



FEES TO BE TAKEN

BY

JUSTICES OF THE PEACE, &c.

The Act 4, Will: 4, Chap: 17, repealed, —which Act declared what fees should be received by Justices of the Peace,— and by the Act 14 and 15, Viet: Chap: 119, a uniform rate of fees is established as follows:—

§ 2. That from and after the passing of this Act, (30th August, 1851,) the following fees, and no other, shall be taken from the parties prosecuting, by Justices of the Peace in Upper Canada, or by their Clerks, for the duties and services hereinafter mentioned, that is to say:

For Information and Warrant for apprehension, or for an Information and Summons for assault, trespass, or other misdemeanor, 0 2 6

For each copy of summons to be served on Defendant or Defendants, 0 0 0

For a Subpoena, 0 0 6

Only one on each side is to be charged for in each case, which may contain any number of names; and if the Justice of the case shall require it, additional Subpoenas shall be issued without charge.

For every Recognizance, 0 1 3

Only one to be charged in each case:—

For every certificate of Recognizance under the Act of Upper Canada, 7, Will: 4, Chap: 10, (§ 8), 0 1 3

For Information and Warrant for Surety of the Peace or good behaviour, to be paid by complainant, 0 2 6

For Warrant of Commitment for default of surety to keep peace or good behaviour, to be paid by complainant, 0 2 6

§ 3. That the costs to be charged in all cases of convictions, where the fees are not expressly prescribed by any Statute, other than the Statute heretofore repealed, shall be as follows:—

For Information and Warrant for apprehension, or for information and Summons for service 0 2 6

For every copy of summons to be served upon Defendant or Defendants, 0 0 6

For every Subpoena to a Witness, (as provided in the second section of this Act), 0 0 6

For hearing and determining the case, 0 2 6

For Warrant to levy penalty, ... 0 1 3

For making up every Record of Conviction when the same is ordered to be returned to the Sessions, or on *Certiorari*, .. 0 5 0

Provided always, That in all such cases as admit of a summary proceeding before a single Justice of the Peace, and wherein no higher penalty than £5 can be imposed, the sum of 2s. 0d. only shall be charged for the Conviction, and 1s. 3d. for the Warrant to levy the Penalty; and that in all cases where persons are Subpoenaed to give evidence before Justices of the Peace in case of assault, trespass, or misdemeanor, such Witness shall be entitled, in the discretion of the Magistrate, to receive at the rate of 2s. 6d. for every day's attendance where the distance travelled in coming to and returning from such adjudication does not exceed ten miles, and three pence for each mile above ten.

Every Bill of Costs, when demanded to be made out in detail, when demanded, 0 0 6

Copy of any other paper connected with any trial, and the Minutes of the same if demanded, every folio of 100 words, 0 0 6

§ 4 & 5. As to distress or Commitment for fine and costs.

§ 6. That this Act shall not be construed to authorize any claim being made by the Justices aforesaid, for fees of any description connected with cases above the degree of misdemeanor; nor shall Witnesses in such cases be allowed anything for their attendance or travel, except under the Order of the Court before which the trial of the case shall be had.

See § 17 & 22, of 16 Vic: Chap: 178, (as to Duties of J. P. out of Sessions,) as to recovery of costs against Prosecutors or Defendants. The 16, Vic: Chap: 178, should be carefully consulted by all J. P.'s,—as also Chap: 179, (as to Indictable Offences.)

CONSTABLES' FEES.

(Extracted from the "Tariff of Fees" to be taken by District Officers, established by the Judges of Q. B., 15 November, 1845; under the Act 8 Vic: chap: 38.)

Arrest of each individual upon a Warrant (to be paid out of the district funds, or by the party, as the case may be.), ... 0 5 0

Serving summons or subpoena, 0 1 3
Mileage, 6d. per mile—(to be paid out of the district funds, or by the party, as the case may be.)

Attending Assizes or Sessions, per day, 0 5 0

Attending any Justice on trials, under the summary punishment acts, or on the examination of Prisoners charged with any crime, for each day necessarily employed, 0 5 0

Mileage in going to serve summons or warrant, when the service has not been effected; the Justices in Session to be satisfied that due diligence has been used. (To be paid, &c.) 0 0 6

Taking prisoners to goal, 4d. per mile, exclusive of disbursements necessarily expended in their conveyance. (To be paid, &c.)

Summoning jury for inquest, ... 0 10 0

Attending inquest, for each day other than the first, 0 5 0

Serving notice of appointment of Constables, when personally served, 0 2 6

Levying upon distress warrant and returning the same, where charge not provided by law, ... 0 5 0

Advertising and selling under distress warrant, where a charge not provided by law, ... 0 5 0

Travelling to make distress, or to search for goods to make distress, when no goods are found, 4d. per mile, when charge not otherwise provided by law.

Appraisement, whether by one Appraiser or more, 4d. in the pound on the value of the goods.

In the order of the Judges of Q. B., November 1845, it is provided, vizt: 'That besides the fees set down in this Table, the several officers will be entitled, as heretofore, to receive fees for other services rendered by them, respectively, which are not mentioned in this Table, whenever specific fees for such services are fixed by any Statute,'—and a fee as fixed by Statute is the fee to be charged, whether it be greater or less than that set down in the Table. See the "Tariff" as published by the Booksellers.

The Act 1, Vic: Chap: 16, as to regulating Costs of levying Distresses for small Rents and Penalties, may be referred to—(see under Landlord and Tenant in Keele's Justice.)

By Order of the Magistrates in Sessions

JOHN J. E. LINTON,

Clerk of Peace.

Clerk of Peace Office,
Stratford, C. W., August 24th, 1858.

NOTE.—Reprinted 6th September, 1861.—See also Dempsey's "Magistrate's Hand-Book," and Constables are referred to Messrs. Pnton & Wilson's Books as to Constables.—J. J. E. L., C. P.