

*Laws of Her Majesty's Province of United Canada*, passed in the year 1851. York: Stewart Derbyshire and George Desbarts, 1851.

14 & 15 Victoria – Chapter 119

**An Act to establish a Uniform Rate of Fees to be received by Justices of the Peace in Upper Canada, and to repeal the Act of Upper Canada, passed in the fourth year of the reign of King William the Fourth, chapter seventeen. 30th August, 1851.**

Whereas it is expedient to establish a Uniform Rate of Fees to be received by Justices of the Peace in Upper Canada, for the duties therein mentioned, and to repeal the Act of Upper Canada, passed in the fourth year of the reign of His late Majesty King William the Fourth, chapter seventeen, intituled, *An Act to declare what Fees shall be received by Justices of the Peace for the duties therein mentioned*; and whereas, since the passing of the said Act, increased duties have been imposed upon Justices of the Peace in Upper Canada, for which no Fees have been established by law; and whereas, under the said recited Act doubts have arisen as to the meaning and application of some of its provisions; therefore, to remove such doubts and establish a Uniform Rate of Fees to be received by the Justices aforesaid for the services hereinafter mentioned—Be it 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 the said Act, intituled, *An Act to declare what Fees shall be received by Justices of the Peace for the duties therein mentioned*, be, and the same is hereby repealed.

II. And be it enacted, That from and after the passing of this Act, the following Fees, and no other, shall be taken from the parties prosecuting, by Justices of the Peace in Upper Canada, or by their Clerks, for the duties and services hereinafter mentioned, that is to say:

For information and Warrant for apprehension, or for an information and Summons for assault, trespass, or other misdemeanor, Two Shillings and Six Pence;

For each Copy of Summons to be served on Defendant or Defendants, Six Pence;

For a *Subpœna*, Six Pence,—only one on each side is to be charged for in each case, which may contain any number of names; and if the justice of the case shall require it, additional *Subpœnas* shall be issued without charge;

For every Recognizance, One Shilling and Three Pence,—only one to be charged in each case;

For every Certificate of Recognizance under the Act of Upper Canada, Seventh William the Fourth, chapter ten, One Shilling and Three Pence;

For information and Warrant for surety of the peace or good behaviour, to be paid by complainant, Two Shillings and Six Pence;

For Warrant of Commitment for default of surety to keep peace or good behaviour, to be paid by complainant, Two Shillings and Six Pence;

III. And be it enacted, That the costs to be charged in all cases of convictions, where the Fees are not expressly prescribed by any Statute, other than the Statute hereinbefore repealed, shall be as follows, that is to say:

For information and Warrant for apprehension, or for information and Summons for service, Two Shillings and Six Pence;

For every Copy of Summons to be served upon Defendant or Defendants, Six Pence;

For every *Subpœna* to a Witness, (as provided in the second section of this Act,) Six Pence;

For Hearing and Determining the case, Two Shillings and Six Pence;

For Warrant to levy Penalty, One Shilling and Three Pence;

For making up every Record of Conviction when the same is ordered to be returned to the Sessions, or on *Certiorari*, Five Shillings.

Provided always, That in all 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 One Shilling and Three Pence for the Warrant to levy the Penalty; and that in all cases where persons are *subpœnaed* to give evidence before Justices of the Peace in case of assault, trespass or misdemeanor, such Witness shall be entitled, in the discretion of the Magistrate, to receive at the rate of Two Shillings and Six Pence for every day's attendance, where the distance travelled in coming to and returning from such adjudication does not exceed ten miles, and Three Pence for each mile above ten.

Every Bill of Costs, when demanded to be made out in detail, when demanded, Six Pence.

Copy of any other paper connected with any trial, and the Minutes of the same if demanded,—every folio of one hundred words, Six Pence.

IV. And be it enacted. That in all cases of a summary conviction before any one or two Justices of the Peace, under the provisions of the several Acts passed in the Session held in the fourth and fifth years of Her Majesty's reign, chapters twenty-five, twenty-six and twenty-seven, and intituled respectively, *An Act for consolidating and amending the laws of this Province relative to larceny and other offences connected therewith*,—*An Act for consolidating and amending the laws in this Province relative to malicious injuries to property*,—and *An Act for consolidating and amending the*

*Statutes in this Province relative to offences against the person*, it shall and may be lawful for such Justice or Justices, in his or their discretion, to issue his or their Warrant to levy, by distress and sale of the offender's goods and chattels, the amount of line and costs imposed, and in default of the same being levied or made, the offender or offenders may be committed to the Common Gaol or House of Correction for the period and in the manner prescribed by the above mentioned Statutes, or to proceed, as heretofore, by committal for default of payment, instead of issuing such Distress Warrant.

V. And be it enacted, That in all cases where costs are payable by parties who may have failed in prosecuting with effect, it shall and may be lawful for the Justice or Justices before whom complaint may have been made, in his or their discretion, to issue his or their Warrant to levy, by distress and sale of the goods and chattels of such person so failing to prosecute, such costs as shall be determined by the Justice or Justices to be payable by him or them.

VI. And be it enacted, That this Act shall not be construed to authorize any claim being made by the Justices aforesaid, for Fees of any description connected with cases above the degree of misdemeanor; nor shall Witnesses in such cases be allowed anything for their attendance or travel, except under the Order of the Court before which the trial of the case shall be had; anything in this Act to the contrary thereof in any wise notwithstanding.

VII. And be it enacted, That this Act shall come into operation on, and take effect from the first day of November next.