

No. 217.

2nd Session, 3rd Parliament, 12 Victoria, 1849.

BILL.

An Act to amend an Act passed in the sixth year of Her Majesty's Reign, intituled, "*An Act for the qualification of Justices of the Peace.*"

Received and read a first time Monday, 2nd April, 1849.

Second reading Monday, 9th April, 1849.

M . CAUCHON.

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BILL.

An Act to amend the Act for the qualification of Justices of the Peace.

WHEREAS experience has shown that the Act Preamble.
passed in the sixth year of Her Majesty's Reign,
intituled; "*An Act for the qualification of Justices of the* 6 Vict. c. 3, cited.
"*Peace,*" is not adequate for the purposes intended, and
5 that persons not duly qualified according to the true intent and meaning of the said Act, have performed the duties of Justices of the Peace, and it is therefore expedient to amend the same: Be it therefore enacted, &c.

And it is hereby enacted by the authority of the same, Qualification of Justices of the Peace defined.
10 that from and after the passing of this Act, no person shall be a Justice of the Peace, or act as such within any District of this Province, who shall not have in his actual possession, to and for his own proper use and benefit, a real estate either in free and common soccage or *en fief*,
15 or in *roture*, or *en franc aleu*, in absolute property, lying and being in this Province, of or above the value of three hundred pounds currency, over and above what will satisfy and discharge all incumbrances affecting the same, and over and above all rents and charges payable out of
20 or affecting the same; anything contained in the third section of the aforesaid Act passed in the sixth year of Her Majesty's Reign, to the contrary notwithstanding, nor until he shall have taken and subscribed the oath
25 said, according to the true intent and meaning of this Act. Oath to be taken.

II. And be it enacted, That from and after the passing Certain sections of 6, Vict. c. 3, repealed.
of this Act, the sixth, seventh, eighth and fifteenth sections of the aforesaid Act passed in the sixth year of Her
30 Majesty's Reign, shall be and they are hereby repealed.

III. And be it enacted, That no person shall be a Justice of the Peace or act as such, who after having qualified according to the true intent and meaning of this Act, shall have become a Bankrupt or shall have entered into
35 any composition with his creditors, under the penalty contained in the fifth section of the said Act, to be sued for, recovered and applied in the manner and form mentioned in the fifth section of the said Act. Bankruptcy or insolvency to disqualify.

IV. And be it enacted, That the provisions of this Act Act not to apply to certain persons.
40 shall not extend to any Member of Her Majesty's Executive Council or of the Legislative Council of this Province,

during such time as he may be a member of either of the said Councils, nor to any Judges of Her Majesty's Court of Queen's Bench, or any of the District or Circuit Judges, or to Her Majesty's Solicitor General.

Inconsistent enactments repealed.

V. And be it enacted, That anything contained in any Act or Acts, or part or parts of any Act or Acts now in force, contrary to the intent and meaning of the present Act, shall be void and of no avail. 5

Mode of enforcing payment of penalties.

VI. And be it enacted, That all penalties imposed by the said Act passed in the sixth year of Her Majesty's Reign, as well as those imposed by this Act, shall upon conviction of any party be paid forthwith or within such reasonable time as the Court before which the party shall be convicted may determine, and on default of payment at the time specified, the party convicted shall be imprisoned in the Common Gaol of the District for a term not exceeding 15 months.