



BY AUTHORITY.

THE SECOND YEAR OF THE REIGN OF HIS MAJESTY KING EDWARD VII.

CAP. X.

An Act to fix and make certain the Fees to be paid by Municipalities to Justices of the Peace, Constables and other persons engaged in the preliminary investigation in Criminal Cases of an indictable character.

Passed 10th April, 1902.

Be it enacted by the Lieutenant-Governor and Legislative Assembly as follows:—

1. The Municipality of each of the several Counties in this Province shall be liable to pay out of the contingent funds of such Municipality, for the expenses of preliminary investigations in criminal cases of an indictable character, which may arise or take place within the limits of such County, the fees set out and prescribed in the Schedule to this Act, when the bills or charges for such services shall be regularly prepared, properly certified, and payment thereof ordered in the manner hereinafter provided for.

2. The Municipality shall not be liable in any case to pay Justices of the Peace the fees prescribed in the Schedule hereto to be taken by Justices of the Peace, until such Justice or Justices, before whom such preliminary hearing may have been held, shall have filed the depositions in the case for which his charges may have been made, with the Clerk of the Court to which the person or persons accused may have been committed for trial, or with the Clerk of the Peace of the County wherein the offence was committed, in any case where the information or complaint shall have been dismissed by the Justice or Justices hearing the same, and no constable nor witnesses shall be entitled to receive or recover any fees under this Act until their bills shall be certified to be correct by the Justice of the Peace, or one of the Justices of the Peace, before whom such preliminary investigation shall take place.

3. Where under any circumstances it shall be necessary for a constable or other peace officer to perform any services in connection with a preliminary investigation in any case of an indictable character, other than the services provided for in the Schedule hereto, if ordered by the Attorney General, or by any Counsel duly authorized to act for the Crown, and upon such facts being certified by the Attorney General, or other person duly authorized to act for the Crown, by whom such services may have been ordered to be performed, the constable or other officer who may have performed such services, shall be paid out of the contingent funds of the Municipality in which such preliminary investigation shall have been held, a sum sufficient to cover all necessary expenses by him incurred in the performance of such duties, upon such items being duly verified by solemn declaration, in addition to a per diem allowance of one dollar and fifty cents. And provided further, that no constable or other officer shall be allowed any fees for mileage for the same service wherein he shall have made and submitted a claim for travelling expenses, as in this section provided for.

4. In addition to all other fees that are provided to be taken under the provisions of this Act, every constable and other peace officer shall be reimbursed for all actual disbursements necessary, made for the carriage of the prisoner or prisoners in any public conveyance, or for board of any prisoner or prisoners while in the custody of such constable or other peace officer, and upon the items of such disbursements being verified by the solemn declaration of such constable or other peace officer, and payment thereof ordered in the manner hereinafter provided for, the amount of such disbursement shall be paid to such constable or other peace officer out of the contingent funds of the Municipality wherein the offence in respect to which such disbursements were made, was committed.

5. All Sheriffs, Constables or other Peace Officers engaged in carrying or conveying a prisoner or prisoners from any County gaol in this Province to the Penitentiary at Dorchester, after the trial and conviction of such prisoner or prisoners, shall be paid out of the contingent funds of the Municipality wherein such trial and conviction was had, a sum sufficient to reimburse him or them, all actual disbursements necessarily made in the performance of such duties, upon the items of such disbursements being duly verified by the solemn declaration of such Sheriffs or other officer, and duly presented to the Secretary-Treasurer of such Municipality, in the same manner as provided for other bills to be presented under this Act, and such officer shall also be paid out of the contingent funds of such Municipality a per diem allowance of two dollars and fifty cents for the time actually and necessarily engaged in the performance of such duties.

