

peal 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 by the authority of the same, 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.

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

Saving of ordinances made since the 14th Geo. 3.

II. *Provided 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 fourteenth year of his Majesty's reign.

III. And whereas the punishment of burning in the hand, when any person is convicted of felony within the Benefit of Clergy, is often disregarded and ineffectual, and sometimes may fix a lasting mark of disgrace and infamy on offenders, who might otherwise become good subjects and profitable members of the community; Be it therefore enacted by the authority aforesaid, That from and after the passing 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, instead of such burning or marking, to impose upon such offender such a moderate pecuniary fine as to the Court in its discretion shall seem meet; or otherwise it shall be lawful, instead of such burning or marking, in any of the cases aforesaid, except in the case of manslaughter, to order and adjudge, that such offender shall be once, or oftener, but not more than three times, either publicly or privately whipt; such private whipping to be inflicted in the presence of not less than two persons besides the offender and the officer who inflicts the same; and in case of female offenders, in the presence of females only; and such fine or whipping so imposed or inflicted instead of such burning or marking, shall have the like effects and consequences to the party on whom the same, or either shall be so imposed or inflicted, 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 aforesaid.

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

IV. *Provided always*, and be it further Enacted by the Authority aforesaid, 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 such offender may, if such Court shall think fit, after such burning or marking, or after such whipping or fine as shall by virtue of this present Act 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 Act had never been made.

This act not to abridge the powers vested in the said Courts of imprisoning offenders.

V. And whereas so much of the said 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

Punishment substituted for transportation.