

surplus shall remain out of the proceeds of such sale after the penalty and costs shall be paid, such surplus shall be returned to the defendant; and if such goods and chattels of the defendant shall not be found of sufficient value to pay the penalty and costs as aforesaid, such defendant shall be committed to the common gaol of the District of Montreal, for such term not exceeding one month as such Justices of the Peace may appoint, or until such penalty and costs shall have been so paid, if they are paid before the expiration of such term.

Public Act.

XX. And be it further enacted by the authority aforesaid, that it shall be deemed and taken to be a public Act, and as such shall be judicially taken notice of by all Judges, Justices of the Peace and others, without being specially pleaded.

Continuance
of this Act.

Proviso.

XXI. And be it further enacted by the authority aforesaid, that this Act shall remain in force until the first day of May, one thousand eight hundred and sixty-one, and no longer. Provided always, that the Gas-Works herein before mentioned shall be in full operation within two years from the passing of this Act; in default whereof the privileges and advantages granted by this Act to the said Company, shall cease and be of no effect.

C A P. XIX.

An Act to regulate the Fees of persons employed by Justices of the Peace in the Country Parishes, as Clerks or Bailiffs, in certain cases.

[21st March, 1836.]

Preamble.

WHEREAS the want of a Tariff for the persons performing the duty of Clerks, and for the Bailiffs and Constables employed by the Justices of the Peace in the Country Parishes, gives rise to many abuses and to acts of extortion, and it is expedient to provide a remedy therefor; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "*An Act for making more effectual provision for the Government of the Province of Quebec, in North America,*" And to make further provision for the Government of the said Province; and

and it is hereby enacted by the authority of the same, that no individual acting as Clerk to any Justice of the Peace in the Country Parishes, shall at any time, or under any pretext whatsoever, demand or require higher fees than those herein-after mentioned ; that is to say :—

Fees of the
Clerks of the
Peace, in the
Country Pa-
rishes.

For drawing up a deposition, two shillings and six pence currency ;

For drawing up a warrant, two shillings and six pence currency ;

For drawing up a bail bond, two shillings and six pence currency ;

For making out a *committimus*, two shillings and six pence currency ;

For a summons, one shilling and six pence currency ;

For each copy, six pence currency ;

For a *subpœna*, one shilling currency ;

For each copy, six pence currency ;

For the entry of a final judgment, one shilling and three pence currency ;

For a copy thereof, one shilling and three pence currency ;

For a warrant of execution, one shilling and three pence currency ;

For each copy of any entry made in the register kept by such Magistrate, at the rate of six pence currency for every hundred words. Provided always, that the person performing the duty of the Clerk, shall not require any payment for any paper he may prepare in any criminal prosecution (where assaults and batteries excepted,) and shall under the dictation and order of the Justice of the Peace, keep the register of such Justice of the Peace, without being entitled to any remuneration for so doing, and such Clerk shall likewise, at his own cost (either by employing a person to do the duty of Crier or otherwise,) cause order to be maintained during the sittings of the Court, and shall execute all the orders which shall be made by any, such Justice of the Peace in that behalf.

Provido.

II. And be it further enacted by the authority aforesaid, that no Bailiff or Constable employed to execute the orders of any Justice of the Peace, shall at any time or under any pretext whatever, demand or require higher fees than those hereinafter mentioned, that is to say :—

Fees of the
Bailiffs and
Constables.

For executing any warrant of arrest, five shillings currency, and two shillings and six pence currency for his assistant, (record) ;

For a seizure and sale under execution, the publication included, seven shillings and six pence currency, and two shillings and six pence currency for his assistant ;

And for a seizure only, not followed by a sale, one half of the said fees.

For the service of any summons, *subpœna*, or order, one shilling and three pence currency, and one shilling currency for each league travelled to serve the same, the distance in returning not to be reckoned ;

For each official return of illegal resistance, two shillings and six pence currency ; and one shilling and three pence currency for his assistant.

Provided

Provided always that whenever any Bailiff or constable shall serve several summons' or *subpœnas*' for the same complainant, at the same time, and on the same road, he shall only be entitled to travelling expenses as far as for one journey, and the fees for the services.

Penalty on persons contravening this Act.

III. And be it further enacted by the authority aforesaid, that every person who shall contravene this Act, shall be liable to a penalty not exceeding five pounds currency, recoverable in a summary way before any Justice of the Peace of the District on legal proof, and whereof one moiety shall go to Prosecutor, with reasonable costs, and the other moiety shall belong to His Majesty, for the public uses of the Province, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury, in such manner and form, as His Majesty, His Heirs and Successors shall be pleased to direct.

Justices of the Peace may appoint Constables to execute their orders.

IV. And be it further enacted by the authority aforesaid, that it shall be lawful for any Justice of the Peace to appoint one or more constables, if need shall be, to execute the orders of such Justice of the Peace to which constables such Justice of the Peace is hereby empowered to administer the requisite oath, which shall be enregistered in the register of such Justice of the Peace.

Clerks executing their orders not to represent either of the parties.

Penalty.

V. And be it further enacted by the authority aforesaid, that no such Clerk or person performing the duty of Clerk, no Bailiff or Constable executing the orders of a Justice of the peace, shall in any manner represent either of the parties, or plead before such Justice of the Peace, under a penalty of twenty shillings currency, to be recovered and applied in the manner mentioned in the third section of this Act.

Duties of the Bailiffs of the King's Bench.

VI. And be it further enacted by the authority aforesaid, that all Bailiffs of the Court of King's Bench shall by virtue of this Act, be authorized to execute all orders of Justices of the Peace within their respective Districts, without its being necessary that they should be appointed Constables.

Fees established by this Act, not to prejudice to those already established.

VII. And be it further enacted by the authority aforesaid, that the fees or emoluments established by this Act, shall not in any wise prejudice or affect the fees or emoluments now specially established or which shall be so hereafter, by any Act of the Provincial Parliament, concerning the duties and services of Clerks, Constables or Bailiffs above mentioned.

Continuance of this Act.

VIII. And be it further enacted by the authority aforesaid, that this Act shall be and remain in force until the first day of May, one thousand eight hundred and forty, and no longer.

CAP.