The Criminal Law of England introduced as it food on the 17th day of Sept. 1792.

vince of Quebec in North America, and to make further provision for the government of the faid province," and by the authority of the fame, That the Criminal Law of England, as it stood on the seventeenth day of September, in the year of our Lord one thousand seven hundred and ninety-two, shall be, and the same is hereby declared to be the Criminal Law of this Province.

Saving of ordinances made fince the 14th Geo. 3. II. Previded nevertheless, That nothing herein contained shall be taken or construed to vary, repeal, or in any manner to affect any Ordinance of the late Province of Quebec, which may have been made since the said sourceenth year of his Majesty's reign.

When any person is convicted of any selony for which he is liable to be burnt in the hand, the Court may, instead of such burning, impose on hima moderate sine, or except in case of Manslaughter, order him to be whipped.

III. And whereas the punishment of burning in the hand, when any perfon is convicted of felony within the Benefit of Clergy, is often difregarded and ineffectual, and fometimes may fix a lasting mark of difference and infamy on offenders, who might otherwise become good subjects and profitable members of the community, Be it therefore enacted by the authority aforefaid, That from and after the paffing of this act, when any person shall be lawfully convicted of any felony within the benefit of Clergy, for which he or she is liable by law to be burned or marked in the hand, it shall and may be lawful for the Court before which any person shall be so convicted, or any Court holden for the same place with the like authority, if such Court shall think fit, inflead of fach burning or marking, to impose upon fuch offender such a moderate pecuniary Fine as to the Court in its discretion shall feem meet; or otherwife it shall be lawful, instead of such burning or marking, in any of the cases aforesaid, except in the case of Manssaughter, to order and adjudge, that such offender shall be once, or oftener, but not more than three times, either publicly or privately Whipt; fuch private whipping to be inflicted in the presence of not less than two persons besides the offender and the officer who inflicts the fame; and in case of semale offenders, in the prefence of females only; and fuch fine or whipping to imposed or inflicted in-Read of fuch burning or marking, shall have the like effects and confequences to the party on whom the same, or either shall be so imposed or inslicted, with respect to the discharge from the same or other felonies, or any restitution to his or her estates, capacities and credits, as if he or she had been burned or marked as aforefaid.

This act not to abridge the powers vested in the faid Courts of imprifoning offenders. IV. Provided always, and be it further enacted by the authority aforefaid, That nothing in this act contained, shall abridge, or deprive any Court of the powers now vested in it by law, of detaining and keeping in prison, for any time not exceeding one year, or of committing to the house of correction, or public work-house, to be kept to hard labor, for any time not exceeding one year, or of committing to the house of correction, for any time not less than six months, or exceeding two years, any such offender as aforesaid; but

that fuch offender may, if fuch court shall think sit, after such burning or marking, or after such whipping, or sine, as shall by virtue of this present ast be inflicted or imposed instead thereof, be so detained or committed, and with such accumulated punishment, in case of escape from such house of correction or work-house, as if this ast had never been made.

V. And whereas fo much of the faid criminal law of England, as relates to the transportation of certain offenders to places beyond the seas, is either inapplicable to this province, or cannot be carried into execution without great and manifest inconvenience, Be it enasted by the authority aforesaid, That when any person shall be convicted of any crime, for which he, or she, shall be liable by law to be transported, the court before which such person shall be so convicted, or any court holden for the same place with the like authority, instead of the sentence of transportation, shall order and adjudge, that such person be banished from this province, for and during the same number of years, or term for which he, or she would be liable by law to be transported, and do remove him, or herself therefrom within a space of time to be then fixed and declared by the court, and which shall, in no instance, be less than two days nor more than eight, including the day on which such sentence of banishment shall be passed.

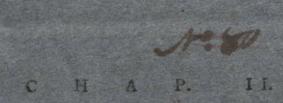
Banishment substituted for transportation.

VI. And be it further enacted by the authority aforefaid, That it any person on whom fuch sentence of banishment shall have been passed as aforesaid, or to whom his Majesty, his heirs or successors, shall hereafter be graciously pleased to extend the Royal mercy upon condition of his, or her, leaving the province for any term of years, or for life, shall be found at large in any part thereof, without some lawful cause, after the time within which he, or she, shall have been so banished, or shall have so consented to leave the province, and before the expiration of the term for which he, or the, shall have been so banished, or shall have so consented to leave the same, every such offender being thereof lawfully convicted, shall fuster death as in cases of selony without benefit of Clergy; and luch offender may be tried either before Justices of affize, over and terminer or goal delivery, for the Diffrict, County or place where such offender shall be apprehended and taken, or where he, or the, may have received fuch fentence of banishment; and the Clerk of the Crown, Clerk of the peace or other officer, having the custody of the records where such sentence of banishment shall have been pronounced, or the Register of the province in the case of such conditional pardon as aforefaid, shall at the request of any person on his Majesty's behalf, and without fee or reward, make out and give a certificate in writing figned by him the faid Clerk of the Crown, Clerk of the peace or other officer, or by the faid Regifter, respectively, containing the effect and substance, omitting the formal part of every indistment and conviction of such offender, and of the sentence of banishment, or of fuch conditional pardon respectively, to the Justices of affize, oyear and terminer and goal delivery, where such offender shall be indicted, which cer-

Provisions in cafe of return from banishment, or being found at large in the province before the period is expired. tificate shall be sufficient proof of such conviction and sentence of banishment, or of such conditional pardon respectively.

Not to restrain the power of his Majesty to pardon.

VII. Provided nevertheless. That nothing herein contained shall be construed in any manner to restrain, or prevent his Majesty, his heirs or successors, to grant an auto-successor and unconditional pardon to such offender, and to allow of his, or her return to this province.



An ACT for the Regulation of Special Jurier.

1. BE it 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 Upper-Canada, constituted and assembled by virtue of, and under the authority of an act passed in the parliament of Great Britain, entitled an act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, "An Act for making more effectual provision for the government of the province of Quebec in North America, and to make surther provision for the government of the faid province;" and by the authority of the same, That from and after the first day of March next, no person inall be returned by the Sherist to serve on any special jury, who shall not be affeised, and pay assessments on the sum of three hundred pounds, or upwards.