

No. 101.

1st Session, 6th Parliament, 22 Victoria, 1858.

BILL.

An Act for the summary punishment of certain wrongs.

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Second reading, Thursday, 29th April, 1858.

MR. PICHE.

TORONTO:

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An Act for the summary punishment of certain wrongs.

Her Majesty, &c., enacts as follows :

I. Any person who shall insult, abuse, or outrage another, or who shall endeavour to wound his sensibility, character, reputation, or honor, in any of the following ways, that is to say : Certain abuse, &c., punishable by fine or imprisonment.

5 1. Either by abusive language, blasphemy, grossness, expressions, or remarks addressed directly or indirectly to any one, or made use of in his presence or absence in any place whatsoever, publicly or privately.

2. Or by allusions direct or indirect, insinuations, reticence, gestures, tokens, caricatures, or in any other manner whatsoever, provided 10 that the intent, purport and object thereof be comprehended and understood.

3. Every such person who shall be guilty of any such offence or of any contravention or infraction of any of the provisions of this shall be 15 punished by a fine not exceeding the sum of five pounds currency, or by imprisonment for any period not exceeding two months, or by both the said penalties without prejudice to the costs.

II. The punishment of any such offence may be summarily prosecuted Proceedings. before one or more Justices of the Peace, and proof thereof shall be made on the oath of one or more credible witnesses.

20 III. One half of the penalty imposed shall belong to the complainant or informer, and the other half to the local municipality within the limits of which the offence shall have been committed. Application of penalties.

IV. The informer or complainant shall himself be a competent witness, Complainant may be a witness. but in that case the whole amount of the penalty shall belong to the 25 said municipality.

V. Libels and other written abuse of the same nature shall not fall Libels not to fall under the provisions of this Act. under the provisions of this Act, and this Act shall not have the effect of preventing any person from proceeding for damages by the ordinary civil action already open to any person insulted, in case such person 30 shall prefer that mode of proceeding to the one prescribed by this Act.

VI. Any prosecution in virtue of this Act shall be instituted within six Limitation. months after the commission of the offence, and not later.

VII. This Act shall apply to Lower Canada only.

Application.