

Laws of Her Majesty's Province of Upper Canada, passed in the year 1850. Toronto: Stewart Derbshire & George Desbarats, 1850.

13 & 14 Victoria – Chapter 54

An Act to extend the right of Appeal in certain cases in Upper Canada. 10th August, 1850.

Whereas it is expedient to extend the right of Appeal in certain cases in Upper Canada; 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, That from and after the passing of this Act, any person, complainant or respondent, who shall think himself aggrieved by any conviction or decision before any one or more Justices of the Peace, Mayor or Police Magistrate in any matter cognizable by such Justice of the Peace, Mayor or Police Magistrate, not being a crime, may appeal to the next Court of General Quarter Sessions of the Peace which shall be holden not less than twelve days after the day of such conviction or decision, for the County wherein the cause or complaint shall have arisen: Provided such person shall give to the other party, or leave with the convicting Justice for him, a notice in writing of such appeal and for the cause and matter thereof within four days after such conviction or decision and eight days before such Sessions, and shall also either remain in custody until such Sessions, or enter into a recognizance with two sufficient sureties before a Justice of the Peace, conditioned to appear at the said Sessions and try such appeal and to abide the judgment of the Court thereupon and to pay such costs as shall be by the Court awarded; and upon such notice being given and such recognizance being entered into, the Justice before whom the same shall be entered into shall liberate such person if in custody, and the Court at such Sessions shall hear and determine the matter of such appeal, and shall make such order therein, with or without costs to either party, as to the Court shall seem meet, and in case of the dismissal of the appeal or the affirmance of the conviction, shall order and adjudge the offender to be punished according to the conviction and to pay such costs as shall be awarded, and shall if necessary issue process for enforcing such judgment.

II. And be it enacted, That whenever any appeal shall be made from the decision of any Justice or Justices, Mayor or Police Magistrate, the Court of Quarter Sessions, at the request of either appellant or respondent, shall empanel a Jury to try the matter on which such decision may have been made, and to administer to such Jury the following oath:

“You do solemnly swear that you will well and truly try the matter of the complaint of C. D. against E. F. and a true verdict give according to the evidence: So help you God;”

and the Court on the finding of such Jury shall thereupon give such judgment as the circumstances of the case may require, not however to exceed the amount of penalty or period of imprisonment

that might be imposed or awarded under any law giving cognizance to the said Justice or Justices, Mayor or Police Magistrate.

III. And be it enacted, That it shall and may be lawful for any appellant to abandon the said appeal by giving the opposite party notice of such intention in writing six days before the said Sessions, and thereupon it may be lawful for the convicting Justice or Justices, Mayor or Police Magistrate to tax the respondent's additional costs if any, which shall be added to the original costs, and to proceed on the original conviction or decision in the same manner as if no appeal had been had thereon.