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No. 119.

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4th Session, 8th Parliament, 29th Vic., 1865

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BILL.

An Act for abolishing the punishment of  
death in certain cases.

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No. 225 of 1865.—1st Session.

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Hon. Mr. Atty. Gen. CARTIER.

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QUEBEC

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URSULE ST.

**An Act for abolishing the punishment of death in certain cases.**

**WHEREAS** it is expedient to abolish the punishment of death in the Preamble.  
**W** cases hereinafter mentioned; Therefore, Her Majesty, by and  
 with the advice and consent of the Legislative Council and Assembly of  
 Canada, enacts as follows:—

**1.** If any person shall, after the commencement of this Act, be con- Any person  
 5 victed of any of the offences hereinafter mentioned, that is to say : guilty of

*Firstly.* Of having, to the number of twelve or more, been unlawfully, Riotously and  
 riotously and tumultuously assembled together to the disturbance of the tumultuously  
 public peace, and having been required or commanded by any one or more asse- bling  
 justice or justices of the peace, or by the sheriff of the county or his with others,  
 10 under sheriff, or by the mayor, bailiff or bailiffs, or other head officer, and so con-  
 or justice of the peace of any city or town corporate where such assem- tinuing after  
 bly shall have been, by proclamation made in the Queen's name in the proclama-  
 form directed by law, to disperse themselves, and peaceably to depart to tion.  
 their habitations or to their lawful business, and of having, to the num-  
 15 ber of twelve or more (notwithstanding such Proclamation made), unlaw-  
 fully, riotously and tumultuously remained or continued together by the  
 space of one hour after such command or request made by proclamation,  
 or,

*Secondly.* Of having been unlawfully, riotously and tumultuously Assembling  
 20 assembled together, with other persons, to the disturbance of the public with others  
 peace, and of having unlawfully and with force, demolished or pulled for unlaw-  
 down, or begun to demolish or pull down, any Church or Chapel, or any fully pulling  
 building for religious worship, or any dwelling-house, barn, stable, or down  
 other out-house; or, churches,  
houses, &c.

*Thirdly.* Of having, with force and arms, wilfully and knowingly Obstructing  
 25 opposed, obstructed, or in any manner, wilfully and knowingly let, persons mak-  
 hindered, or hurt any person or persons who had begun to proclaim, or ing pro-  
 was going to proclaim, according to the proclamation directed by law clamation.  
 to be made, whereby such proclamation shall not have been made; or,

*Fourthly.* Of having been unlawfully, riotously and tumultuously Unlawfully  
 30 assembled with other persons, to the number of twelve as aforesaid, or assembling  
 more, to whom proclamation should or ought to have been made, if the with others  
 same had not been hindered as aforesaid; and of having, to the number and not dis-  
 of twelve or more, continued together, and not dispersed themselves persing,  
 35 within one hour after such let or hindrance so made, having knowledge knowing that  
 of such let or hindrance so made; or, proclamation  
had been hin-  
dered.

*Fifthly.* Of having administered to, or caused to be taken by any Causing bodi-  
 person, any poison or other destructive thing, or of having stabbed, ly injury with  
 cut, or wounded any person, or by any means whatsoever, caused any intent to  
 40 bodily injury dangerous to life, to any person, with intent, in any of murder.  
 the cases aforesaid, to commit murder; or,

- Rape. *Sixthly.* Of having committed the crime of rape; or
- Abusing any infant under ten years of age. *Seventhly.* Of having unlawfully or carnally known and abused any girl under the age of ten years; or,
- Buggery. *Eighthly.* Of having been guilty of the abominable crime of buggery committed either with mankind or with any animal; or, 5
- Robbing and wounding. *Ninthly.* Of having robbed any other person, and at the time or immediately before or immediately after such robbery, stabbed, cut, or wounded any person; or,
- Burglary and assault. *Tenthly.* Of having burglariously broken and entered any dwelling house and assaulted with intent to murder any person being therein, or stabbed, cut, wounded, beaten or struck any such person; or, 10
- Maliciously setting fire to inhabited dwelling houses. *Eleventhly.* Of having unlawfully and maliciously set fire to any dwelling house, any person being therein, or,
- Maliciously setting fire to or destroying any ship, &c. *Twelfthly.* Of having unlawfully and maliciously set fire to, cast away, or in any wise destroyed any ship or vessel, either with intent to murder any person, or whereby the life of any person was endangered; or, 15
- Exhibiting false lights or signals. *Thirteenthly.* Of having unlawfully exhibited any false light or signal, with intent to bring any ship or vessel into danger, or of having unlawfully and maliciously done anything to cause the immediate loss or destruction of any ship or vessel in distress; 20
- Such person shall not suffer death, nor have sentence of death awarded against him or her for the same, but shall be liable at the discretion of the Court, to be imprisoned in the Penitentiary for the term of his natural life, or for any term not less than two years, or to be imprisoned in any other prison or place of confinement for any term less than two years. 25
- of the Court.