

PUBLIC ACTS,
OF THE
PROVINCE OF UPPER CANADA;

PASSED IN THE

FOURTH SESSION OF THE ELEVENTH PARLIAMENT;

1834.

An Act to provide for the summary punishment of Petty Trespasses, and other offences.

[Passed 6th March, 1834.]

WHEREAS it is expedient that a summary power of punishing persons for common assaults and batteries, petty trespasses, and other offences mentioned in this Act, should be provided under the limitations hereinafter expressed: *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 if any person shall assault or beat any other person, it shall be lawful for any Justice of the Peace, upon complaint of the party aggrieved, to hear and determine such offence, and the offender upon conviction thereof before him, shall forfeit and pay such sum of money, not exceeding Five Pounds, as to such Justice shall seem meet.

2. Provided always, and be it further enacted by the authority aforesaid, That in case the Justice shall find the assault

or battery complained of to have been accompanied by any attempt to commit Felony, or shall be of opinion that the same is, from any other circumstance, a fit subject for a prosecution by indictment, he shall abstain from adjudicating thereupon, and shall deal with the case in all respects in the same manner as such Justice would have done if this Act had not been passed.

3. And be it further enacted by the authority aforesaid, That if any person shall wilfully or maliciously commit any damage, injury or spoil, to or upon any real or personal property whatsoever, either of a public or private nature, the committing of which damage, injury or spoil, is not made Felony by any Law in force in this Province, nor made punishable either as a Felony or otherwise by the provisions of any Act of the Parliament of this Province in relation to such particular offence, every such person, being convicted thereof before a Justice of the Peace, shall forfeit and pay such sum of money as shall appear to the Justice to be a reasonable compensation for the damage, injury or spoil, so committed, not exceeding the sum of Five Pounds; which sum of money shall, in case of private property, be paid to the party aggrieved, except when such party shall have been examined in proof of the offence; and in such case, and in all other cases of convictions under the provisions of this Act, the penalties imposed shall be applied in the manner hereinafter specified: *Provided always*, that nothing herein contained shall extend to any case where