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No. 116.

4th Session, 5th Parliament, 29th Victoria, 1865.

BILL.

An Act to provide for Imprisonment in certain cases of summary convictions.

[No. 220 of 1865—1st Session.]

Mr. MAGEARLANK.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO.
SALLY STREET.

An Act to provide for Imprisonment in certain cases of summary convictions.

WHEREAS in certain cases of summary convictions and orders, failing recovery of moneys, fines and costs under warrants of distress, no provision is made for imprisonment; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. In all cases of summary convictions, orders and dismissals, in default of recovery of moneys, fines and costs under warrants of distress, where no provision for imprisonment has been directed and appointed by the Statute, on which the conviction, order or dismissal is founded, such imprisonment may be ordered by the convicting and determining Justice or Justices of the Peace, for any time not exceeding two months, with or without hard labour, in the common gaol or other prison or lock-up house, or house of correction of the territorial division for which such Justice or Justices is or are then acting, unless the sum or sums adjudged to be paid, and all costs and charges of the distress, and also the costs and charges of the commitment and conveying of the defendant, or of the party committed to prison, if such Justice thinks fit so to order (the amount thereof being ascertained and stated in such commitment), be sooner paid. Imprisonment may be ordered in default of payment of fines, &c., in cases of summary convictions.
2. In all cases, not otherwise provided for, when under a warrant of distress issued by a Justice of the Peace, moneys are made by or paid to the constable having the execution of the same, the moneys shall by such constable be paid to the Justice or Justices issuing such warrant. To whom constables shall pay moneys levied &c.
3. In all cases not otherwise provided for, where the keeper of any such gaol, prison, lock-up house or house of correction, shall receive any penalty or other sum in the warrant of commitment by a Justice or Justices of the Peace, stated with the costs, charges, and expenses (if any), therein also stated, from the person or persons committed under such warrant, the said keeper shall pay over the same to the Justice or Justices who issued the said warrant, or to his or their order. In case prisoner shall pay fine to gaoler.
4. In all cases of failure of performance by the said constable or keeper as in the second and third sections of this Act mentioned, they shall be liable to be indicted as for a misdemeanor. Neglect of duty by constable or gaoler.
5. In all cases not otherwise provided for, the time within which all summary complaints and informations may be made before a Justice or Justices of the Peace shall be limited to three months after the act or thing is done or arises, which causes the complaint or information—excepting herefrom the limitation of time for bringing all civil actions arising from said summary cases, as by law allowed and provided. Limitation of prosecutions on summary convictions.
6. This Act shall apply to Upper Canada only. Application.