

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers / Couverture de couleur
- Covers damaged / Couverture endommagée
- Covers restored and/or laminated / Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations / Planches et/ou illustrations en couleur
- Bound with other material / Relié avec d'autres documents
- Only edition available / Seule édition disponible
- Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.
- Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from filming / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments / Commentaires supplémentaires: Cover title page is bound in as last page in book but filmed as first page on fiche.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated / Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies / Qualité inégale de l'impression
- Includes supplementary material / Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below /
Ce document est filmé au taux de réduction indiqué ci-dessous.

10x		14x		18x		22x		26x		30x	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>									
	12x		16x		20x		24x		28x		32x

4th Session, 3rd Parliament, 14 Victoria, 1851.

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.

TORONTO: PRINTED BY LOVELL AND GIBSON.

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 Preamble.
 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 of this Act, the following Fees and no other shall be taken 25 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:— What Fees only shall be received by Justices of the Peace in U. C.

For information and warrant for apprehension, or for an information and summons for assault, trespass, or other misdemeanor - -	£0	2	6
30 For each copy of summons to be served on defendant or defendants - - - - -	0	0	6
For every subpoena for a witness - - - - -	0	0	6
For every deposition of any witness sworn and examined upon any such trial - - - - -	0	1	3

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
For every recognizance - - - - -	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 conviction.

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:—

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 subpoena to a witness - - - -	0	0	6
For hearing and determining the case - -	0	5	0
For warrant to levy a penalty - - - - -	0	1	3
For making up every record of conviction when the same is required to be returned to the Sessions, or on <i>certiorari</i> - - - -	0	5	0 25
For every certificate of dismissal from any charge under the several Acts providing for the summary punishment of petty trespasses and other offences - - - - -	0	1	3 30

Provido: 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* 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 subpoenaed to give evidence before Justices of the Peace in case of assault, trespass or misdemeanor, such witnesses shall be 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 ten. 45

Every bill of costs 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 one hundred words 0 0 6

5 IV. And be it enacted, That in all cases of a summary conviction before any one or two Justices of the Peace, under the provisions of the several Acts passed in the Session held in the fourth and fifth years of Her Majesty's Reign, chapters twenty-five, twenty-six and twenty-seven, and intituled respectively, "*An Act for consolidating and*
10 "*amending the laws in this Province relative to larceny and other offences connected therewith,*"—"An Act for "*consolidating and amending the laws in this Province*
15 "*relative to malicious injuries to property,*"—and "*An Act for consolidating and amending the statutes in this*
20 "*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, 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.

In cases of summary conviction under 4 & 5 Vict. caps. 25, 26, 27, warrant of distress may issue, in discretion of the Justice or Justices.

V. And be it enacted, That in all cases where costs are payable by parties who may have failed in prosecuting with effect, it shall and may be lawful for the
30 Justice or Justices before whom complaint may have been 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.

Costs against prosecution failing may be levied by distress.

35 VI. And be it enacted, That this Act shall not be construed to authorise 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
40 attendance or travel, except under the order of the Court before which the trial of the case shall be had; anything in this Act to the contrary thereof in anywise notwithstanding.

Act not to authorize fees or allowance to witnesses, in cases above misdemeanors, &c.

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

Commencement of Act.