

Laws of Her Majesty's Province of United Canada, passed in the year 1854. Quebec: Stewart
Derbshire and George Desbarts, 1854.

18 Victoria – Chapter 97

**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 frivolous 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-untie 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 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 ease to some further day as provided in and by the said Act.
- 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 ease 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 lire party appealing; any law to the contrary in any wise notwithstanding.
- III. This Act shall apply to Lower Canada only.