

An Act to amend the Law of Lower Canada relative to proceedings of Justices of the Peace out of Sessions, with respect to summary convictions and orders, and to better regulate the costs on such proceedings.

WHEREAS it is expedient in all cases of summary conviction or order made or given by any Justice or Justices of the Peace in Lower Canada, that minutes of the evidence in such cases should be taken, drawn in writing by the Justice or Justices trying such cause, or his or their Clerk, and remain of record, so that copies thereof may be obtained by any person interested, and that in the event of any such conviction or order being removed into a Superior Court upon Appeal or by a writ of *certiorari*, such minutes of evidence should be transmitted along with the record of the conviction or order, so that the Superior Court may be able more readily to determine upon the legality and justice of such appeal or of such conviction or order: And whereas it is also expedient to alter the fees now allowed to the Clerks of Justices of the Peace, and also the fees allowed to Constables or other peace officers for services rendered and performed on and about such cases of summary convictions or orders: And whereas it is also expedient to provide for the payment of the costs of witnesses and parties in such cases: Therefore Her Majesty, &c., enacts as follows:

I. The Act of the Legislature of Lower Canada, passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled, "An Act to regulate the Fees of persons employed by Justices of the Peace in the Country Parishes as Clerks or Bailiffs in certain cases," and also all tariffs of fees to be paid to the Clerks of Justices of the Peace made or promulgated in compliance with the provisions of the twenty-sixth section of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, "An Act to facilitate the performance of the duties of Justices of the Peace out of Sessions with respect to summary convictions and orders," shall be and the same are hereby repealed.

Act 6 W. IV., c. 19, and tariffs made under it or under 14 & 15 V. c. 95, repealed.

II. In all cases before a Justice or Justices of the Peace in which such Justice or Justices shall have power to pronounce a summary conviction or to make an order for the payment of money or otherwise, it shall be the duty of the Justice or Justices trying such cases to take down in writing or to cause to be so taken down by his or their clerk, the exceptions, pleas and defence made by the defendant in the case, and notes of the material parts of the evidence given by each witness examined in such case, and of any objections insisted upon by any of the parties and the adjudication thereon; and such notes shall be read over to the witness, who may have such additions or corrections made thereto or

Notes of evidence, defence, &c., to be taken and signed by Justices, trying any summary conviction case, &c.