

The Provincial Statutes of Lower-Canada, Being the second session of the fifteenth Provincial Parliament of Lower-Canada. Quebec: John Carleton Fisher & William Kemble, Law Printer to the King's Most Excellent Majesty, 1836.

6 William IV – Chapter 37

An Act to provide more effectually for the safe conveyance of Prisoners charged with Criminal Offences, from the Country parts of this Province to the Common Gaols of the several Districts. (21st March, 1836.)

Whereas it is necessary to make more effectual provision than now exists by law, for the conveyance of Prisoners charged with Criminal Offences, from the country parts of this Province to the Common Gaols of the several Districts, and to extend for this purpose the provisions relating to Peace Officers, contained in the Act or Ordinance passed in the twenty-seventh year of the Reign of His Majesty, King George the Third, intituled, "An Ordinance to explain and amend an Ordinance for establishing Courts of Criminal Jurisdiction in the Province of Quebec:"—Beit 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 from and after the passing of this Act, that each and every Captain, officer and sergeant of Militia in this Province, shall be a Peace Officer for the District within which he resides; and it shall be his duty, when thereto commanded by any Justice of the Peace or Superior Officer of Militia, to accompany, aid, and assist any other Peace Officer or Constable, in conveying a Prisoner or Prisoners, charged with a criminal offence, to or towards any Gaol in such District. Provided always, that it shall be lawful for such Captain or Officer of Militia to require any militiaman or militiamen of his company to perform the aforesaid service.

II. And be it further enacted by the authority aforesaid, that it shall be lawful for any Justice of the Peace in this Province, or for any Captain or Superior Officer of Militia, upon the requisition of a Justice of the Peace, to order any person belonging to the Company of such Captain, and having a carriage and horse, to furnish the same for the conveyance of a Prisoner or Prisoners charged with a criminal offence, and the effects of such Prisoner or Prisoners, or any other effects, which it may be necessary to send along with such prisoner, for the purposes of justice, to or towards the Common Gaol of the County or District, and every person having a carriage and horse, shall be bound to obey such order.

III. And be it further enacted by the authority aforesaid, that any Captain, Officer, or Sergeant of Militia, who shall refuse to accompany or assist a Constable or Peace Officer, in

conveying a prisoner or Prisoners charged as aforesaid, to or towards a Common Gaol, and any person having a carriage and horse as aforesaid, who shall neglect or refuse, when ordered as aforesaid, to furnish the same for the conveyance of such Prisoner or Prisoners, to or towards such Gaol, shall for every such offence, forfeit, being a Commissioned Officer, a sum not exceeding forty shillings currency, and every Non Commissioned Officer, or militiaman, a sum not exceeding twenty shillings currency, to be recovered in a summary manner, upon complaint, hearing, and conviction before any Justice of the Peace, on the testimony of one or more credible witness or witnesses; and such penalty if not paid within twenty-four hours after conviction, shall be levied, together with costs, by distress and sale of the goods and chattels of the party convicted

IV. Provided always, and be it further enacted by the authority aforesaid, that no such Officer or Sergeant of Militia, nor the carriages or horses of persons, who shall be commanded to furnish the same as aforesaid, shall be bound or compelled to go farther than the residence of the nearest Captain or other Commissioned Officer belonging to the next Company of Militia, being such Peace Officer as aforesaid, living on or near the most direct or shortest route towards the Prison to which such Prisoner or Prisoners are to be conveyed.

V. And be it further enacted by the authority aforesaid, that one moiety of the penalties imposed, and to be levied by virtue of this Act, shall go to the informer, and the other moiety shall go to His Majesty, his Heirs or Successors, and shall be paid to the Receiver General of this Province, for the public uses thereof, and shall be accounted for to His Majesty, his Heirs or Successors, through the Lords Commissioners of the Treasury, as His Majesty, his Heirs or Successors shall direct.