
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 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 Interpretation.
"Justice."
2. No conviction or order made by any justice of the peace, 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 which such justice has jurisdiction, and that the punishment imposed is not in excess of that which might have been lawfully imposed for the said offence; and any statement which, under this Act or otherwise, would be sufficient if contained in a conviction, shall also be sufficient if contained in a warrant. Convictions, orders and warrants not to be invalid for informalities.
3. The following matters shall be held to be within the provisions of the next preceding section :— Matters coming 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 punishment 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 of which would make the act complained of lawful, whether such circumstances are stated by way of exception or otherwise 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 next preceding section. Omissions to negative exceptions and provisos.
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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 conjunctively or disjunctively.