock, mow, rick or stack of Corn, Straw, Hay or Wood, of another; and also, the Act, passed in the Third year of the Reign of His late Majesty King William the Fourth, intituled, An Act for making the setting fire to Coal Mines, Felony:

Preamble

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That the said last mentioned, and so much of the first mentioned Act, as is hereinbefore referred to, shall continue in force until and throughout the last day of March, in the present year, and shall, from and after that day, be repealed, except as to offences committed before or upon the said last day of March, which shall be dealt with and punished as if this Act had not been passed; and this Act shall commence and take effect, except as herein before excepted, on the first day of April, in this present year.

Repeal of provisions in recited Acts

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 be liable, at the discretion of the Court, to be imprisoned for the term of the natural life of the offender, or for any term, not less than seven years.

Setting fire to Dwelling house a person being therein

III. And be it enacted, That whosoever shall unlawfully and maliciously set fire to any Church or Chapel, or to any Chapel for the Religious Worship of persons dissenting from the United Church of England and Ireland, or shall unlawfully and maliciously set fire to any Public Building, or shall unlawfully and maliciously set fire to any House, Stable, Coach 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, 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, with intent thereby to injure or defraud any person, shall be guilty of Felony, and, being convicted thereof, shall be liable to be imprisoned for any term, not exceeding fourteen years.

Setting fire to Church House, &c.

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

Setting fire or destroying a ship whereby the life of a person shall be destroyed See Act 9 Stat. C. 30 1166-91

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 be liable, at the discretion of the Court, to be imprisoned for the term of the natural life of the offender, or for any term, not less than seven years.

Setting fire thereto with intent to commit murder