

INTRODUCTION.

THE Criminal Law of England, as it stood on the 17th day of September, 1792, was adopted in this Province by the Provincial Statute 40 Geo. 3. c. 1. Since that period, many important changes have occurred in both countries, so as to render most of the English authors upon this branch of law, and particularly those of recent date, more or less embarrassing to the reader. This difficulty and inconvenience the author of the present manual has endeavoured to rectify, by a careful revision of the whole criminal code, and a combination of the laws of the Province with that part of the British law which still remains in force,—thus presenting at once a full, clear, and comprehensive view of the criminal law of Upper Canada as it now stands, divested of all irrelevant matter.

The work has been compiled from the best standard authorities, references to which are given in every page. It includes also the acts of the last session of the Legislature,—rendering it a complete analysis of our laws up to the latest period.

In the last session several important alterations of the law were effected. The author would particularly direct the attention of the Magistracy to the new "Township Meeting" act, which repeals almost the whole of the previous laws on this head, and introduces another system for the regulation of township affairs, by the substitution of "Boards of Commissioners" in the several townships in lieu of the Magistracy, to superintend the repairs of the roads. As this act does not come in force till the first of December next, the former laws will of course remain in operation during the interval.

The Legislature also in the last session passed an act to mitigate imprisonment for debt, the provisions of which are noticed in the addenda. As the act directs that no person, after the first of June, instant, shall be arrested for any debt under £10, it will of course limit the power of Justices in issuing detaining warrants under the 10 G. 4. c. 2. (revived and continued by the 4 W. 4. c. 6.) to the like amount. The intention of the act is humane, and will probably result in another good, viz. the prevention of wilful and corrupt perjury, by restraining the too common practice of issuing writs of capias for trifling amounts and without adequate cause.

The powers and duties of the Magistracy are so fully detailed in the body of the work, that the author will not here enlarge upon the subject. He will merely observe, that in the upright and conscientious discharge of their duty, Justices of the Peace are powerfully protected by the law. They are secured against frivolous and vexatious actions for mere errors in form, by the 2 W. 4. c. 4.; and to obviate the difficulty which has sometimes occurred in drawing up convictions, the same statute prescribes a general form to be used in all cases where no other particular form has been given by statute.