

The Provincial Statutes of Lower-Canada, Being the fourth session of the eleventh Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1824.

4 George IV – Chapter 19

An Act to regulate the manner in which the Justices of the Peace are annually, to account for Fines and Penalties by them imposed and levied pursuant to Law, and for other, purposes. (9th March, 1824.)

Whereas it is expedient to regulate the manner in which the Peace shall proceed in cases of Convictions, and shall account for the Fines by them imposed, levied and received, according to Law;— 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 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 the said Justices of the Peace throughout this Province, shall, from and after the passing of this Act, be bound to keep, in a Register to be by them severally provided for the purpose, true and faithful minutes or memorandums at length of every conviction which shall at any time hereafter be by them severally made, pursuant to any Law or statute in force in this Province.

II. And be it further enacted by the authority aforesaid, that in all cases which are cognizable by any two or more Justices of the Peace, the minutes or memorandums of convictions by this act required shall be kept by the senior Justice of the Peace, and be subscribed by the Junior Justice of the Peace who shall have been present during the proceedings which may have been had. Provided always, that in the Cities of Quebec and Montreal and in the Town of Three-Rivers [Trois-Rivières] the Registers which by this Act are ordained and directed to be kept, shall be kept by the Clerks of the Peace in the said Cities and Town, respectively, as heretofore; and who shall account for the Fines which may be imposed according to Law, by the Justices of the Peace in either of the said Cities or Town, respectively.

III. And be it further enacted by the authority aforesaid, that all the Costs allowed in every such case, shall also be specified in such Register, as well as the day when Execution shall have been issued to levy, such Costs and condemnation, and the day when the fine shall have been paid into the hands of such Justice of the Peace, pursuant to such condemnation; and the amount of the fine and costs shall be distinctly specified in every Writ of Execution that may issue in any such case.

IV. And be it further enacted by the authority aforesaid, that the Justices of the Peace aforesaid, shall annually, in the month of August, transmit and pay over into the hands of the Clerks of the Peace in their respective Districts, the amount of all Fines and Penalties by them respectively levied and received, save and except such parts thereof, as, by Law, belong to Informers, and shall at the same time furnish such Clerks of the Peace with a statement, specifying the several offences for which, as well as the several Acts under which they have been so incurred and levied; which statements shall, by

the said Clerks of the Peace be laid before the Justices of the Peace in the General Sessions of the Peace, at the opening of each Session, with a list of the Justices of the Peace from whom fines have been received and specifying the amount received from each.

V. And be it further enacted by the authority aforesaid, that it shall be the duty of the Clerks of the Peace in the several Districts of this Province, on receipt of such Fines and Penalties, and Statements to accompany the same, to pay the amount of all monies so by them received on the tenth days of April and October of each and every year, into the hands of the proper Officer or Officers, according to the direction of the several Acts under which the same have been incurred and levied as aforesaid, taking Duplicate Receipts therefor, one of which they shall transmit to the Inspector of Provincial Accounts: and they shall also state in writing the amount of such receipted payments on the last day of every Term of the Court of General Sessions of the Peace, for the information of the Justices of the Peace thereat, and of all others whom it may Concern.

VI. And whereas great inconveniences often arise in summary proceedings before Justices of the Peace and others, from the want of a general form of conviction;—Be it therefore enacted by the authority aforesaid, that from and after the passing of this Act, in all cases wherein a conviction shall have taken place, and no particular form for the record thereof hath been directed, the Justice or Justices before whom the offender or offenders shall have been convicted, shall and may cause the Record of such Conviction to be drawn up in the manner and form following, that is to say:

District of _____ } Be it remembered, that on the ____ day of _____
(or as the case may be) } in the year of Our Lord _____ in the County of _____ A. B. of
_____ in the County of _____ Labourer, (or as the case may be) of His Majesty's Justices of the Peace
for the said _____ and informed me (or us) that E. F. of _____ in the County of _____ on the ____
day of _____ at _____ in the said _____ did (here set forth the fact for which the information is laid)
contrary to the form of the Statute in such case made and provided; whereupon the said E. F. after
being duly summoned to answer the said charge appeared before me (or us) on the ____ day of ____
at _____ in the said _____ and having heard the charge contained in the said information, declared he
was not guilty of the said offence, (or as the case may happen to be) did not appear before me (or us)
pursuant to the said Summons, (or did neglect and refuse to make any defence against the said charge)
whereupon I (or we) (or nevertheless I or we) the said Justice or Justices did proceed to examine into
the truth of the charge contained in the said Information, and on the ____ day of ____ aforesaid, at
the Parish of _____ aforesaid, one credible witness, to wit: A. W. of _____ in the County of _____
upon his oath deposed and said (if E. F. be present say, in the presence of the said E. F.) that within
months (or as the case may be) next before the said Information was made before me (or us) the said
Justice by the said A. B. to wit: on the ____ day of ____ in the year ____ the said E. F. at _____ in
the said County of _____ (here state the evidence, and as nearly as possible the words used by the
witness, and if more than one witness be examined, state the evidence given by each) or if the
Defendant confess, (instead of stating the evidence say) and the said E. F. acknowledge and voluntarily
confessed the same to be true; therefore, it manifestly appearing to me (or us) that the said E. F. is
guilty of the offence charged upon him in the said Information, I (or we) do hereby convict him of the
offence aforesaid, and do declare and adjudge, that he the said E. F. has forfeited the sum of _____ of
lawful money of Great-Britain, (or current money of this Province for the offence aforesaid, to be

distributed (or paid as the case may be) according to the form of the Statute in that case made and provided. Given under my hand (or our hands) and Seal, the ____ day of ____ in the year of our Lord.

VII. And be it further enacted by the authority aforesaid, that in all cases where two or more Justices are authorised and required to hear and determine any complaint, one Justice shall be competent to receive the original information or complaint, and to issue the Summons or Warrant requiring the parties to appear before two or more Justices of the Peace, as the case may require; and after examination upon oath into the merits of the said complaint, and the adjudication thereupon by any such two Justices being made, all and every the subsequent proceedings to enforce obedience thereto or otherwise, whether respecting the penalty, fine, imprisonment, costs or other matter or thing now enacted or to be hereafter enacted, may be enforced by either of the said Justices, or any other Justice of the Peace for the same county or place in such and the like manner as if done by the same two Justices who so heard and adjudged the said complaint; and where the original complaint or information shall be made to any Justice or Justices of the Peace, different from him or them before whom the same shall be heard and determined, the form of conviction shall be made conformable and according to the fact.

VIII. And be it further enacted by the authority aforesaid, that in all cases where it appears by the conviction that the Defendant has appeared and pleaded, and the merits have been tried, and that the Defendant has not appealed against the said conviction, where an appeal is allowed, or if appealed against, the conviction has been affirmed, such conviction shall not afterwards be set aside or vacated in consequence of any defect of form whatever, but the construction shall be such a fair and liberal construction as will be agreeable to the justice of the case.