

*Provincial Statutes of Canada*, passed in the year 1845. Montreal: Stewart Derbishire & George Desbarats, 1845.

8 Victoria – Chapter 38

**An Act to regulate the Fees of certain District Officers in that part of this Province called Upper Canada. (29th March, 1845.)**

Whereas certain Officers connected with the Administration of Justice in the several Districts in that part of this Province which formerly constituted Upper Canada, are required to perform many services for which no Fees are fixed by law; And whereas it is proper and necessary to establish reasonable Fees and Allowances for the same, and to provide for the payment thereof: 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 it shall be the duty of the several Justices of the Peace in the different Districts of Upper Canada in the General Quarter Sessions of the Peace, to be holden in the month of July next, to frame a Table of Fees for all services now rendered in the administration of Justice, and for other District purposes, by any Sheriff, Coroner, Clerk of the Peace, Constable and Crier, which services are not remunerated by any law now in force; and that the several Clerks of the Peace shall forthwith transmit such Table to the Clerk of the Crown in Toronto, to be by him laid before the Judges of the Court of Queen's Bench at Toronto, and that it shall be lawful for the said Judges in term time, by any rule or rules to be by them made from time to time, as occasion shall require, to appoint the Fee which shall be taken and received by such Sheriff, Coroner, Clerk of the Peace, Constable or Crier, for such service as aforesaid.

II. And be it enacted, That all Per Centage, Fees or Allowances, on levying Fines and Recognizances, shall be levied over and above the amount of such Fines and Recognizances, and all Fees on service for the private benefit of or in the nature of a civil remedy, for individuals at whose instance the same are performed shall be paid by such individuals, and that the Judges shall, in the Table to be by them framed as aforesaid, distinguish the Fee to be paid by private individuals, and that, except as is in this Act otherwise provided, all other Fees shall be paid out of the District Funds.

III. And be it enacted, That when any person or persons shall be convicted before any Court of Quarter Sessions of any assault and battery, or other misdemeanor, such person or persons shall pay such costs as shall be allowed and taxed by the Court, but when any Defendant or Defendants shall be acquitted, the costs of the prosecution shall be paid out of the District funds: Provided, that when any person or persons shall be prosecuted or tried for Felony and convicted or acquitted, or shall be otherwise discharged, the costs of prosecution shall be paid out of the District funds: Provided also, that nothing herein contained shall be construed to extend to deprive

any of the before mentioned Officers of such Fees as are allowed by any Act of Parliament now in force in this Province, for other services not herein provided for.

IV. And be it enacted, That if at any time after the passing of this Act, any Officer hereinbefore mentioned shall wilfully and knowingly demand or receive any other or greater Fee or Allowance than the Fee and Allowance, Fees or Allowances established by this Act, for any or all the services performed by them respectively, he shall, for every such offence, forfeit and pay the sum of ten pounds, to any person who shall sue for the same by action of debt, bill, plaint or information, in any Court having competent jurisdiction to hear and determine the same: Provided, that nothing herein contained shall prevent any such Officers from demanding and receiving any Fee allowed to them respectively by any other Act of Parliament now or hereafter to be in force in this Province, for other services.

V. And be it enacted, That the Treasurer of every District shall pay the amount for such Fees, which are payable out of District funds, when duly allowed by the Magistrates in Quarter Sessions assembled, and without further authority, in the order prescribed for the payment of the expenses of the administration of Justice, in and by the fifty-ninth section of the Act of the Parliament of this Province, passed in the fourth and fifth years of Her Majesty's Reign, intituled, "An Act to provide for the better internal Government of that part of this Province which formerly constituted the Province of Upper Canada, by the establishment of Local or Municipal authorities therein."

VI. And be it enacted, That all such Suits and Actions shall be brought before the end of six Calendar months after the offence committed, and not otherwise.