

terwards guilty of the same offence in another, Clerk of the Crown of the district where former conviction was had, to certify the same and be evidence for such former conviction.

Persons against whom Bills of Indictment are found not entitled to traverse the same to a subsequent Term, except they shew cause why the same should be taken place.

Clerk of the Crown for the District where such former conviction shall have been had or his Deputy, shall certify the same by a transcript of the Record of such conviction, certified under the hand of such Clerk of the Crown or Deputy as aforesaid, and the seal of the Court in which such conviction was had, and such transcript, the hand writing of such Clerk of the Crown or Deputy as aforesaid thereto, and the seal of such Court being proved, shall be sufficient evidence of such former conviction.

VI. And be it further enacted by the authority aforesaid, that no person against whom any Bill of Indictment shall be found for any offence against this Act, shall be entitled to traverse the same to any subsequent term or sessions, but the Court at which such Bill of Indictment shall be found, shall forthwith proceed to try the person or persons against whom the same shall be found, unless he, she or they shall shew cause to be allowed by the Court, why his, her or their Trial should be put off.

C A P. XI.

AN ACT to provide temporary Houses of Correction in the several Districts of this Province.

(21st. March, 1811.)

Preamble

WHEREAS for the confinement and emploement of all Offenders and persons liable to be sent to a House of Correction, it is necessary that temporary Houses of Correction should be provided in the several Districts of this Province, until permanent Houses of Correction shall be erected therein: 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 " 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 until Houses of Correction shall be erected in the said several Districts respectively, it shall and may be lawful to and for the Governor, Lieutenant Governor or person administering the Government of this Province for the time being, out of any unappropriated monies in the hands of the Receiver General of this Province, which now are or shall be hereafter in the hands of the said Receiver General, and which have been or shall be levied in virtue of and under the authority of an Act passed in the forty fifth Year of His Majesty's reign, intituled, "An Act to provide for the erecting of a common Goal in each of the " Districts of Quebec and Montreal respectively, and the means for defraying the expences " thereof," to advance to the Committees to be appointed under and by virtue of this

£200 for the Houses of correction at Quebec, the like sum for Houses of correction at Montreal, and £100 for the District of Three Rivers.

Parts of the new common Goals may be appropriated as Houses of Correction.

Governor to appoint Superintendants for each of the Houses of correction.

this Act to superintend the Houses of Correction in the said several Districts respectively a sum not exceeding two hundred pounds current money of this Province for the District of Quebec a sum not exceeding two hundred pounds like current money for the District of Montreal, and a sum not exceeding one hundred pounds like money for the District of Three Rivers, for the purpose of enabling the said Committees or either of them in each of the said several Districts respectively, to hire or otherwise provide a building fit and proper to serve for a temporary House of Correction, and also, such accommodations for the performance of labour as may be requisite, and also to make a stock of materials for the use and employment of the persons who shall or may hereafter be confined in the said Houses of Correction in each of the said several Districts respectively, as well as for the purpose of allowing reasonable salaries to the superintendant and Keepers thereof respectively in each of the said Districts respectively; and that all and every idle and disorderly person or Rogues and Vagabonds and incorrigible Rogues who may in pursuance of the Criminal statutes or Criminal Laws of this Province, or any or either of them be liable to be committed to a House of Correction, shall be liable to be committed to the said temporary Houses of Correction in the said several Districts respectively, where he, she or they shall be detained as lawfully and effectually as if the same was such House of Correction as by the said Criminal Laws or Criminal statutes or either of them is intended; Provided always that it shall and may be lawful to and for the Governor, Lieutenant Governor or Person administering the Government of this Province, to appropriate for the purposes of a House of Correction such part or parts of the new common Goals in the Cities of Quebec and Montreal as may be vacant, and which might be conveniently appropriated to that purpose upon the report of the Members of the Committee who shall be appointed to superintend Houses of Correction.

II. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the Governor, Lieutenant Governor or Person administering the Government of this Province for the time being, to nominate and appoint in each of the said Districts respectively, three persons being Justices of the Peace for such Districts, as and for a Committee to superintend the House of Correction hereby constituted in such District, and from time to time to remove all or any of the persons composing such Committee, and to appoint others in their stead or in the stead of such as shall die or resign; and the said Committees shall make provision for stock and materials for the use and employment of the person or persons confined in the said Houses of Correction in the said Districts respectively, and shall also make Orders for the regulation of the said Houses of Correction in the said Districts respectively, and of the respective Masters of such Houses of Correction and of the person or persons therein confined and to be confined in all such cases as are not by law particularly provided for; which orders of regulation being approved of, confirmed and allowed by the Justices of the Courts of Kings Bench in each of the said Districts respectively, at any Criminal term of such Courts respectively, shall be carried into execution, and the said Committee shall in like manner from time to time as often as they shall think necessary, make any other Orders of Regulation as well for

Persons confined
not to be whipt.

well for the repeal of such Orders before made as by way of addition thereto which before they are carried into execution shall also be approved of, confirmed and allowed by the said Justices in manner aforesaid in each of the said Districts respectively; Provided always that no regulation made under the present Act, shall extend to authorise any person to whip or cause to be whipped any of the persons confined in Houses of Correction.

