

CHAPTER 63.

Of the application of the Criminal law of England, and certain local enactments.

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- 1.—English criminal law to apply to this colony.
- 2.—Application of penalties.
- 3.—Appellate jurisdiction of Supreme Court.
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- 5.—Certain Imperial Statutes to be in force.
- 6.—Imperial Statutes relating to jurisdiction, power, practice, &c., to apply.

SECTION

- 7.—Local laws to be regarded as cumulative.
- 8.—When penal servitude imposed by law of England, imprisonment for like term to apply.
- 9.—Receiving stolen goods, &c., a misdemeanour.
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1. In all cases not provided for by local enactment the law of England, as to crimes and offences, shall be the law of this Colony, so far as the same can be applied; subject to such amendments, alterations, and further enactments of the Imperial Parliament as may hereafter be made, and which shall, after twelve months from the passing thereof, respectively be the law of this Colony: Provided, that between the time of the passing of any law and its coming into force in this Colony, the law as it previously stood shall continue to be in force therein.

2. All pecuniary penalties imposed by any law of England which shall, according to the provisions of this chapter, be in force in this Colony, shall be adjudged to be distributed in the following manner, namely: such part to the informer as the law of England may provide, and the remainder, or the whole where no part shall go to the informer, to be paid into the public treasury for the use of the Colony.

3. Where by any act of the Imperial Parliament any criminal jurisdiction, or authority by way of appeal, adjudication of reserved points, removal, or otherwise, is or shall be vested in the Supreme Court of Judicature of England or any division thereof, or the Justices thereof, or any number of such Justices, or in any other superior Court or Justices thereof, such jurisdiction or authority shall be exercised by the Supreme Court of this Colony, or the Judges thereof, as in the case of appeals provided by the fourth section of the fiftieth chapter of these consolidated statutes relating to the Supreme Court and the Judges thereof.

4. Where by any Act of the Parliament of Great Britain and Ireland, concerning the Criminal Law, which Act is or may at any time be applied to this Colony, appeals to Courts of General or Quarter Sessions of the Peace are provided, such appeals and other proceedings to be had by transfer or otherwise to or before such Courts, shall be had to and before

the Supreme Court of this Colony, and shall at the instance of any party to the appeal, or other proceeding, or at the instance of any other person having a right to move therein, be entertained and enforced either in term or vacation in St. John's or elsewhere on Circuit as may be most convenient.

5. The act of the Imperial Parliament, passed in the eleventh and twelfth years of the reign of her present Majesty, (chapter forty-two,) entitled "An act to facilitate the performance of the duties of Justices of the Peace out of sessions, within England and Wales, with respect to persons charged with indictable offences"; and another act of the same year and reign, (chapter forty-three), entitled "An act to facilitate the performance of the duties of Justices of the Peace out of sessions, within England and Wales, with respect to summary convictions and orders"; also an act passed in the eleventh and twelfth years of the reign of her present Majesty, (chapter forty-four), entitled "An act to protect Justices of the Peace from vexatious actions for acts done by them in execution of their office"; also an act passed in the twentieth and twenty-first years of the reign aforesaid, (chapter forty-three), entitled "An act to improve the administration of the law, so far as respects summary proceedings before Justices of the Peace"; also, an act passed in the twenty-eighth and twenty-ninth years of the reign aforesaid, (chapter one hundred and twenty-seven), entitled "An act to amend the law relating to small penalties"; shall as heretofore extend to and be the law of this Colony so far as the same can be applied.

6. In all cases in which statutes of the Imperial Parliament of Great Britain, in amendment or alteration of the criminal law in England, are or shall hereafter be held to apply to this Colony, all statutes now or hereafter to be passed relating to jurisdiction, power, practice, and protection, having reference to the operation or execution of such statutes, shall be held also to extend to and be the law of this Colony after twelve months from the passing of the same, so far as the same can be applied.

7. Where any mode of practice is or hereafter may be prescribed by a local law, which may or can be applied for the purpose of carrying out the provisions of any Imperial act which shall be held to extend as aforesaid to this Colony, such mode of practice may be used, and shall be regarded as a cumulative remedy.

8. In all cases where by the law of England offences are or shall be punishable with penal servitude, the Supreme Court of this Colony may in its discretion sentence offenders convicted before such Court of the like offences, to imprisonment with or without hard labour, and with or without any other punishment to which such offenders may by law be liable for any term not exceeding the longest term of penal servitude provided for the like offences by the law of England.

9. Whosoever shall receive any chattel, money, valuable security, or other property whatsoever, the stealing, taking, extorting, obtaining, em-

bezzling or otherwise disposing whereof, shall amount to a felony either at common law or by virtue of any statute in force in this Colony, knowing the same to be feloniously stolen, taken, extorted, obtained, embezzled, or disposed of, may be indicted and convicted of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the Court, to such punishment as now is or may be provided by the laws of this Colony for the offences aforesaid.

10. In all cases where the statute by virtue of which a conviction for a penalty or compensation, or an order for the payment of money, is made by a Magistrate or Justice of the Peace, makes no provision for such penalty or compensation or sum being levied by distress, but directs that if the same be not paid forthwith or within a certain time therein mentioned, or to be mentioned in such conviction or order, the defendant shall be imprisoned for a certain time, unless such penalty, compensation or sum shall be sooner paid, in any such case if the defendant do not pay the same together with costs, if awarded forthwith or at the time specified in such conviction or order for the payment of the same, the convicting Justice or Magistrate may, at his option, issue a warrant of distress and sale of the goods and chattels of the defendant, for the recovery of the amount of such penalty, compensation or sum of money, and costs. In case it shall be returned to such warrant of distress that no sufficient goods of the defendant can be found, the judgment or order for the imprisonment of the defendant shall be carried into effect.