

BILL.

An Act to amend and consolidate the Laws affording protection to Magistrates and others in the performance of public duties.

WHEREAS there are divers Acts of Parliament in force in Upper Canada, both public, local and personal, whereby certain protections and privileges are afforded to Magistrates and others, and whereas the said Acts are not of an uniform character, and it is desirable that many of the provisions of such Acts should be altered and amended, and the whole reduced into one Act.: Be it therefore enacted, &c.,

Preamble.

That so much of any such Act or Acts now in force in Upper Canada, whether public, local or personal, as confers any privilege, either as to notice or limitation of action, or as to amount of costs, or as to pleading the general issue and giving the special matter in evidence, or as to the venue of the action, or as to tender of amends or payment of money into Court, upon any Magistrate, public officer; or other persons, for any act done, either by virtue of his office, or under the provisions of any such Act or Acts, be and the same is hereby repealed, except as to any action, suit or proceeding which has been commenced or prosecuted before the passing of this Act.

So much of any Act as confers certain privileges on any Magistrate, &c., repealed.

II. And be it enacted, That no writ shall be sued out against any Justice of the Peace or other officer or person fulfilling any public duty, for any thing by him done in the performance of such public duty, whether such duty arises out of the common law, or is imposed by act of Parliament, either Imperial or Provincial, nor shall any verdict be rendered against him, unless notice in writing of such intended writ, specifying the cause of action with reasonable clearness, shall have been delivered to such Justice, officer or other person, or left at the usual place of his abode, by the attorney or agent of the party who intends to sue out such writ, at least one calendar month before suing out such writ, and in computing such calendar month, the day of the service of such notice and the day of suing out such writ shall both be excluded, and on such notice shall be written the name and place of abode of such attorney or agent suing out such writ, and by the cause of action stated in such notice the party suing out such writ shall be bound, and shall not be allowed to give evidence of any other cause of action at the trial thereof.

Notice to be given to any Magistrate, in a certain form, and the Plaintiff to be bound by such notice.