

The Provincial Statutes of Lower-Canada, Being the first session of the ninth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1817.

57 George III – Chapter 30

An Act to repeal in part a clause of an Act or Ordinance made and passed in the twenty-ninth year of His Majesty's Reign, intituled, "An Act to continue the Ordinances regulating the Practice of the Law, and to provide more effectually for the dispensation of Justice, and especially, in the new Districts." (22 March, 1817.)

Whereas an Act or Ordinance made and passed in the twenty-ninth year of His Majesty's Reign, intituled, "An Act to continue the Ordinances regulating the practice of the Law and to provide more effectually for the dispensation of justice, and especially in the new Districts;" it is among other matters and things declared, that whereas the detention of prisoners until the sitting of the Court of King's Bench or the sittings of Commissions of Oyer and Terminer, and General Goal delivery, hath been very burthensome to the public, and is likely to be increased by the insufficiency of the Goals in the old Districts and the total want of them in the new Districts, and it often happens that persons committed for simple Larcenies are either acquitted or only found guilty of Petty Larceny, and it was therefore enacted that simple Larceny, where the goods stolen should not in value exceed twenty shillings, sterling Money of Great Britain, shall be deemed and adjudged only Petty Larceny, and that whenever any persons should stand committed to Goal, for no higher offence than a Breach of the Peace or Petty Larceny and should not within forty-eight hours after his commitment, find bail sufficient, in the opinion of any one Justice of the Peace, for his appearance at the next sessions of the Peace for the District where the offence is charged to be committed, it shall be lawful for any three Justices of the Peace (one of whom shall be of the Quorum) to meet, and cause the offender to be convened before them, at some public and convenient place, and then and there, or at such other time and place to which they might adjourn, to hear the charge and defence with the evidence for and against the prisoner, and to determine the same, and upon their conviction of the guilt of the prisoner to give judgment against him for such corporal punishment, (not extending to life or limb) as they or the major part of them should, in their discretion, think adequate to the demerit of his offence; and that after the execution thereof the offender should be discharged. But if he shall not have been a stated resident of this Province for twelve months preceding his commitment and should, in twenty days after his discharge be found within the same District, and should wilfully have remained in the same, it should be lawful for any one Justice to commit him to prison, and for three Justices to proceed against him in manner aforesaid and to adjudge him to such further correction (not extending to life or limb) as they in their discretion should think proper, unless ho should find good and sufficient securities in the opinion of the Justices; by whom he shall have been tried, to recognize in such sum as they shall appoint, so his good behaviour for seven years, on giving which he shall be set at liberty and the recognizance be filed with the Clerk of the Peace. And whereas it is expedient to repeal the above recited Clause of the afore-said Act or Ordinance herein-before-mentioned, save and except so much of the same as declares and enacts that simple Larceny when the goods stolen shall not in value exceed twenty shillings, sterling money of Great-Britain, shall be deemed and adjudged Petty Larceny. 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 hereby enacted by the authority of the same, that the aforesaid Clause and so much of the aforesaid Act or Ordinance made and passed in the twenty ninth year of His Majesty's Reign, as is herein-before recited, save and except so much of the same as declares and enacts that simple Larceny, where the goods stolen shall not in value exceed twenty shillings sterling money of Great Britain, shall be deemed and adjudged only petty Larceny, shall be and the same is hereby repealed.