

and published such protest in some newspaper published in or near the Bank's place of business, within forty-eight hours after the date of the publishing of the Order in Council not to receive deposits.

XXXIV. The Parliament of this Province may amend this Act in any way, or make any further provision for enforcing its enactments, without its being deemed an infringement of the rights of any Savings Bank established under it or of the Stockholders therein.

XXXV. Nothing in this Act shall apply to the Montreal Pro-vident and Savings Bank, and the Act herein first above cited shall remain in force as regards the said Bank, except in so far as it may have been altered or affected by other Acts specially relating to the said Bank.

C A P . X C V I I .

An Act to regulate proceedings in Appeals from the decisions of Justices of the Peace in Summary Convictions.

[Assented to 30th May, 1855.]

WHEREAS it is necessary with a view to prevent frivo-lous appeals from the decisions of Justices of the Peace in matters connected with summary convictions, further to regulate the proceedings on appeals from the decisions of Justices of the Peace in cases of summary convictions: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

I. In any appeal to a Superior Court from the conviction, judgment or decision given by any one or more Justices of the Peace under the provisions of an Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to facilitate the performance of the duties of Justices of the Peace, out of Sessions, with respect to summary convictions and orders*, no judgment shall be given in favour of the appellant if the appeal be based on an objection to any information, complaint or summons or to any Warrant to apprehend a defendant, issued upon any such information or complaint for any alleged defect therein in substance or in form, or for any variance between such information, complaint, summons or warrant and the evidence adduced on the part of the informant.

Preamble.

In appeals under 14 & 15 V. c. 95, judgment shall not be given for Appellant on technical objections not urged before the Justice whose judgment is appealed from, and overruled by him.

informant or complainant at the hearing of such information or complaint, unless it shall be proved before such Superior Court that such objection was made before the Justice or Justices of the Peace before whom the case was tried and by whom such conviction, judgment or decision was given, nor unless it be proved that notwithstanding it was shewn to such Justice or Justices of the Peace that by such variance the person summoned and appearing or apprehended, had been deceived or misled, such Justice or Justices had refused to adjourn the hearing of the case to some further day as provided in and by the said Act.

**Costs in appeal
and on certiorari to be
in the discretion of the
Court.**

II. The Court to which an appeal shall be made from the conviction, judgment or decision of any Justice or Justices of the Peace in cases of summary convictions or into which any case shall be removed by Writ of *Certiorari*, may or may not, in its discretion, award costs to the party in whose favour judgment shall have been given, or against the party appealing; any law to the contrary in any wise notwithstanding.

Extent of Act. III. This Act shall apply to Lower Canada only.

C A P . X C V I I I .

An Act to provide temporarily for the payment of Petty Jurors in Lower Canada, and to make better provisions for the payment of certain judicial officers in that part of the Province.

[Assented to 30th May, 1855.]

Preamble.

WHEREAS a considerable time must necessarily elapse before it will be possible to enact and bring into operation in Lower Canada a system of Judicature founded upon a principle of more extended decentralization, by which a large proportion of the expenses and inconvenience attending the existing system might be avoided, and it is therefore expedient to remedy one of the greatest evils arising out of the present system, by making temporary provisions for the payment of persons summoned to attend as Petty Jurors at the Courts of Criminal Jurisdiction, from places remote from those at which the sittings of such Courts are held; And whereas it would not be right to charge the County Municipalities with the expenses incurred in the prosecution of offences, the greater portion of which is committed in, or in the neighbourhood of, the large Towns and Cities where the Courts now sit: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the*