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[No. 166.]

4th Session, 8th Parliament, 29 Victoria, 1865.

B I L L .

**An Act in reference to the qualification
of Justices of the Peace.**

Received and read first time, Wednesday, 23rd
August, 1865.

Second reading, Thursday, 24th August, 1865

Hon. Mr. Sol. Gen. COCKBURN.

Printed by G. E. Desbarats.

An Act in reference to the qualification of Justices of the Peace.

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 to indemnify such Justices from and against all forfeitures, penalties, and proceedings in respect thereof: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, 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 Justices intends to act, 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 intends 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

Preamble.

Con. Stat. Can. cap. 110.

Before whom the oath of qualification by Justices of the Peace may be taken.

Such oaths heretofore taken before certain officers, &c., declared to be good and valid in law.

or information or other proceeding at law or in equity shall be brought under the aforesaid Act against any Justice of the Peace for having acted as such 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 : 5
 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 on which such civil action, information or other proceedings at Law or in Equity, judgments or execution has not been actually satisfied, the same shall be stayed absolutely without costs, in favour of the plaintiff or informer or his attorney as against the defendant : and no further proceedings of any kind shall be hereafter had therein. 10 15

County Judges
 to be *ex officio*
 Justices of the
 Peace.

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. 20

Interpretation
 Act to apply.

4. The Interpretation Act shall apply to this Act.