
BILL.

An Act to make further provision respecting Summary Proceedings before Justices and other Magistrates.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. In this Act the expression "justice" or "justice of the
5 peace" includes any two or more justices of the peace, and
also a police magistrate and a stipendiary magistrate, and
any person having the power and authority of two or more
justices of the peace Interpreta-
tion.
"Justice."
2. No conviction or order made by any justice of the peace,
10 and no warrant for enforcing the same, shall be held invalid
for any irregularity, informality or insufficiency therein ;
Provided, that the court or judge before which or whom the
question is raised is, upon perusal of the depositions, or by
affidavit, satisfied that an offence has been committed over
15 which such justice has jurisdiction, and that the punishment
imposed is not in excess of that which might have been law-
fully imposed for the said offence ; and any statement which,
under this Act or otherwise, would be sufficient if con-
tained in a conviction, shall also be sufficient if contained in
20 a warrant. Convictions,
orders and
warrants not
to be invalid
for informal-
ties.
3. The following matters shall be held to be within the
provisions of the next preceding section :— Matters com-
ing within
preceding
section.
- (a.) The statement of the adjudication, or of any other
matter or thing, in the past tense instead of in the present ; Statements.
- 25 (b.) The punishment imposed being less than the punish-
ment by law assigned to the offence stated in the conviction
or order, or to the offence which appears by the depositions
to have been committed ; Punishments.
- (c.) The omission to negative circumstances, the existence
30 of which would make the act complained of lawful, whether
such circumstances are stated by way of exception or other-
wise in the section under which the offence is laid, or are
stated in another section ; but nothing herein contained shall
be construed to restrict the generality of the wording of the
35 next preceding section. Omissions to
negative ex-
ceptions and
provisos.
4. No information, summons, conviction, order or other
proceeding shall be held to charge two offences, or shall be
held to be uncertain on account of its stating the offence to Offence may
be laid con-
junctively or
disjunctively.