

6-7 EDWARD VII., A. 1907

AN ORDINANCE FOR ESTABLISHING COURTS OF CRIMINAL JURISDICTION IN THE PROVINCE OF QUEBEC.¹

It is Ordained and Enacted by His Excellency the Captain General and Governor in Chief of this Province, by and with the advice and consent of the Legislative Council of the Same, That,

Art. I.

Establishment of a supreme Court of Criminal Justice,

to be held before the Chief Justice or Commissioners for executing that office.

Four Sessions; Two at Quebec, Two at Montreal.

Times of Sitting.

Special Commissions to be issued if necessary.

There shall be, and hereby is erected, constituted and established for the Province at large, a Supreme Court of Criminal Justice and Jurisdiction, to be called and known by the name of the Court of King's Bench, for the Cognizance of all Pleas of the Crown, and for the Trial of all manner of Offences whatsoever; the said Court shall be held before the Chief Justice of the Province, or Commissioners that may be appointed for executing the Office of Chief Justice for the Time being, who shall hear and determine the said Pleas of the Crown, and of all manner of Offences whatsoever, according to the Laws of England, and the Ordinances of the Government and Legislative Council of the Province.

And for the Speedy Administration of Justice, and the preventing long Imprisonments, there shall be held, in every Year, Four Sessions of the said Court of King's Bench, whereof Two Sessions shall be held at the City of Quebec, and the other Two at the City of Montreal, at the Times hereafter following, to wit, at the City of Quebec on the First Tuesday of May and the First Tuesday of November, and at the City of Montreal on the First Monday of March and the First Monday of September in every year: but nothing herein contained shall extend to prevent the Governor, Lieutenant Governor, or Commander in Chief for the Time being, to issue Commissions of Oyer and Terminer and Gaol Delivery at any other Time or Times, when he may think it necessary and expedient so to do.

Art. II.

Establishment of the Court of Quarter Sessions.

In each of the Districts of Quebec and Montreal, there shall be held and kept, Four Times in every Year, a Court of General Quarter Sessions of the Peace, by the Commissioners of the

¹ Canadian Archives, Q 62 A—2, p. 594. A draught of this Ordinance was first read in Council on March 1st and was passed after much discussion on March 4th. Minutes of Leg. Council, Vol. D., pp. 15-17. As may be observed, it ignores entirely the restrictions on some of the worst features of the English Criminal Law which had been introduced in Hey's draught. Thus in his draught, judges were debarred from sentencing any felon to be burned in the hand. See p. 639. We find, however, that this was a standard form of punishment in Canada. Thus in the Public Accounts for the year 1784 we have, as a sample of several similar entries, an item from the Montreal District of the expenditure of £20 5s cy, in payment of the executioner and other expences connected with the punishment of seven persons named, who were sentenced in the previous session of the Court of King's Bench "to be burned in the hand." Public Accounts, Prov. of Quebec, 1784.