

An Act for amending the Law relative to Offences against the Person.

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

WHEREAS, it is expedient to repeal the Statutes of this Province relative to Offences against the Person, in order that the provisions contained in those Statutes may be amended and consolidated into this Act : Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That the second, third, fourth, fifth, sixth, seventh, eighth, ninth, and twenty-first sections or clauses 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 ; and also, the Act, passed in the Eighth year of the Reign of King George the Third, intituled, An Act in addition to, and further amendment of, an Act, made in the Thirty-second year of His late Majesty's Reign, entitled, An Act relating to Treasons and Felonies ; and so much of an Act passed in the Thirty-second year of the Reign of King George the Second, entitled, An Act concerning Marriage and Divorce, and for punishing Incest and Adultery, and declaring Polygamy to be Felony, as relates to Polygamy, 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in force until and throughout the last day of March, in the present year, and shall, from and after that day, be repealed, except as to offences committed before or upon the last day of March, which shall be dealt with and punished as if this Act had not been passed ; and this Act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 hereinbefore excepted) on the first day of April in the present year. Repeal of provisions of certain acts relative to offences against the Person

II. *And be it enacted,* That every offence which, before the commencement of this Act, would have amounted to Petit Treason, shall be deemed to be Murder only, and no greater offence ; and all persons guilty in respect thereof, whether as principals or accessaries, shall be dealt with, indicted, tried and punished, as principals and accessaries in Murder. petit Treason to be treated as Murder

III. *And be it enacted,* That every person convicted of Murder, or of being an accessary before the fact to Murder, shall suffer death as a Felon ; and every accessary after the fact to Murder, shall be liable to be imprisoned for any term, not exceeding fourteen years. Punishment of Principals & accessaries in Murder

IV. *And be it enacted,* That every person convicted of Murder, shall, after judgment, be confined in some place within the Prison, apart from all other Prisoners, and shall be fed with bread and water only, and with no other food or liquor, except in case of receiving the Sacrament, or in case of any sickness or wound, in which case the Surgeon of the Prison may order other necessaries to be administered ; and no person but the Gaoler or his servants, and the Chaplain and Surgeon of the Prison, shall have access to any such Convict, without the permission, in writing, of the Court or Judge before whom such Convict shall have been tried, or of the Sheriff, or his Deputy : *Provided always,* that in case the Court or Judge shall think fit to respite the execution of such Convict, such Court or Judge may, by a License in writing, relax, during the period of the respite, all or any of the restraints or regulations hereinbefore directed to be observed. Prison regulations as to murderers under sentence

V. *And be it enacted,* That where any person being feloniously stricken, poisoned, or otherwise hurt upon the sea, or at any place out of this Province, shall die of such stroke, poisoning or hurt, in this Province, or being feloniously stricken, poisoned, or otherwise hurt, at any place in this Province, shall die of such stroke, poisoning or hurt, upon the sea, or any place out of the Province, every offence committed in respect of any such case, whether the same shall amount to the offence of Murder or of Manslaunhter, or of being accessary before the fact to Murder, or after the fact to Murder or Manslaughter, may be dealt with, enquired of, tried, determined and punished, in the County or place in this Province in which such death, stroke, poisoning or hurt, shall happen, in the same manner in all respects as if such offence had been wholly committed in that County or place.

VI. *And be it enacted,* That every person convicted of Manslaughter, shall be liable, at the discretion of the Court, to be imprisoned for any term, not exceeding fourteen years, or to pay such fine as the Court shall award. Punishment of Manslaughter

VII. *Provided always, and be it enacted,* That no punishment or forfeitures shall be incurred by any person who shall kill another by misfortune, or in his own defence, or in any other manner without Felony. As to Homicide not Felonies