

Certificate so given does not in Law operate as a re-conveyance of the original Estate of such Mortgagor, or as a release or defeazance of such Mortgage; *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, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, '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 any Certificate by any Mortgagee, his Heirs, Executors, Administrators or Assigns, heretofore given and registered under the Provisions of an Act passed in the thirty fifth year of the reign of His Majesty King George the Third, entitled, "An Act for the Public Registering of Deeds, Conveyances, Wills and other incumbrances which shall be made, or may affect any Lands, Tenements, or Hereditaments, within the Province," or which may be hereafter registered under the provisions of this Act, whether the same shall have been given or shall hereafter be given, either before or after the time limited by such Mortgage for payment or performance as aforesaid, shall be, and the same is hereby declared to be valid and effectual in Law, as a release of such Mortgage, and as a re-conveyance of the original Estate of the Mortgagor therein mentioned; *Provided* that such Certificate, if given after the expiration of the period within which the Mortgagor had a right in equity to redeem, shall not have the effect of defeating any Title other than a Title remaining vested in the Mortgagee, or his Heirs, Executors, or Administrators.

Mortgagees Certificate under 35 Geo. 3, c. 5, to operate as a valid release and re-conveyance.

If given after expiration of time for redemption.

CHAP. XVII.

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

[Passed, 6th March, 1834.]

WHEREAS it is expedient that the Fees to be taken by Justices of the Peace for the services hereinafter mentioned should be ascertained and authorised by Law: *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 entitled, "An Act to repeal certain parts of

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an Act passed in the fourteenth year of His Majesty's reign entitled, '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 passing of this Act, 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 hereinafter mentioned, that is to say—

Fees receivable by
Justices of the Peace,
or their Clerks.

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 every Information, besides that of the complainant—One Shilling and Three Pence.

For Warrant of Commitment—Two Shillings and Six Pence.

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.

For every Certificate of dismissal of any charge under the Act providing for the summary punishment of petty trespasses and other offences—Two Shillings and Six Pence.

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 Five 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.