

ed and called the Division Court of the County or United Counties in which such Township or United Townships shall be situated, taking the number next after the highest number of the Courts then existing in such County or United Counties; and the Courts so established shall have the same jurisdiction as Division Courts established under the said Act respecting Division Courts, and all and singular the provisions of the said Act, not inconsistent with this Act, shall apply to all Courts established under this Act; Provided always, that no business shall be transacted in any such Court until after the establishment thereof shall have been certified by the County Judge to the Governor in Council, together with the petition praying for the same and the passing of an Order by the Governor in Council approving thereof.

AN ACT IN REFERENCE TO THE QUALIFICATION OF JUSTICES OF THE PEACE.*

[Assented to 18th September, 1865.]

Whereas certain of Her Majesty's Justices of the Peace in this Province have heretofore, in error, taken and subscribed the oath of qualification of Justices of the Peace mentioned and set forth in the third section of the one hundredth chapter of the Consolidated Statutes of Canada, intituled: *An Act respecting the qualification of Justices of the Peace*, before the Clerk of the Peace of the District or County, or before a commissioner assigned by *Dedimus Potestatem* to administer oaths and declarations, or before some person not being a Justice of the Peace for the District or County for which such Justices intended to act, and it is expedient to confirm such oaths so taken, and indemnify such Justices from and against all forfeitures, penalties, and proceedings in respect thereof: Therefore, Her Majesty, &c., enacts as follows:

1.—For and notwithstanding anything contained in the third section of the one hundredth chapter of the Consolidated Statutes of Canada, intituled: *An Act respecting the qualification of Justices of the Peace*, the oath of qualification therein mentioned and set forth may be taken and subscribed before any other Justice of the Peace, or before any person assigned by the Governor to administer oaths and declarations, or before the Clerk of the Peace of the district or county for which such justice intends to acts, and a certificate of such oath having been so taken and subscribed, shall be forthwith deposited by the person who has taken the same, at the office of the Clerk of the Peace for the district or county, and shall, by the said clerk, be filed among the records of the sessions of the said district or county, and this provision shall be construed and have effect as if it had been contained in the Act passed in the sixth year of Her Majesty's Reign, intituled: *An Act for the qualification of Justices of the Peace*.

2.—All oaths of qualification heretofore taken and subscribed by any Justice of the Peace in this Province before the Clerk of the Peace of the district or county for which such justice intended to act, or before a commissioner assigned by *Dedimus Potestatem*, to administer oaths and declarations, or before any person not being a duly qualified Justice of the Peace for the said district or county, are hereby declared to have been and to be good and valid in law and equity to all intents and purposes; and from and after the passing of this Act no civil action or information or other proceeding at law or in equity shall be brought under the aforesaid Act against any Justice of the Peace in and for any district or county in this Province, without having taken and subscribed the aforesaid oath before some Justice of the Peace for the district or county for which he intended to act: and if before the passing of this Act, any such civil action or information or other proceedings at law or in equity shall have been brought or is now pending against any Justice of the Peace for the reasons or causes aforesaid, or any matter arising thereout, and in which such civil action, information or other proceedings at law or in equity, judgment or execution has not been actually satisfied, the same shall be stayed absolutely without costs in favor of the plaintiff or informer or his attorney as against the defendant: and no further proceedings of any kind shall be hereafter had therein.

3.—Every judge and every junior and every deputy judge of a County Court in Upper Canada, shall, *ex officio*, be a Justice of the Peace for the county or union of counties in which he shall be such judge or junior or deputy judge, and no deputy judge shall be disqualified by being an attorney or solicitor.

4.—The Interpretation Act shall apply to this Act.

AN ACT TO DECLARE VALID CERTAIN SALES OF LANDS IN UPPER CANADA.

[Assented to 18th September, 1865.]

Whereas, by an Act passed in the Session of Parliament held in the thirteenth and fourteenth years of Her Majesty's Reign, chapter sixty-seven, intituled: "*An Act to establish a more equal and just system of Assessment in the several Townships, Villages, Towns, and Cities in Upper Canada*," it was amongst other things enacted that certain lands upon which any taxes should remain unpaid on the 1st day of January, one thousand eight hundred and fifty-one, or so much thereof as should be sufficient to discharge such taxes, with interest and costs, should be sold by the Sheriff or High Bailiff in manner in and by the said Act particularly mentioned and set forth. And whereas, it was further provided by the said Act, that the owner of any such lands so sold as aforesaid, might redeem the same within three years from day of sale, and in case the same should not be so redeemed within that period, then that the Sheriff or High Bailiff, at

* See *Herbert v. Downell*, page 156.—Ems. L. C. G.