



ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. XLI.

An Act to establish Lock-up-Houses in the unincorporated Towns and Villages of Canada West.

[ 28th July, 1847. ]

**W**HEREAS it is requisite for the safe-keeping of Prisoners under examination before Magistrates, and for the more effectual punishment of disorderly persons, and other offenders, that there should be places other than the District Jails in which such persons may be confined, in Upper Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the District Council of each District in that part of this Province which formerly constituted the Province of Upper Canada, to acquire and hold land by grant or purchase, for the purpose of establishing Lock-up-Houses in any of the unincorporated Towns or Villages in such District.

Preamble.

District Councils in U. C. may acquire Land for establishing Lock-up-Houses, in certain Towns and Villages.

II. And be it enacted, That it shall be lawful for each of the said District Councils, in their discretion, whenever requested so to do by the Petition of two thirds of the inhabitant householders of any such Town or Village, to authorize a sum not exceeding one hundred pounds, to be expended in the purchase of land, and the immediate erection of a Lock-up-House in any such Town or Village, under the direction of two Justices of the Peace residing in, or within three miles of such Town or Village.

On the requisition of inhabitants the Council may authorize a certain sum to be expended for erection of a Lock-up-House.

III. And be it enacted, That it shall be lawful for each such District Council to establish a Lock-up-House in any such Town or Village containing not less than one hundred adult inhabitants, and not being distant less than ten miles from the District Town: And that the said Lock-up-Houses shall be severally placed in the charge and keeping of a Constable, to be specially appointed for that purpose by the Magistrates of the District in which such Town or Village may be situated, at any General Quarter Sessions of the Peace for the said District; and such Constable shall be resident in such Town or Village, and be one of the Constables of the Township in which such Town or Village may be situated, and the said Justices in Quarter Sessions may allow such salary or fees as they may think proper to such Constable.

District Councils to establish Lock-up-Houses and the magistrates in Q. S. to appoint Keepers and fix their fees or salaries

IV.

Councils may impose an additional Assessment to defray the cost of Lock-up Houses and their sites.

The expenses of Lock-up Houses after their first erection to be defrayed as other charges for the administration of Justice.

Assessments to be levied in the same manner as for other purposes.

Justices of the peace residing in or near the Town or Village, may commit persons charged with certain crimes to the Lock-up-House.

\* *Sic.*

Expense of conveying prisoners to Lock-up-Houses how defrayed.

IV. And be it enacted, That it shall and may be lawful for the District Councils aforesaid, to cause an additional assessment in their discretion, to be levied on the inhabitants of such Town or Village, for the purpose of defraying the cost of any Lock-up-House and the site thereof, and the expenses of maintaining the same, after it shall have been so erected, shall be provided for out of the District Funds, and shall be included in the sum charged thereon as an expense incurred in the administration of Justice; and any such District Council shall and may, by any By-Law, direct and appoint how the expenditure of the said monies shall be accounted for, and the said additional Assessment, on such Town or Village shall be imposed, levied, and collected in the same manner and under the same provisions as the other taxes or assessments for the District for Local purposes, are imposed, levied, and collected under any By-Law of any such District Council as aforesaid.

V. And be it enacted, That it shall be lawful for any Justice of the Peace, residing at or near any Town or Village where a Lock-up-House may have been established, or nearer to the same than to the District Town, to authorize by written order to \* confinement or detention therein of any person or persons who may be charged on oath with having committed any criminal offence, and whom it may be lawful and necessary to detain until such person may be examined and fully committed for trial to the Common Jail, or dismissed as the case may be, so as such confinement or detention shall not exceed the period of two days: And also, all persons found in the streets or highways in a state of intoxication, and all persons who may have been convicted of unlawfully desecrating the Sabbath, and generally all persons convicted, on view of such Justice of the Peace, or on the oath of one or more credible witnesses, of any offence cognizable by the law of that part of this Province, formerly Upper Canada, so as such detention or confinement in any of the last mentioned cases shall not exceed the period of twenty four hours: And to authorize the detention therein of any person committed to the Common Jail, until such person can be conveyed to such Jail.

VI. And be it enacted, That the expense of conveying any prisoner to, and detaining and keeping him or her in any such Lock-up-House, shall be defrayed in the same manner as the expense of conveying such prisoner to and keeping him or her in the Common Jail of the District would by law be.

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MONTREAL :—Printed by STEWART DERBISHIRE & GEORGE DESBARATS,  
Law Printer to the Queen's Most Excellent Majesty.