

Court of Probate shall be a Court of Appeal, to which any Party aggrieved or injured by any decision, decree, appointment, or other matter in the Surrogate Court, may apply.

Appeal from Court of Surrogate to Court of Probate.

V. *And be it further enacted by the authority aforesaid,* That in all cases any Party aggrieved by any decision, decree, or appointment, or other matter decided in the said Court of Probate, may appeal therefrom to the Governor, Lieutenant Governor, or Person Administering the Government of this Province in Council, who are hereby authorized to confirm or reverse any such decision, decree, appointment, or other matter, brought before them by such appeal or appeals; any Law or usage to the contrary notwithstanding.

Appeal from Court of Probate to the Governor in Council.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Judges and Officers of the Probate and Surrogate Courts to demand and receive the following Fees, and no more, for the services required by this Act:—

Fees-

OFFICIAL PRINCIPAL, OR SURROGATE JUDGE

For the appointment of a Guardian, with Seals thereto—Fifteen Shillings—
For Auditing a Guardian's Account, when required so to do—Ten Shillings.

For an order for removing a Guardian from his Guardianship—Three Shillings and Four Pence.

REGISTER.

For entering the Appointment of a Guardian—Two Shillings and Six Pence.

For entering an order of the Judge—Two Shillings and Six Pence.

For Drawing and Recording a Bond of Guardianship—Six Shillings and Eight Pence.

For Copies given out of his Office—the same as in cases of Probate.



CHAP. VII.

AN ACT to declare what Fees shall be received by Justices of the Peace for the Duties therein mentioned.

[Passed 17th Feb'y. 1827.]

WHEREAS it is expedient that the Fees to be taken by Justices of the Peace, for the Services hereinafter mentioned, should be ascertained and authorized by Law.

Preamble.

Fees to be taken by
Justices in Criminal
cases.

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 Upper 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 by the authority of the same, That from and after the First day of November next, the following Fees, and no more, shall be taken from the Parties Prosecuting by Justices of the Peace in this Province, or by their Clerks, for the Duties and Services herein-after mentioned, that is to say:—

For an Information and Warrant for Apprehension for an Assault, or other Misdemeanor—Three Shillings and Nine Pence.

For Discharge of the Defendant—One Shilling and Three Pence.

For Information and Warrant for Surety of the Peace—Three Shillings and Nine Pence.

For Discharge of the Defendant—One Shilling and Three Pence.

For every Recognizance—Two Shillings and Six Pence.

For each Information besides that of the Complainant—One Shilling and Three Pence.

For Warrant of Commitment—Two Shillings and Six Pence.

In convictions upon
Penal Statutes.

II. *And be it further enacted by the authority aforesaid, That the costs to be charged in cases of Convictions under Penal Statutes, when the Fees are not expressly prescribed by any Statute, shall be as follows, that is to say:—*

For Information and Warrant of Summons—Three Shillings and Nine Pence.

For every Subpœna to a Witness—Six Pence.

For every Conviction under a Penal Statute—Seven Shillings and Six Pence.

For Warrant to levy a Penalty—Two Shillings and Six Pence.

For making up every Record of Conviction, when the same is required to be returned to the Sessions, or on Certiorari—Ten Shillings.

On Conviction before
a single Justice where
the Penalty does not
exceed Three Pounds,

Provided also nevertheless, That in such cases as admit of a Summary Proceeding before a single Justice of the Peace, and wherein no higher Penalty than Three Pounds can be imposed, the Sum of Two Shillings and Six Pence only shall be charged for the Conviction, and Two Shillings and Six Pence for the Warrant to levy the Penalty.

III. *And be it further enacted by the authority aforesaid, That this Act shall be and remain in Force for Four Years from the First day of November next, and from thence to the end of the next ensuing Session of Parliament, and no longer.*

To continue for 4 years.

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CHAP. VIII.

AN ACT for the further Relief of Insolvent Debtors.

[Passed 17th Feb'y. 1827.]

WHEREAS by the Third Section of an Act entitled, “An Act to make further Regulation respecting the Weekly Maintenance of Insolvent Debtors.” it is enacted, “that in default of payment of the sum of Five Shillings, weekly allowance, pursuant to any Rule or Rules of Court, under the provisions of an Act passed in the Forty-fifth Year of His late Majesty’s Reign, entitled ‘An Act for the Relief of Insolvent Debtors,’” the first payment of which said sum of Five Shillings is declared by the said clause to become due and payable on Monday next after the service of such Rule on the Plaintiff, or his Attorney, within the District where such Defendant shall be imprisoned, the Prisoner, upon application to the Court from which such Execution issued, in Term time, or a Judge thereof in vacation, shall, by order of the said Court or Judge, be discharged out of Custody: *Provided nevertheless, That such discharge shall not be construed as a release or satisfaction of the subsisting Judgment, or to deprive the Plaintiff or Plaintiffs of his, her, or their remedy thereafter against the Goods and Chattels, Lands and Tenements, of such Prisoner so discharged; And whereas it is expedient that Prisoners in execution for Debt should be enabled to take the benefit of the said Act, although the Plaintiff or his Attorney should not be residing within the District where such Defendant shall be imprisoned.*

Preamble.

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 Upper 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 by the authority of the same, That the said clause be Repealed; and that in default of payment of the sum

3d Clause of 2 Geo. 4. Chap. 18, repealed.

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