

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 5

An Act to authorize the sale and disposal of certain Goods unclaimed and remaining in the possession of the Clerks of the Peace, in this Province. (18th December, 1835.)

Whereas divers goods and effects found in the possession of notorious offenders and suspected persons, supposed to be stolen property, are frequently brought to the offices of the Clerks of the Peace in the Cities of Quebec and Montreal, and in the Town of Three Rivers [Trois-Rivières], and of which the legal owners not being known, remain unclaimed and are liable to damage and often to total loss. For remedy thereof:—Be it 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, it shall be the duty of the Clerks of the Peace in the several Districts of Quebec, Montreal and Three Rivers, respectively, to keep or cause to be kept a Book, in which shall be regularly entered all goods or effects brought to their respective offices as having been stolen or suspected to be stolen, stating (if the same can be ascertained) from whom they were stolen, received or taken, and the person in whose possession they were found, and the time when, with such other particulars respecting the same, as maybe deemed necessary towards proving the theft, or ascertaining the proprietors; and it shall be the duty of the said Clerks of the Peace respectively, to cause a fair copy of all the entries of goods or effects in such book, and which remain unclaimed in their several offices, to be made out and signed by them or any one of them, and laid before the Judges of the Court of King's Bench for Criminal Pleas at every term thereof, and it shall be lawful for the said Judges, or any of them, by a written order addressed to the said Clerks of the Peace, to authorize them to cause such of the said goods and effects as have not been claimed, and the owners whereof are not known, to be sold by Public Auction.

II. And be it further enacted by the authority aforesaid, that such sales shall, previously be publicly advertised in any two of the Newspapers published in either of the said Cities of Quebec and Montreal, as the case may be; (and if in Three-Rivers, in any Newspaper published thereat) three times in the space of one month next after the date of said order or authority to sell, with respect to such merchandize and effects as shall be judged susceptible of deterioration, and three times during six months for such as shall be judged susceptible of being preserved without being spoiled during that time, giving notice of the place where the said goods and effects may be seen, every day (Sundays and Holidays excepted) between the

hour of noon and two in the afternoon before the sale, to the end, that any person having lost the same, or any part of such merchandize or effects, or being interested therein, may claim them and in case any of the said goods or effects may on inspection, be claimed by any person or persons as owners thereof, any two Justices of the Peace of the District, on legal proof that the same or any part or parcel of them belong bona fide to the person or persons claiming the same as owners, may deliver or order such goods or effects so claimed, to be delivered to the owner or owners thereof, who shall respectively give a receipt or receipts for the same, which receipt or receipts shall be written in the said book of original entry.

III. And be it further enacted by the authority aforesaid, that if such goods and effects be not claimed as above mentioned, the proceeds of the sale thereof (the necessary charges of advertising and selling the same being previously deducted) shall be paid over to the Receiver General, to be at the disposal of the Legislature.

IV. And be it further enacted by the authority aforesaid, that the due application of all monies arising from the sale of any such goods and effects as aforesaid, and from this Act, shall be accounted for to His Majesty, his heirs and successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, his heirs and successors shall be pleased to direct.

V. And be it further enacted by the authority aforesaid, that this Act, and all the matters and things herein contained, shall be and continue to be in force until the first day of May, one thousand eight hundred and forty, and no longer.