

The Provincial Statutes of Canada, passed in the year 1841. Kingston: Stewart Derbishire & George Desbarats, 1841.

4 & 5 Victoria – Chapter 12

An Act to require Justices of the Peace to make returns of Convictions and Fines, and for other purposes therein mentioned. 21th August, 1841.

Whereas it is expedient to reduce the amount of Fees payable to Justices of the Peace for the exercise of their duties: And whereas for the more effectual recovery and application of penalties, fines, and damages imposed by Justices of the Peace according to Law, it is necessary and expedient that such Justices shall, together with the convictions, make a due return thereof to the General Quarter Sessions of the Peace of the District, in which such penalties, fines, and damages have accrued, in the manner and form set forth in the schedule hereunto annexed; 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, 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, that from and alter the passing of this Act, it shall be the duty of every Justice of the Peace, before whom any trial or hearing shall be had under any Law, now or hereafter to be in force, giving jurisdiction in the premises, and imposing any fines, forfeitures, penalties or damages upon the Defendant or Defendants, in case any conviction shall ensue thereupon, to make a due return thereof in writing under his hand, to the next ensuing General Quarter Sessions of the Peace, for the District in which such conviction shall have taken place, and of the receipt and application by him of the moneys received from any such Defendant or Defendants, and in case such conviction shall have taken place before two or more Justices, it shall be the duty of each and every of such Justices, being present and joining in such conviction, to make an immediate Return thereof, which shall be as nearly as circumstances permit in the form set forth in the said Schedule, and that the Justices to whom any such moneys shall be afterwards paid, shall make a Return of the receipts and application thereof to the next General Quarter Sessions, which Return or Returns shall be filed by the Clerk of the Peace, with the records of his office.

II. And be it enacted, that in case any Justice or Justices, before whom any such conviction shall have taken place as aforesaid, or who shall have received any such moneys, as aforesaid, shall neglect or refuse to make such due return thereof in the manner and form hereinbefore required, and according to the requisitions of this Act, or in case any such Justice or Justices shall wilfully make a false, partial or incorrect return, or shall wilfully receive a larger amount of fees than is by Law authorized to be received, then and in any or either of such cases, such Justice or Justices, and each and every of them so neglecting, or refusing to make such returns in the manner aforesaid, or wilfully making such false, partial or incorrect return, or wilfully receiving a larger amount of fees as aforesaid, shall forfeit and pay the sum of twenty pounds, together with full costs of suit, to be recovered by any person or persons who sue for the same by bill, plaint, or information in any Court of record in Canada West, one moiety of which said sum of twenty pounds shall be paid to

the party suing, and the other moiety shall be paid into the hands of Her Majesty's Receiver General to and for the public uses of this Province.

III. And be it enacted, that all prosecutions for penalties arising under the provisions of this Act, shall be commenced within six months after the cause of action shall have accrued, and the same shall be tried in the District wherein such penalties shall have accrued, and if a verdict shall pass for the Defendant, or the Plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if upon demurrer, or otherwise, judgment shall be given against the Plaintiff, the Defendant shall recover his full costs of suit, as between Attorney and Client, and have the like remedy, for the same, as any Defendant hath by law in other cases.

IV. And be it enacted, that it shall be the duty of the Clerk of the Peace of the District in which such returns shall be made, within seven days after the General Quarter Sessions shall have been first adjourned, to cause to be published, the said returns in one public Newspaper in the said District, and if there be no such Newspaper, then in a Newspaper of an adjoining District, and also to fix up in the Court House of the said District, and also in a conspicuous place in the Office of such Clerk of the Peace, for public inspection, a Schedule of the returns so made by such Justices; and the same shall continue to be so fixed up, and exhibited until the end of the next ensuing General Quarter Sessions of the Peace, and for every Schedule so made and exhibited by the said Clerk of the Peace, he shall be entitled to the Fee, or sum of one pound, besides the expense of publication, in his accounts with the said District, to be paid by the Treasurer thereof.

V. And be it enacted, that it shall be the duty of the Clerk of the Peace of each District, within twenty days after the end of each Quarter Sessions of the Peace, to transmit to the Inspector General of this Province a true copy of all such returns made within his District.

VI. Provided always, and be it enacted, that nothing herein contained, shall extend, or be construed to extend, to exonerate Justices of the Peace from duly returning to the General Quarter Sessions of the Peace of their respective Districts, all such convictions, or records of convictions, as are by Law Required to be so returned.

VII. Provided always, and be it enacted, that nothing in this Act contained, shall prevent any person aggrieved, from prosecuting by Indictment, any Justice of the Peace, for any offence, the commission of which would subject him to Indictment at the time of the passing of this Act.

VIII. And be it enacted, that from and after the passing of this Act, it shall be the duty of every Sheriff, and he is hereby required to transmit quarterly to the Inspector General of this Province a just, true and faithful account, to be verified upon oath, of all fines, penalties and forfeitures, which he shall have been required and commanded to levy and make by any lawful authority, and of the receipt and application of the same, or of the reason why the same has not been received and applied within the period required for collectors to make their returns, under a certain Act of the Parliament of Upper Canada, passed in the third year of Her Majesty's Reign, intituled *An Act to regulate the time for making returns and payments by Collectors and other persons receiving the Public Revenues of this Province, and for other purposes therein mentioned*; and that such returns

shall be transmitted to the office of the Inspector General within twenty days next after the expiration of each quarterly period, and that each Sheriff shall pay over to the proper Officer or person lawfully entitled to receive the same, the several sums collected by him as aforesaid, within twenty days next after the expiration of the period within which the same were collected; and that every Sheriff neglecting or refusing to transmit such quarterly account, or to pay over any such sum or sums of money so collected by him, within the period hereby prescribed, shall incur and be subject to the like penalty, and may be sued for the same in the same manner as is hereinbefore provided and declared with regard to Justices of the Peace neglecting or refusing to make the returns required by this Act.

IX. And be it enacted, that this Act shall be in force, and extend to that part of the Province of Canada, formerly known as Upper Canada, and herein called "Canada West," and not elsewhere.

Name of the Prosecutor.	Name of Defendant.	Nature of the Charge.	Date of the Conviction.	Name of the Convicting Justice.	Amount of penalty, fine or damage.	Time when paid or to be paid to said Justice.	If not paid, why not, and general observations if any.
							<i>A. B. Convicting Justice, C. or D. Convicting Justices (as the case may be.)</i>