

The Provincial Statutes of Lower-Canada, Being the fourth session of the of the Special Council, begun and holden at the City of Montreal, in the said Province of Lower Canada, fourteenth day of February, 1839. Quebec: John Carleton Fisher & William Kemble, Law Printer to the Queen's Most Excellent Majesty, 1839.

2 Victoria – Chapter 20 (Session 4)

An Ordinance for the better information of the Government and of the Public, concerning Prosecutions brought before Justices of the Peace.

Whereas it will be conducive to the public good that a record should exist shewing the general result of all prosecutions which shall have taken place before any one or more Justices of the Peace not sitting in General Quarter Sessions, or in Special Sessions, at the Court House of any District, or Inferior District of this Province:—Be it therefore Ordained and Enacted by His Excellency the Governor of the Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue of, and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, “An Act to make temporary provision for the Government of Lower Canada;” and it is hereby Ordained and Enacted by the authority of the same, that each Justice of the Peace shall make a quarterly return of every prosecution for any offence of a public nature, or for the recovery of any penalty imposed for any such offence, which shall have been brought before him, (whether sitting alone or with any other Justice or Justices,) at any other place than the Court House of any District, or Inferior District of this Province; and such return shall be sent to the Clerk of the Peace for the District, not more than ten, nor less than five days before the holding of each Court of Quarter Sessions, and shall be filed of record by such Clerk, and laid before the Justices at such Court; and such return shall extend in the first instance, from the passing of this Ordinance to the date of the return; and in all subsequent cases, from the date of the then last return to that of the return itself, and shall shew—

1. The Justice or Justices (if any,) sitting with the Justice making the return.
2. The place of sitting.
3. The name of the Prosecutor.
4. The name of the Defendant.
5. The offence.
6. The result, whether conviction or acquittal.
7. The judgment and amount of penalty, if any.
8. The costs allowed to the successful party.
9. The costs allowed against the unsuccessful party, for any thing done at his instance in or about the Prosecution.
10. The amount of penalty paid, and to whom.
11. The amount of penalty paid to the Receiver General, or for any public purpose, or remaining to be so paid, and in whose hands.

And such return shall be dated, at the time and place at which it shall be made, and signed by the Justice who shall make it, and shall be made by each Justice, whether any such Prosecution shall have been brought before him or not, during the period over which it extends.

II. And be it further Ordained and Enacted by the authority aforesaid, that it shall be the duty of each Clerk of the Peace, within ten days after each Term of the Court of Quarter Sessions for his District, to return to the Governor, Lieutenant Governor, or person administering the Government of this Province, the name of each Justice of the Peace in such District, who shall not have complied with the requirements of this Ordinance.

III. And be it further Ordained and Enacted by the authority aforesaid, that an Ordinance of this Province made and passed in the first year of the Reign of Her Majesty, intituled, "An Ordinance to declare and ascertain the period when the Laws and Ordinances made and passed by the Governor or person authorised to execute the Commission of Governor and Special Council of this Province, shall take effect," be, and the same is hereby repealed as to this Ordinance only, and that this present Ordinance shall commence and have effect within the said Province, so soon as the Governor or person authorised to execute the Commission of Governor of the said Province shall have assented to and signed this present Ordinance.

J. COLBORNE.

Ordained and Enacted by the authority aforesaid, and duly passed in Special Council, at the Government House, in the City of Montreal, the Fourteenth day of March, in the Second year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the year of Our Lord, one thousand eight hundred and thirty-nine.

By His Excellency's Command,
W. B. LINDSAY,
Clerk Special Council.