

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,

Act 12th Queen
Anne, recited.

“ offence, being thereof convicted or attainted by verdict or confession, or being
 “ indicted thereof shall stand mute, or will not directly answer to the indict-
 “ ment, or shall peremptorily challenge above the number of twenty persons
 “ returned to be of the Jury, shall be absolutely debarred of and from the bene-
 “ fit of Clergy, any law or custom to the contrary notwithstanding.” 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-men-
 tioned ; 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 Great Britain, as is and are herein-before re-
 cited, shall be, and the same is and are hereby repealed, as to feloniously stealing
 any money, goods or chattles, wares or merchandizes, under the value of fifteen
 pounds sterling, being in any dwelling-house or out-house thereunto belonging.

After the expi-
 ration of thirty-
 one days after the
 passing of this
 Act, so much and
 such parts of the
 Act made in 12th
 year of Queen
 Anne, repealed,
 as to feloniously
 stealing money,
 goods, &c. in any
 dwelling house or
 out-house.

From and after
 the expiration of
 thirty one days
 after the passing
 of this Act, steal-
 ing money, goods,
 &c. or assisting
 in stealing the
 same, of the va-
 lue of 40s. and
 under £15 ster-
 ling, may be ban-
 ished from the
 Province, or to be
 imprisoned and
 kept to hard la-
 bour in the Com-
 mon Gaol or
 House of Cor-
 rection.

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 shall feloniously steal any money, goods or chattels, wares or merchandizes
 of the value of forty shillings sterling, or more, and under the value of fifteen
 pounds sterling, in any dwelling-house or out-house thereunto belonging, or
 shall assist or aid any person or persons to commit any 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 said 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 so banished, all and every such person or persons being thereof lawfully convicted, shall suffer death as a felon, without benefit of Clergy.

CAP. VI.

AN ACT to repeal so much of an Act made in the Parliament of Great-Britain, in the twenty-fourth year of King George the Second, as inflicts capital punishment on persons guilty of stealing to the amount of Forty Shillings, on any navigable River, or on any Wharf or Quay adjacent to any navigable River.

(9th March, 1824.)

Preamble.

WHEREAS by an Act made in the Parliament of Great-Britain, in the twenty-fourth year of the Reign of King George the Second, intituled, "An Act for the more effectual preventing of Robberies and Thefts upon any navigable Rivers, Ports of Entry, or Discharge Wharfs and Keys adjacent," it is among other things enacted, "That all and every person or persons that shall at any time feloniously steal any goods, wares or merchandize, of the value of forty shillings, in any ship, barge, lighter, boat or other vessel or craft, upon any navigable River, or in any Port of Entry or Discharge, or in any Creek belonging to any navigable River, Port of Entry or Discharge within the Kingdom of Great-Britain, or shall feloniously steal any goods, wares or merchandize, of the value of forty shillings, upon any Wharf or Key adjacent to any navigable River, Port of Entry or Discharge, or shall be present aiding and assisting in the committing any of the offences aforesaid, being thereof convicted or attainted, or being indicted thereof, shall of malice stand mute, or will not directly answer to the indictment, or shall peremptorily challenge above the number of twenty persons returned to be of the Jury, shall be excluded from the benefit of Clergy:" 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

Act 24th of King Geo. II. recited.