

(6)

Legis. Council.

BILL.

An Act for the removal of defects in the administration of Criminal Justice.

WHEREAS the technical strictness of Preamble to.
Criminal Proceedings might in some instances be further relaxed, so as to ensure the Punishment of the Guilty, without depriving the accused of any just means of defence: and, whereas, according to the present practice of Courts of Criminal Jurisdiction, it is not permitted in an indictment for stealing property to add a Count for receiving
5 the same property, knowing it to have been stolen; or in an indictment for receiving stolen property, knowing it to have been stolen, to add a Count for stealing the same property, and justice is hereby often defeated:
Be it therefore enacted, &c.

15 And it is hereby enacted by the authority of the same, That from and after the passing of this Act, in every indictment for feloniously stealing property, it shall be
20 lawful to add a Count for feloniously receiving the same property, knowing it to have been stolen; and in any indictment for feloniously receiving property, knowing it to have been stolen, it shall be lawful to add a
25 Count for feloniously stealing the same property: and where any such indictment shall have been preferred and found against any person, the prosecutor shall not be put to his election, but it shall be lawful for the Jury
30 who shall try the same to find a verdict of guilty, either of stealing the property or of receiving it knowing it to have been stolen; and

Counts for stealing and for receiving stolen property may be included in the same indictment.