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BILL.

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

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MR. BURRITT.

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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 in every case where the matter is not a crime.
complainant or respondent, who shall think himself
aggrieved by any conviction or decision before any one
or more Justice of the Peace, Mayor or Police Magistrate
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 convicted to remain in custody or give security.
notice in writing of such appeal and of the cause and
matter thereof within four days after such conviction or
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 be-
fore a Justice of the Peace, conditioned to appear at the
said Sessions and try such appeal and to abide the judg-
ment of the Court thereupon and to pay such costs as
shall be by the Court awarded; and upon such notice Court to hear and determine the matter.
25 being given and such recognizance being entered into,
the Justice before whom the same shall be entered into
shall liberate such person if in custody, and the Court at
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
35 process for enforcing such judgment.

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

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. 5

Appeal may
be abandoned.
Proceedings in
such case.

III. And be it enacted, That it shall and may be lawful 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 lawful 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. 10 15