

or Order, or if it be a Warrant upon an information for an alleged indictable offence, nevertheless if a Summons were issued previously to such Warrant, and such Summons were served upon such person, either personally or by leaving the same for him with some person at his last or most usual place of abode, and he did not appear according to the exigency of such Summons, in such case no such Action shall be maintained against such Justice for any thing done under such Warrant.

III. And be it enacted, That where a Conviction or Order shall be made by one or more Justice or Justices of the Peace, and a Warrant of distress or of commitment shall be granted thereon by some other Justice of the Peace *bonâ fide* and without collusion, no Action shall be brought against the Justice who so granted such Warrant by reason of any defect in such Conviction or Order, or for any want of jurisdiction in the Justice or Justices who made the same, but the Action (if any) shall be brought against the Justice or Justices who made such Conviction or Order.

If one Justice make a conviction, &c. and another grant a Warrant, action must be against the former.

IV. And whereas it would conduce to the advancement of justice, and render more effective and certain the performance of the duties of Justices, and give them protection in the performance of the same, if some simple means, not attended with much expense, were devised by which the legality of any act to be done by such Justice might be considered and adjudged by a Court of competent jurisdiction, and such Justice enabled and directed to perform it without risk of any Action or other proceeding being brought or had against him : Be it therefore enacted, That in all cases where a Justice or Justices of the Peace shall refuse to do any act relating to the duties of his or their Office as such Justice or Justices, it shall be lawful for the party requiring such act to be done to apply to either of the Superior Courts of Common Law in Upper Canada, or to the Judge of the County Court of the County or United Counties in which such Justice or Justices may reside, upon an affidavit of the facts, for a rule calling upon such Justice or Justices, and also the party to be affected by such act, to show cause why such act should not be done ; and if after due service of such rule good cause shall not be shown against it, the said Court may make the same absolute, with or without or upon payment of costs, as to them shall seem meet ; and the said Justice or Justices upon being served with such rule absolute shall obey the same, and shall do the act required ; and no action or proceeding whatsoever shall be commenced or prosecuted against such Justice or Justices, for having obeyed such rule and done such act so thereby required as aforesaid.

If a Justice refuse to do any act, either of the Superior Courts of Common Law or a County, Judge may order him to do it. and no action shall then lie against him for doing it.