

thereof, shall be guilty of felony, and shall be liable, at the discretion of the Court, to be imprisoned in the Provincial Penitentiary for any term not exceeding three years.

XXXII. If any person shall wilfully and maliciously set fire to any station-house, engine-house, warehouse, or other building belonging or appertaining to any railway, lock, canal, or other navigation, or to any goods or chattels being in any building, the setting fire to which is made felony by this or any other Act of Parliament, every such offender shall be guilty of felony, and shall be liable to be punished as in the next preceding section is mentioned.

Setting fire to stations &c. or goods therein to be felony.

XXXIII. It shall be lawful for any person whatsoever, to apprehend any person who shall be found committing any offence against the provisions of this act, or any indictable offence in the night, and to convey him or deliver him to some constable or other person in order to his being conveyed as soon as conveniently may be before a Justice of the Peace, to be dealt with according to law.

Any person may arrest offenders against this Act in the night.

XXXIV. If any person liable to be apprehended under the provisions of this Act, shall assault or offer any violence to any person by law authorized to apprehend or detain him, or to any person acting in his aid or assistance, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable to be imprisoned with or without hard labor, for any term not exceeding two years.

Punishment of offenders assaulting persons arresting them &c.

XXXV. The time at which the night shall commence and conclude in any offence against the provisions of this Act, shall be the same as in cases of burglary.

Night what shall be deemed.

XXXVI. It shall not be necessary to issue any commission of Assize and *Nisi Prius*, *Oyer and Terminer* and General Gaol Delivery for any County or place in Upper Canada, but the said Courts shall, from time to time, be held at the several times and after the several terms that they are now directed by law to be holden; and the Judges of the several Superior Courts of Common Law in Upper Canada, shall and may preside over the Courts of Assize and *Nisi Prius*, *Oyer and Terminer* and General Gaol Delivery, in the same manner and with the same authorities and powers, without the issuing of any commission or commissions for the holding of the said Courts, as they have been accustomed to do under commission before the passing of this Act.

Commissions of Assize, &c., need not be issued hereafter in U. C. Courts to be held without them.

XXXVII. It shall be the duty of the Officer to whom the issuing of such commissions as aforesaid has heretofore properly belonged, in each and every year, on or before the first day of the several terms next after which the Courts of Assize or any of them are by law directed to be holden, to transmit to the said Superior Courts of Common Law, a list of the names of the several persons who shall be associated with the Judges of the said Courts, as Justices of the said Courts of Assize and *Nisi Prius*, *Oyer and Terminer* and General Gaol Delivery, for the several Counties and places where such Courts of Assize are to be holden, and at the same time to transmit to the Sheriff of each County or union of Counties, a list of the names of such Associate Justices for such County or union of Counties, and such Sheriff shall forthwith notify the said Associate Justices of such their appointment, and such Associate Justices so appointed and nominated, shall have and exercise all the powers and authorities that

Officer whose duty it was to issue such Commissions, to notify to Courts and Sheriffs names of Associate Justices.