6. Before the payment of any claim against any Municipality which may arise under this Act, the same shall first be examined and taxed by the Secretary-Treasurer (and in any case where the offices of Secretary and Treasurer are not combined and held by one and the same person then by the Secretary) of the Municipality against which such claim shall be made, and the charges therein certified by him to be correctly itemized under the provisions of this Act, and an order for the payment of the said claim shall be endorsed thereon, and signed by the Warden of the Municipality against which the said claim shall be made. In case any charges may be made in any bills which are not authorized or provided for by this Act, it shall be the duty of the Secretary-Treasurer (or the Secretary, as the case may be) to alter and amend such bills in accordance with the terms of this Act, and when certifying such bills as hereinbefore provided for, shall state thereon the amount properly and legally payable thereon, and the Warden of such Municipality shall not in any case order payment of a greater amount than shall be certified as

correct by the Secretary-Treasurer, (or Secretary, as the case may be), and in case of the refusal of such Warden to make an order for the payment of any such bills, the same may be presented to a regular meeting of the County Council of the Municipality wherein such claim arose, and if payment thereof be ordered by such County Council, the same shall be payable out of the contingent funds of such Municipality.

SCHEDULE.

JUSTICES' FEES.

Taking information or complaint in writing under oath,	\$0 30
Issuing warrant to arrest in the first instance,	30
Issuing warrant where summons has previously issued,	20
Issuing summons for accused or witnesses,	20
In cases of more than one defendant on same complaint only one summons to be charged for; the names of all witnesses to be included in one summons and only one summons to be charged for.	
Each copy of summons,	10
Every order of commitment or to remand prisoner,	30
Administering every oath,	05
Taking testimony where the same does not exceed eight folios,	1 00
Each folio in excess of eight,	10
Taking each recognizance, entering up, extending and returning same,	30
Conviction, including commitment for trial,	60
Order to dismiss complaint,	20
Entering order to adjourn (but a separation of Court during day or over night shall not be regarded as an adjournment),	30
Any other special order necessary in the case,	20
Where the Attorney General or prosecuting Counsel orders the evidence or depositions to be taken by any person other than the Justice, the Justice shall receive for his attendance at the hearing a per diem allowance of,	1 50
Drawing every necessary affidavit, per folio,	10
For copy of any papers in such proceedings, per folio,	05
Order to remand prisoner during temporary separation of Court,	20
Postage actually paid in transmitting depositions to Clerk of the Court or Clerk of the Peace.	

CONSTABLES' FEES.

Serving warrant to arrest each person accused,	\$0 50
Serving each summons and making return,	25
Serving warrant of commitment,	50
Executing order to remand prisoner during progress of investigation,	25
Attending preliminary investigation, first day,	50
For each subsequent day's attendance,	1 00
Where a constable is engaged more than one day in searching for a criminal, or in arresting and conveying a criminal to gaol, or in travelling to summon witnesses or perform any necessary services, he shall be paid one dollar additional for each day engaged beyond the first.	
When conveying a prisoner to gaol from place of commitment, if the distance exceeds six miles, one dollar for the first day and one dollar and fifty cents for each subsequent day. Mileage, five cents per mile going and returning, according to the number of miles actually travelled.	

WITNESSES' FEES.

For each day's attendance at a preliminary investigation,	\$1 00
Mileage, going from place of residence to place where investigation may be held and returning, each way,	05

CAP. XI.

An Act relating to the Jurisdiction of Police or Stipendiary Magistrates.

Passed 10th April, 1902.

WHEREAS doubts have arisen as to the jurisdiction of Police or Stipendiary Magistrate in certain cases.

Be it therefore enacted by the Lieutenant-Governor and Legislative Assembly as follows:—

From and after the passing of this Act every Police or Stipendiary Magistrate, whether restricted by the terms of the Act under which he is appointed to a certain Parish or not, shall have jurisdiction in and for the County within which is situated the Parish for which he is appointed, over all complaints, informations, or prosecutions or proceedings arising within said County for violation of any law, or any Municipal bye-law or regulation in respect of which proceedings may be had or conducted under either the Dominion or Provincial Summary Conviction Acts; and every such Police or Stipendiary Magistrate shall have all the powers of a Justice of the Peace in any such matter or proceeding; and shall also have alone all the powers by any such law, bye-law or regulation conferred upon two Justices; provided, however, that nothing herein contained shall be construed or held to give to any such Police or Stipendiary Magistrate appointed for a Parish, jurisdiction over offences committed within the limits of any city or any incorporated town.