

*The Provincial Statutes of Canada*, passed in the year 1843. Kingston: Stewart Derbshire & George Desbarats, 1843.

7 Victoria – Chapter 21

**An Act to alter and amend certain provisions of the Ordinance of the Governor and Council of Lower Canada, of the second year of Her Majesty's reign, intituled, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*. 9th December, 1843.**

Whereas it is just and necessary to alter and amend certain parts of an Ordinance of the Governor and Special Council for the affairs of the late Province of Lower Canada, passed in the second year of Her Majesty's reign, intituled, *An Ordinance for establishing an effective system of Police in the Cities of Quebec and Montreal*; 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 of 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 from and after the passing of this Act, it shall not be lawful for any Justice or Justices of the Peace to commit persons convicted under the said Ordinance, of being loose, idle, and disorderly, to the common Gaol or House of Correction, at hard labor, and that so much of the said Ordinance as confers any power of imprisonment on Justices of the Peace, of persons so convicted, shall be and the same is hereby repealed; Provided always, that it shall be lawful for any Justice or Justices of the Peace, to impose upon persons hereafter to be convicted under the said Ordinance, of being loose, idle, and disorderly, a pecuniary fine or penalty not exceeding five pounds sterling, to be levied by attachment of their several goods and chattels, and sale thereof, eight days after such attachment, and not by distress, if such persons so convicted shall be residents of the parish or place where such conviction shall be made; and in default of sufficient levy upon such goods and chattels, to cover such penalty and costs of seizure and sale, or if such persons so convicted shall not be residents or being residents shall have no goods and chattels by the sale whereof, the said penalty may be levied, and shall not, forthwith upon such conviction, pay such penalty, it shall be lawful for such Justice or Justices to commit such offenders so convicted, to the common Gaol or House of Correction, to be imprisoned for any period not exceeding two months, either at hard labor or otherwise, in the discretion of such Justice or Justices.

II. And be it enacted, that so much of the said Ordinance as deprives parties convicted, as aforesaid, of the benefit of Her Majesty's Writ of Certiorari, and also so much of the same as enacts that no conviction, order, warrant, commitment, or other matter, made or purporting to be made, under the said Ordinance, shall be quashed for want of form, or held void by reason of any defect therein, shall be and the same is hereby repealed.

III. And be it enacted, that in all proceedings to be commenced against loose, idle, and disorderly persons, the charge shall be reduced to writing and shall be stated by the Justice or Justices of the

Peace to the party or parties accused, who shall be held to plead forthwith to the same; and the said charge shall be summarily tried, due time being given to the party accused to procure the attendance of the necessary witnesses to establish his defence, if he shall so require.

IV. And be it enacted, that it shall be lawful for any person convicted under the said Ordinance to appeal from such conviction to the next ensuing General Quarter Sessions of the Peace, upon giving good and sufficient security to pay the penalty awarded against him and all costs of such Appeal; and the said Sessions of the Peace are hereby empowered to hear such Appeal and to dispose of the same, and award costs in manner and form as practised upon other Appeals.

V. And be it enacted, that every commitment to Gaol or to the House of Correction, shall specify the particular fact or facts, as to time, place and circumstance, which constitute the offender as a loose, idle, and disorderly person; and any commitment which shall not specify such facts, shall be held to be insufficient, and the party imprisoned under color thereof shall be entitled to be discharged from imprisonment, upon application to that effect to any Judge or Justice of Her Majesty's Courts of King's Bench or Queen's Bench, or any other person authorized by law to act in the absence of such Judge or Justice.