

6. Whosoever being married, shall marry any other person during the life of the former husband or wife, whether the second marriage shall have taken place in this Province or elsewhere, shall be guilty of felony, and be imprisoned in the Provincial Penitentiary for any term not exceeding two years, with hard labour; and any such offence may be dealt with, inquired of, tried, determined and punished in any County or place in this Province where the offender shall be apprehended or be in custody, in the same manner in all respects as if the offence had been actually committed in that County or place; provided that nothing in this Section contained shall extend to any second marriage contracted out of this Province by any person not being a British subject, or to any person marrying a second time whose husband or wife shall have been continually absent from such person for the space of seven years then last past, and shall not have been known by such person to be living within that time, or shall extend to any person who at the time of such second marriage shall have been divorced from the bond of the first marriage, or to any person whose former marriage shall have been declared void by the sentence of any Court of competent jurisdiction.

7. The following enactments of the Revised Statutes are hereby severally repealed, that is to say:—Section 1 of Chapter 146; Sections 13 and 14 of Chapter 149; Section 8 of Chapter 158; and Section 15 of Chapter 159.

CAP. V.

An Act to explain an Act intituled *An Act to amend the Act relating to the administration of Justice in Equity*.

Passed 11th April, 1864.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—

That the twenty third Section of the Act passed in the twenty sixth year of Her Majesty's Reign, intituled *An Act to amend the Act relating to the administration of Justice in Equity*, shall not apply or be construed to apply to any suit or proceeding commenced or pending at the time of the passing of the said Act.

CAP. VI.

An Act relating to Larceny and other similar offences.

Section.	Section.
1. Bailee of any chattel when deemed guilty of larceny.	8. Public servants stealing articles belonging to or in possession of the Crown, entrusted to them as such; penalty.
2. When several counts may be inserted in same indictment.	9. Embezzlement by public servants; penalty.
3. Offences punishable as for larceny.	10. Embezzlement, how prosecuted.
4. Person indicted for robbery may be convicted of assault with intent to rob.	11. In actions for embezzlement, may be convicted for larceny, and <i>vice versa</i> .
5. Persons sending threatening letters, &c.; penalty.	12. Money, &c. procured under false pretenses; penalty.
6. Violent entry into any Church, &c.; penalty.	13. When constable, &c. may arrest without warrant.
7. Persons found with offensive weapons or burglar's tools under suspicious circumstances; penalty.	

Passed 11th April, 1864.

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

1. Whoever being a bailee of any chattel, money, or valuable security, shall fraudulently take or convert the same to his own use, or the use of any person other than the owner thereof, although he shall not break bulk or otherwise determine the bailment, shall be guilty of larceny, and may be convicted thereof upon an indictment for larceny; but this

Section shall not extend to any offence punishable on summary conviction.

2. It shall be lawful to insert several counts in the same indictment against the same person for any number of distinct acts of stealing not exceeding three, which may have been committed by him against the same person within the space of six months from the first to the last of such acts, and to proceed therein for all or any of them.

3. Whosoever shall steal, or shall rip, cut, sever, or break, with intent to steal, any glass or wood work belonging to any building whatsoever, or any lead, iron, copper, brass, or other metal, or any utensil or fixture, whether made of metal or other material, or of both respectively, fixed in or to any building whatsoever, or any thing made of metal fixed on any land, being private property, shall be guilty of larceny, and being convicted thereof, shall be liable to be punished as in the case of larceny.

4. If upon the trial of any person upon an indictment for robbery, it shall appear to the jury upon the evidence that the defendant did not commit the crime of robbery, but that he did commit an assault with intent to rob, the defendant shall not, by reason thereof, be entitled to be acquitted; but the jury shall be at liberty to return as their verdict that the defendant is guilty of an assault with intent to rob, and thereupon such defendant shall be liable to be punished in the same manner as if he had been convicted upon an indictment for feloniously assaulting with intent to rob; and no person so tried as is herein lastly mentioned shall be liable to be afterwards prosecuted for an assault with intent to commit the robbery for which he was so tried.

5. Whosoever shall send, deliver, or utter, or directly or indirectly cause to be received, knowing the contents thereof, any letter or writing demanding of any person with menaces and without any reasonable or probable cause, any property, chattel, money, valuable security, or other valuable thing, shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned in the Provincial Penitentiary for any term not exceeding two years, with hard labour: it shall be immaterial whether the menaces hereinbefore mentioned be of violence, injury or accusation to be caused or made by the offender or by any other person.

6. Whosoever shall break and enter any Church, Chapel, Meeting House, or other place of Divine worship, and commit any felony therein, or being in any Church, Chapel, Meeting House, or other place of Divine worship, shall commit any felony therein, and break out of the same, shall be guilty of felony, and being convicted thereof, shall be imprisoned in the Provincial Penitentiary for any term not exceeding seven years, with hard labour.

7. Whosoever shall be found by night armed with any dangerous or offensive weapon or instrument whatsoever, with intent to break or enter into any dwelling house or other building whatsoever, and to commit any felony therein, or shall be found by night having in his possession without lawful excuse, (the proof of which excuse shall be on such person,) any pick lock key, crow jack, bit, or other instrument of house breaking, or shall be found by night in any dwelling house or other building whatsoever, having his face blackened, or otherwise disguised, with intent to commit any felony therein, shall be guilty of a misdemeanor, and being convicted thereof, shall be imprisoned in the Provincial Penitentiary for any term not exceeding two years, with hard labour.

8. Whosoever being employed in the public service of