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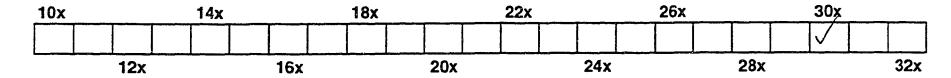
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BILL.

An Act to establish a uniform rate of Fees to be received by Justices of the Peace in Upper Canada, and to repeal the Act of Upper Canada passed in the fourth year of the Reign of King William the Fourth, chapter seventeen.

Received and read a first time, Wednesday, 28th May, 1851.

Second reading, Monday, 2nd June, 1851.

Mr. NOTMAN.

BILL.

An Act to establish an uniform rate of Fees to be received by Justices of the Peace in Upper Canada, and to repeal the Act of Upper Canada, passed in the fourth year of the Reign of King William the Fourth, chapter seventeen.

WHEREAS it is expedient to establish an uniform reamble. rate of Fees to be received by Justices of the Peace in Upper Canada, for the duties therein mentioned; and to repeal the Act of Upper Canada, passed in the 5 fourth year of the Reign of His late Majesty King William the Fourth, chapter seventeen, intituled, "An Act to "declare what Fees shall be received by Justices of the "Peace for the duties therein mentioned;" and whereas, since the passing of the said Act, increased duties have 10 been imposed upon Justices of the Peace in Upper Canada, for which no Fees have been established by law; and whereas under the said recited Act doubts have arisen as to the meaning and application of some of its provisions; therefore, to remove such doubts and 51 establish a uniform rate of Fees to be received by the Justices aforesaid for the services hereinafter mentioned: Be it enacted, &c.,

That the said Act, intituled, "An Act to declare what "Fees shall be received by Justices of the Peace for the 20 "duties therein mentioned," be and the same is hereby repealed.

II. And be it enacted, That from and after the passing what Fees of this Act, the following Fees and no other shall be taken only shall be from the parties prosecuting, by Justices of the Peace in Justices of the Peace in Justices of 25 Upper Canada, or by their Clerks, for the duties and the Peace in U.C. services hereinafter mentioned, that is to say:-

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For information and warrant for apprehension, or for an information and summons for assault, trespass, or other misdemeanor £0 2	б
30 For each copy of summons to be served on defendant or defendants 0 0	6
For every subpæna for a witness 0 0	6
For every deposition of any witness sworn and examined upon any such trial 0 1	8

	For every necessary information, besides that of the complainant, on application for warrant or summons 0 1 3	!
	For discharge of the defendant 0 1 3	
		5
	For every certificate of recognizance under the Act of Upper Canada, 7 Wm. IV., chap. 10 0 1 3	
	For information and warrant for surety of the peace or good behavior, to be paid by complainant 0 2 6	10
	For warrant of commitment for default of surety to keep peace or good behavior, to be paid by complainant 0 1 3	
Costs on convection.	III. And be it enacted, That the costs to be charged in all cases of convictions, where the Fees are not expressly prescribed by any Statute, shall be as follows, that is to say:—	15
	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	20
	For every subpæna to a witness 0 0 6	
	For hearing and determining the case 0 5 0	
	For warrant to levy a penalty 0 1 3	<i>;</i>
	For making up every record of conviction when the same is required to be returned to the Sessions, or on certiorari 0 5 0	25
	For every certificate of dismissal from any charge under the several Acts providing for	30
Proviso: as	Provided always, That in all such cases as admit of	•

Proviso: as to summary proceedings: 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 five pounds can be imposed, the sum of two shillings and six pence 35 only shall be charged for the conviction, and one shilling and three pence for the warrant to levy the penalty; and that in all cases where persons are subpensed to give evidence before Justices of the Peace in case of assault, trespass or misdemeanor, such witness shall be 40 entitled, in the discretion of the Magistrate, to receive at the rate of two shillings and six pence 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 tenz.

Every bill of costs when demanded

Copy of any other paper connected with any trial, and the minutes of the same if demanded,—every folio of one hundred words 0

IV. And be it enacted, That in all cases of a summary In cases of conviction before any one or two Justices of the Peace, summary under the provisions of the several Acts passed in the under 4 & 5 Session held in the fourth and fifth years of Her Majesty's Vict. caps. 26, 26, 27, Reign, chapters twenty-five, twenty-six and twenty-seven, warrant of 10 and intituled respectively, "An Act for consolidating and distress may issue, in "amending the laws in this Province relative to larceny discretion of "and other offer ees connected therewith,"-" An Act for the Justices, or Justices, " consolidating and amending the laws in this Province "relative to malicious injuries to property,"—and "An 15" Act for consolidating and amending the statutes in this "Province relative to offences against the person," it shall and may be lawful for such Justice or Justices, in his or their discretion, to issue his or their warrant to levy, by distress and sale of the offender's goods and chattels, 20 the amount of fine and costs imposed, and in default of the same being levied and made, the offender or offenders may be committed to the Common Gaol or House of Correction for the period and in the manner prescribed by the above mentioned Statutes, or to proceed, as here-25 tofore, by committal for default of payment instead of issuing such distress warrant.

V. And be it enacted, That in all cases where costs costs against are payable by parties who may have failed in prose-prosecution cuting with effect, it shall and may be lawful for the be levied by 30 Justice or Justices before whom complaint may have been distress. made, to issue his or their warrant to levy by distress and sale of the goods and chattels of such person so failing to prosecute, such costs as shall be determined by the Justice or Justices, to be payable by him or them.

VI. And be it enacted, That this Act shall not be con- Act not to strued to authorise any claim being made by the Justices authorize fees or aforesaid, for Fees of any description connected with allowance cases above the degree of misdemeanor; nor shall wit- in cases, nesses in such cases be allowed anything for their above 40 attendance or travel, except under the order of the Court ors, &c. before which the trial of the case shall be had; anything in this Act to the contrary thereof in anywise notwithstanding.

VII. And be it enacted. That this Act shall come into Commence-45 operation on and take effect from the first day of next.