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3d Session, 3d Parliament, 13 & 14 Vict. 1850.

## BILL.

An Act to extend the right of Appeal in certain cases in Upper Canada.

Received and Read a first time, Thursday, 27th June, 1850.

Second Reading, Monday, 1st July, 1850.

Mr. Burritt.

## BILL.

An Act to extend the right of Appeal in certain cases in Upper Canada.

WHEREAS it is expedient to extend the right of Preamble. Appeal and to fix the amount of fees to be taken by Justices of the Peace in certain cases in Upper Canada; Be it therefore enacted, &c.

5 That from and after the passing of this Act, any person, Appeal given complainant or respondent, who shall think himself where the mataggrieved by any conviction or decision before any one ter is not a or more Justice of the Peace, Mayor or Police Magistrate crime. in any matter cognizable by such Justice of the Peace,

10 Mayor or Police Magistrate, not being a crime, may appeal to the next Court of General Quarter Sessions of the Peace which shall be holden not less than twelve days after the day of such conviction or decision, for the County wherein the cause or complaint shall have arisen:

15 Provided such person shall give to the other party a Party convict-notice in writing of such appeal and of the cause and custody or give matter thereof within four days after such conviction or security. decision and eight days before such Sessions, and shall also either remain in custody until such Sessions, or

20 enter into a recognizance with two sufficient sureties before a Justice of the Peace, conditioned to appear at the said Sessions and try such appeal and to abide the judgment of the Court thereupon and to pay such costs as shall be by the Court awarded; and upon such notice Court to hear 25 being given and such recognizance being entered into, and determine

the Justice before whom the same shall be entered into

such Sessions shall hear and determine the matter of such appeal, and shall make such order therein, with or 30 without costs to either party, as to the Court shall seem meet, and in case of the dismissal of the appeal or the affirmance of the conviction, shall order and adjudge the offender to be punished according to the conviction and to pay such costs as shall be awarded and shall if necessary issue

shall liberate such person if in custody, and the Court at

35 process for enforcing such judgment.

II. And be it enacted, That whenever any appeal shall Jury to be embe made from the decision of any Justice or Justices, pannelled on the request of Mayor or Police Magistrate, the Court of Quarter Ses-either party to sions at the request of either appellant or respondent, appeal. 40 shall empannel a Jury to try the matter on which such decision may have been made, and the Court on the find-

ing of such Jury shall thereupon give such judgment as the circumstances of the case may require, not however to exceed the amount of penalty or period of imprisonment that might be imposed or awarded under any law giving cognizance to the said Justice or Justices, Mayor or Police Magistrate.

Appeal may such case.

III. And be it enacted, That it shall and may be lawbe abandoned. ful for any appellant to abandon the said appeal by giving the opposite party notice of such intention in writing six days before the said Sessions, and thereupon it may be law- 10 ful for the convicting Justice or Justices, Mayor or Police Magistrate to tax the respondent's additional costs if any, which shall be added to the original costs and to proceed on the original conviction or decision in the same manner as if no appeal had been had thereon. 15