

*The Committee of Council submit for the consideration of
His Honour the Lieutenant-Governor a Bill intituled*

An Act to amend the "Summary Convictions Act."

● *and advise that the same be transmitted by Message to the
Legislative Assembly.*

Victoria, Third day of December, A.D. 1923.

John Oliver,
Presiding Member of the Executive Council.

● *Approved this third day of December, A.D. 1923.*

W. B. Smith,
Lieutenant-Governor.

W. S. Mitchell
Lieutenant-Governor.

HON. ATTORNEY-GENERAL.

BILL.

No. 42.]

[1923.

An Act to amend the "Summary Convictions Act."

1915, c. 59;
1918, c. 87;
1921, c. 59; 1921
(2nd Sess.), c. 45;
1922, c. 73.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Summary Convictions Act Amendment Act, 1923." Short title.

2. Section 76 of the "Summary Convictions Act," being chapter 59 of the Statutes of 1915, is amended by striking out clause (b), and substituting therefor the following:— Amends s. 76.

"(b.) The appellant shall give notice of his intention to appeal by filing in the office of the Registrar of the Court appealed to a notice in writing setting forth with reasonable certainty the conviction or order appealed against, and the Court appealed to, within ten days after the conviction or order complained of, and by serving the respondent and the Justice who tried the case each with a copy of such notice within the said period of ten days: Provided that in case the place where the cause of the information or complaint arose is situate in unorganized territory, the period within which such notice shall be filed and served under this clause shall be the period of twenty days after the conviction or order complained of, instead of the said period of ten days."

3. Said section 76 is further amended by striking out the words "within the time limited for filing a notice of intention to appeal" in the fourth and fifth lines of clause (c); and by inserting after the word "conditioned," in the eighth line of that clause, the words "in case notice of his intention to appeal is not already filed in the office of the Registrar of the Court to which the appeal is given, to" Further amends s. 76.

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file such notice within the time and in the manner hereinbefore provided in that behalf, and conditioned in all cases."

Amends Schedule.

4. The Schedule to said chapter 59 is amended by inserting in Form 51, after the letters "A. B." in the second line of the condition set out in that form, the words "(to file a notice of his intention to appeal in the office of the Registrar of the County Court of _____ within the time and in the manner provided by the 'Summary Convictions Act' in that behalf, and to *if such notice is not already filed*)"; and by inserting after the word "will," in the second line of the form of notice in said Form 51, the words "(file a notice of your intention to appeal in the office of the Registrar of the County Court of _____ within the time and in the manner provided by the 'Summary Convictions Act' in that behalf, and will *if such notice is not already filed*)." "

Further amends Schedule.

5. The Schedule to said chapter 59 is further amended by striking out that part of the Tariff of Fees beginning with the subheading "Constables' Fees" to the end of the said Tariff of Fees, and substituting therefor the following:—

Constables' Fees.

- 1. Arrest of each individual upon a warrant, or arresting without a warrant an individual who is subsequently convicted or committed for trial \$1 50
- 2. Serving summons or subpoena 50
- 3. Mileage to serve summons, subpoena, or to make an arrest, one way, per mile, 15 cents (if no public conveyance is available reasonable livery charges to be allowed).
- 4. Mileage when service cannot be effected, upon proof of due diligence, one way 15
- 5. Returning with prisoner after arrest to bring same before a Magistrate or Justice for preliminary hearing or trial where the Magistrate or Justice is not at place where warrant was handed constable, and where the journey is of necessity over a different route than that travelled to make the arrest, per mile one way.... 15
- 6. Taking prisoner to gaol on remand or committal, one way, per mile (if no public conveyance is available reasonable livery charges to be allowed)..... 15
(Not payable if this is return journey from taking prisoner before Justice, double mileage not being chargeable.)
- 7. Attending Magistrate or Justices on summary trials, or on examination of prisoners charged with crime, for each day necessarily employed, only one day's fees on any number of cases..... 2 00
- 8. Serving distress warrant, and returning same 1 50
- 9. Advertising under distress warrant..... 1 50
- 10. Travelling to make distress, or to search for goods to make distress, when no goods are found, one way, per mile..... 15
- 11. Appraisements, whether by one appraiser or more—2 cents in the dollar on the value of the goods.
- 12. Catalogue sale and commission, and delivery of goods—5 cents in the dollar on the net produce of the goods.

Witnesses' Fees.

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| 1. Each day attending trial | 81 50 |
| 2. Mileage travelled to attend trial (one way), per mile..... | 15 |

Interpreters' Fees.

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|-----------------------------------|------|
| 1. Each day attending trial | 2 50 |
| 2. Mileage the same as witnesses. | |

VICTORIA, B.C.:

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1923.