

ed to the offence. These instances of the kind may be mentioned, in which death is adjudged in every case of maliciously burning a cock of hay, or stack of straw or wood,—breaking down a dyke or bank of a river, whereby lands are overflowed,—or personating bail. In none of these cases, is it in the least degree probable, or even imagined by any one, that such punishment will ever take place. Such enactments, therefore, cannot be said to avail, even for the purpose of intimidation or restraint; although they may often give rise to invidious and unjust reflections on the whole of our Criminal Code. Such a revision would doubtless also lead to a more full discovery of *this* important defect in many of our Statutes,—that although it is directed that the penalties thereby imposed shall be recovered before Justices, no final process whatever is mentioned or referred to, for enforcing the payment, or inflicting any other punishment. It being clear, that in cases of this kind, no such process can be issued, such enactments are, in effect, little else than nugatory.

As there is still no prospect of such a general revision of our Statutes, it has been thought best, that the publication of the present Work should no longer be delayed, and, accordingly, it is now most respectfully offered for public inspection and use.

The plan of it, is simply this;—It professes to combine the Common and Statute Law of England, with all our own Legislative Enactments, relating, or in any way referring to the office and duties of a Justice of the Peace in this Province.

With reference to the execution of the work, it is proper, that on some parts of it, brief information should here be afforded. In the first place, it must be observed, that it is almost exclusively intended for the use of Magistrates when required to act *out of Sessions*. It was thought unnecessary to treat of their proceedings when convened in General Sessions, by rea-