Persons liable on
conviction to be
burnt in the hand
offenders in lieu of
such punishment to
be committed to
the House of cor-
rection there to be
kept at hard la-
bour.

III. And be it further enacted by the authority aforesaid, that in all cases where any person or persons shall from and after the passing of this Act, be convicted of any Crime for which he, she or they shall be liable and ought by the Criminal Statutes or Criminal Laws of this Province or any or either of them to be burnt in the hand, it shall and may be lawful to and for the Judge or Judges, Justice or Justices before whom such Offender or Offenders shall be tried and convicted at his or their discretion in the place of such burning in the hand, to award and give Judgment that such Offender and Offenders shall be committed to the House of Correction constituted and provided by this Act, within the District wherein such conviction shall be had, there to remain and be kept without bail or mainprize for such time or times as such Judge, or Judges, Justice or Justices shall there adjudge and award, not less than six months and not exceeding two years to be accounted from the time of such conviction, and entry thereof shall be made of record pursuant to such Judgment and award, and such Offender or Offenders so adjudged and awarded to remain and be kept in such House of Correction, shall be there set at work and kept at hard labour, for and during such time as shall be so adjudged and awarded.

Persons convicted
of Grand or
Petty Larceny &
for which trans-
portation is the pun-
ishment offenders
in lieu thereof to
be committed to
the House of cor-
rection.

IV. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, in all cases, where any person shall be lawfully convicted of Grand or Petty Larceny or of any Crime, for which he or she shall be liable by the Criminal Statutes or Criminal Laws of this Province, or any or either of them to transportation, it shall be lawful for the Court, in which any such person shall be so convicted, or any Court held for the same District, and with like authority, if such Court shall think fit in the place of such punishment by transportation, to order and adjudge that such person shall be sent to the House of Correction hereby constituted and provided in such District, there to be kept to hard labour for such term or number of years as such Court shall appoint. Provided that the same shall in no case be less than three months or more than two years, and such person so ordered and adjudged to be kept in such House of correction, shall be there set at work and kept at hard labour for and during such time as shall be so ordered and adjudged.

Confinement not
to be less than 3
months nor more
than 9 years.

Persons convicted
of Robbery or
other Felony for
which death is the
Punishment to
whom the Royal
mercy may be ex-
tended, to be sent
to the House of
correction.

V. And be it further enacted by the authority aforesaid that from and after the passing of this Act in all cases where any person shall be lawfully convicted of any Robbery or other Felony for which he or she shall by law be liable to suffer death without the benefit of Clergy and His Majesty shall be graciously pleased to extend the Royal mercy to any such Offender it shall and may be lawful to and for His Excellency

Excellency the Governor and Lieutenant Governor or person administering the Government of this Province for the time being, by Warrant under his hand seal at arms, to notify such intention of mercy to the Judge or Judges, Justice or Justices before whom such person shall be convicted or condemned, and thereby to require and command such Judge or Judges, Justice or Justices to commit such person to the House of Correction hereby constituted and provided in the District wherein such person shall be so aforesaid convicted, there to be kept to hard labour for such time or number of years as such Warrant shall specify: and every such Judge or Judges, Justice or Justices upon the receipt of such Warrant, shall by Warrant under his or their hands and seals, commit such person to such House of correction as aforesaid, there to be kept to hard labour for the time specified in such Warrant of the Governor, Lieutenant Governor or Person administering the Government of this Province, which person so committed shall be set at work and kept at hard labour for and during such time as shall be specified in such last mentioned Warrant, and from and after the expiration of such time so specified in such last mentioned Warrant such person shall be discharged and be intitled to every of the benefits and advantages of a pardon upon condition of being kept to hard labour in such House of Correction, as fully to all intents and purposes and in like manner as if such conditional pardon had been granted and made under the Great seal of this Province, any Law, statute, Usage, or Custom to the contrary notwithstanding.

Persons convicted of grand or petty Larceny or Robbery the punishment of which may be burning in the hand, transportation or death confined in the House of Correction, to be kept separate and apart and no Persons to be sent to the House of Correction but those designated by this Act.

VI. And be it further enacted by the authority aforesaid that every person convicted of Grand or Petty Larceny or Robbery or of any Crime for which he, she or they shall be liable by the Criminal statutes or Criminal Laws of this Province to be burned in the hand or to transportation or to suffer death without benefit of Clergy and who by virtue of this Act shall be sent to any House of Correction hereby constituted and provided, shall be kept in such House of Correction separate and apart from all other persons who by virtue of this Act shall be committed to such House of Correction, and that nothing in this Act contained, shall be held or construed to give power or authority to any person or persons to commit to the Houses of Correction hereby constituted or to any or either of them, any person or persons other than the persons herein before particularly mentioned and designated.

Continuance of this Act.

VII. be it further enacted by the authority aforesaid, that this Act shall continue and be in force until the first day of May one thousand eight hundred and fourteen and no longer.