

Proviso.—The expenses of keeping the Temporary Gaol not to exceed £50 per annum.

aforesaid, that the Commissioners who shall be appointed under and in virtue of this Act, or any two of them, may, and they are hereby authorised to provide or rent a fit and proper dwelling-house, or other suitable place, in some convenient and healthy situation in the Village of Sherbrooke aforesaid to serve as a temporary Common Gaol for the said Inferior District of Saint Francis, to all legal intents and purposes whatsoever, until the Common Gaol hereby authorised can be erected and completed, liable to the approbation of the Governor, Lieutenant-Governor, or person administering the Government of the Province for the time being, the expences whereof shall be taken from the fund by this Act provided. Provided always, that the expences of keeping such temporary Common Gaol shall not exceed the sum of fifty pounds, currency, per annum.

Collection of the monies and expenditure to be accounted for to His Majesty.

XIV. And be it further enacted by the authority aforesaid, that all such monies as are herein before appropriated and shall be collected, and all such monies as shall be levied by virtue of this Act, shall be paid and applied for the purposes of the same, and shall be accounted for to His Majesty, his heirs and successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, his heirs and successors, shall be pleased to direct.

Public Act.

XV. And be it further enacted by the authority aforesaid, that this Act shall be deemed and taken to be a Public Act, and as such shall be noticed by all Judges, Justices of the Peace, and other persons whosoever, without being specially pleaded.

CAP. IV.

AN ACT to repeal so much of an Act made in the Parliament of England, in the Tenth and Eleventh years of King William the Third, as inflicts capital punishment on persons guilty of stealing to the amount of five shillings, in any Shop, Warehouse, Coach-house or Stable.

(9th March, 1824.)

Preamble.

WHEREAS by an Act made in the Parliament of England, in the Tenth and Eleventh years of the Reign of King William the Third, intituled, "An

“ An Act for the better apprehending, prosecuting and punishing of Felons that commit Burglary, House-breaking or Robbery in Shops, Ware-houses, Coach-Houses or Stables, or that steal Horses,” it is among other things enacted, “ That all and every person or persons that shall, at any time or times, by night or in the day time, in any Shop, Warehouse, Coach-house or Stable, privately and feloniously steal any Goods, Wares or Merchandizes, being of the value of five shillings or more, although such Shop, Ware-house, Coach-house or Stable be not actually broken open by such offender or offenders, and although the Owner of such Goods, or any person or persons be or be not in such Shop, Ware-house, Coach-house or Stable, to be put in fear, or shall assist, hire or command any person or persons to commit such offence, being thereof convicted or attained by verdict or confession, or being indicted thereof, shall stand mute or will not directly answer to the Indictment, or shall peremptorily challenge above the number of three and twenty persons returned to be of the Jury, shall be absolutely debarred and excluded of and from the benefit of Clergy ;”—And whereas the said Act hath not been found effectual for the preventing of the crimes therein mentioned, and it is therefore expedient that so much of the said Act as is herein before recited should be repealed in manner herein after-mentioned ;—Be it therefore enacted by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, “ An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s Reign, intituled, “ *An Act for making more effectual provision for the Government of the Province of Quebec in North America ;*” and to make further provision for the Government of the said Province,”—And it is hereby enacted by the authority of the same, that from and after the expiration of thirty-one days next after the passing of this Act, so much and such parts of the said Act so made in the Parliament of England, as is and are herein before recited, shall be, and the same is and are hereby repealed as to privately and feloniously stealing by night or in the day time, any Goods, Wares or Merchandise, under the value of fifteen pounds, sterling, in any Shop, Warehouse, Coach-house or Stable.

Act 10th & 11th King William III recited.

After the expiration of thirty-one days after the passing of this Act, so much and such parts made in tenth and eleventh years of King William 3, repealed as to privately and feloniously stealing, by night or in the day time, any goods, wares or merchandizes, in any shop, warehouse, coach-house or stable,

From and after the expiration of thirty-one days after the passing

II. And be it further enacted by the authority aforesaid, that from and after the expiration of thirty-one days next after the passing of this Act, every person who,

of this Act, stealing goods or assisting in stealing the same, of the value of five shillings and under fifteen pounds, sterling, may be banished from the Province, or to be imprisoned & kept in hard labour in the Common Gaol or House of Correction.

who, at any time, by night or by day, in any Shop, Warehouse, Coach-house or Stable, privately and feloniously shall steal any Goods, Wares or Merchandises, being the value of five shillings, sterling, or more, and under the value of fifteen pounds, sterling, or shall assist, hire or command any person or persons to commit such offence, shall be liable to be banished from this Province for life, or for such term, not less than two years, as the Court before which any such person shall be convicted shall adjudge; or such offender shall be liable, in case the Court shall see fit, to be imprisoned only, or to be imprisoned and kept to hard labour in the Common Gaol or House of Correction, for any term not exceeding two years.

Persons returning from transportation to suffer death without the benefit of Clergy.

III. And be it further enacted by the authority aforesaid, that if any person or persons who shall be banished by virtue of this Act, shall be afterwards at large within the limits of this Province, without some lawful cause, before the expiration of the term for which such person or persons shall be banished, all and every such person or persons, being thereof lawfully convicted, shall suffer death as a felon without benefit of Clergy.

CAP. V.

AN ACT to repeal so much of an Act made in the Parliament of Great-Britain, in the twelfth year of Queen Anne, as inflicts Capital Punishment on persons guilty of stealing to the amount of Forty Shillings, in any Dwelling-House or Out-House thereunto belonging.

(9th March, 1824.)

Preamble.

WHEREAS by an Act made in the Parliament of Great-Britain, in the twelfth year of the Reign of Queen Anne, intituled, "An Act for the more effectual preventing and punishing Robberies that shall be committed in houses," it is among other things enacted, "that all and every person or persons that shall at any time feloniously steal any Money, Goods or Chattels, Wares or Merchandizes, of the value of forty shillings or more, being in any dwelling-house or out-house thereunto belonging, although such house or out-house be not actually broken by such offender, and although the owner or such goods, or any other person or persons, be or be not in any such house or out-house, or shall assist or aid any person or persons to commit any such offence,