

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 5

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.)

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, being thereof convicted or attainted 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 twenty persons returned to be of the Jury, shall be absolutely debarred of and from the benefit 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therein-mentioned; and it is therefore expedient that so much of the said Act as is herein-before recited should be repealed, in manner herein-after-mentioned; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council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 Great Britain, as is and are herein-before recited, shall be, and the same is and are hereby repealed, as to feloniously stealing any money, goods or chattels, wares or merchandizes, under the value of fifteen pounds sterling, being in any dwelling-house or out-house thereunto belonging.

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.

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.