

Proviso.

and being of good behaviour; and such fine may be proportioned to the means of the offender, and in case of any felony punishable under this Act, otherwise than with death, the Court may, if it think fit, require the offender to enter into his own recognizances and to find sureties, both or either, for keeping the peace, in addition to any punishment by this Act authorized; Provided that no person shall be imprisoned for not finding sureties under this section, for any period exceeding one year.

On a conviction for an assault the Court may order payment of the prosecutor's costs by the defendant.

**78.** When any person is convicted on any indictment of any assault whether with or without battery and wounding, or either of them, such person may, if the Court thinks fit, in addition to any sentence which the Court may deem proper for the offence, be adjudged to pay to the prosecutor his actual and necessary costs and expenses of the prosecution, and such moderate allowance for loss of time as the Court shall, by affidavit or other inquiry and examination, ascertain to be reasonable; and unless the sums so awarded are sooner paid, the offender shall be imprisoned in any gaol or place of confinement other than a Penitentiary, for any term the Court shall award, not exceeding three months, in addition to the term of imprisonment (if any) to which the offender may be sentenced for the offence.

Such costs may be levied by distress.

**79.** The Court may, by warrant in writing, order such sum as shall be so awarded to be levied by distress and sale of the goods and chattels of the offender, and paid to the prosecutor, and that the surplus, if any, arising from such sale shall be paid to the owner; and in case such sum shall be so levied, the imprisonment awarded until payment of such sum shall thereupon cease.

Summary proceedings.

**80.** Every offence hereby made punishable on summary conviction may be prosecuted in the manner directed by the Act of the present Session, intituled: *An Act respecting the duties of Justices of the Peace, out of sessions, in relation to summary convictions and orders*, or in such other manner as may be directed in any Act that may be passed for like purposes, and all provisions contained in such Acts shall be applicable to such prosecutions in the same manner as if they were incorporated in this Act.

Commencement of Act.

**81.** This Act shall commence and take effect on the first day of January, one thousand eight hundred and seventy.

## CAP. XXI.

### An Act respecting Larceny and other similar Offences.

[Assented to 22nd June, 1869.]

Preamble.

**W**HEREAS it is expedient to assimilate, amend and consolidate the Statute Law of the several Provinces of Quebec, Ontario, Nova Scotia and New Brunswick, relating to Larceny and