

The Provincial Statutes of Lower-Canada, Being the fourth session of the eleventh Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1824.

4 George IV – Chapter 4

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.)

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 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therein mentioned, and it is therefore expedient that so much of the said Act as is herein before recited should be repealed in manner herein after-mentioned;—Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council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.

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, 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.

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.