

Laws of His Majesty's Province of Upper Canada, passed in the year 1837. Toronto: Robert Stanton, 1837.

7 William IV – Chapter 4

An Act to abolish the distinction between Grand and Petit Larceny, and to enable the Courts of General Quarter Sessions of the Peace to try all cases of Simple Larceny, under certain restrictions, and to amend the Law respecting the punishment of Larceny. Passed 4th March, 1837.

Whereas it is expedient to abolish the distinction between Grand and Petit Larceny, and to allow the Courts of Quarter Sessions of the Peace to entertain Jurisdiction in cases of Simple Larceny, under certain restrictions, by which means persons charged with Larceny will be more speedily brought to trial: 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 Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, '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 by the authority of the same, That the distinction between Grand Larceny and Petit Larceny shall be abolished, and every Larceny, whatever may be the value of the Property stolen, shall be deemed to be of the same nature, and shall be subject to the same incidents, in all respects, as Grand Larceny was before the passing of this Act.

II. And be it further enacted by the authority aforesaid, That the Courts of General Quarter Sessions of the Peace in the several Districts of this Province, shall have power to try every case of Simple Larceny, and also to try all Accessories to such Larceny: Provided always, that unless the Justice presiding in any such Court shall be a Barrister, duly admitted to practise at the Bar in this Province, then it shall not be lawful for such Court to try any case of Larceny, when the goods charged to have been stolen shall exceed in value the sum of Twenty Pounds.

III. And be it further enacted by the authority aforesaid, That no Court whose Jurisdiction in cases of Larceny is extended by this Act, shall have power to sentence a person convicted of Larceny to be transported for any period, or to be banished for a longer period than seven years, or to be imprisoned in a Common Gaol for a longer period than eight months, or to be imprisoned and kept to hard labour in any Penitentiary or House of Correction, for a longer period than two years.

IV. And be it further enacted by the authority aforesaid, That it shall be lawful for any Court having Jurisdiction in cases of Larceny, if they shall think fit, to sentence any person convicted thereof to be banished from the Province, for any number of years not exceeding seven, to commence from the expiration of the Term for which the same person may, upon the same

conviction, be sentenced to be imprisoned in the Common Gaol, or imprisoned and kept to hard labour in a Penitentiary or House of Correction.

V. And be it further enacted by the authority aforesaid, That notwithstanding any thing contained in this Act, it shall not be necessary for any Court of Quarter Sessions to deliver the Gaol of all Prisoners who may be confined upon charges of Simple Larceny, but it shall be in the discretion of such Court to leave such case to be tried at the next Court of Oyer and Terminer, and General Gaol Delivery, if by reason of the difficulty or importance of the case, or for any cause, it shall appear to them proper so to do.

VI. And be it further enacted by the authority aforesaid, That if upon the trial of any case of Larceny, in which the value of the goods stolen shall be stated in the Indictment at a sum not exceeding Twenty Pounds, it shall appear in evidence that the value of such goods was in reality greater than Twenty Pounds, such trial may nevertheless proceed, and no legal exception to the Jurisdiction of the Court shall lie on that account, but the provision of this Act restraining such Court to cases where the value of the goods shall not exceed Twenty Pounds, shall be deemed and taken merely to be a direction to such Court, but shall not be construed to affect their legal Jurisdiction.