

Laws of Her Majesty's Province of United Canada, passed in the year 1846. Montreal:
Stewart Derbishire & George Desbarats, 1846.

9 Victoria – Chapter 41

An Act to provide for the appointment of Magistrates for the more remote parts of this Province. 9th June, 1846.

Whereas the condition and circumstances of this Province require that provision should be made for the appointment of Magistrates, to act and have jurisdiction in the more remote parts of this Province, and particularly in the Territories bordering upon and adjacent to Lakes Superior and Huron, and it is expedient to exempt such Magistrates from the necessity of possessing the qualification now required by law to be possessed by Magistrates residing within the regularly established Districts of this Province: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act it shall and may be lawful for the Governor or Administrator of the Government of this Province, for the time being, by and with the advice and consent of the Executive Council thereof, from time to time, and at all times hereafter, to name and appoint such and so many fit and proper persons as may be deemed expedient to be and act as Justices of the Peace within, and whose jurisdiction as such Justices of the Peace shall extend over, such part or parts of the said Province, not being within the constituted limits of any District of this Province, as the said Governor may by Proclamation define and declare; and it shall not be necessary for such Justices of the Peace to be stated residents, or possess any property qualification within the part or parts of the said Province for which they may be appointed, and over which their jurisdiction may extend, nor elsewhere, any thing in a certain Act of the Parliament of this Province, passed in the sixth year of Her Majesty's Reign, intituled, *An Act for the qualification of Justices of the Peace, or in any other Act or Law in force in this Province, or any part thereof, to the contrary notwithstanding.*

II. And be it enacted, That the Justices of the Peace to be appointed under this Act, shall and may have, hold and exercise all and every the powers and authority, and be subject in all respects (excepting as to any matters or things incident to the residence or property qualification, required in cases not within the meaning of this Act) to the requirements of the Laws in force in this Province, regarding the office of Justices of the Peace, in so far as the same may be applicable to the persons to be appointed under this Act, and not inconsistent with the removal of the restrictions hereby intended.

III. And be it enacted, That whenever, in the exercise of the powers and authority aforesaid, it shall be lawful for any Justice of the Peace, to be appointed under this Act, to cause any person or persons to be committed to prison, such Justice may cause such person or persons to be committed to that Common Gaol in this Province to which such Justice shall be nearest at the time

when he shall have occasion to order such commitment, and it shall be lawful for the Keeper of any such Common Gaol to receive such person or persons, and him, her or them safely to keep and detain in such Common Gaol under his custody, until discharged in due course of law, or bailed, in cases in which bail may by law be taken.

IV. And be it enacted, That, in all cases in which, under the requirements aforesaid, an Appeal shall or may lie to a Court of General Quarter Sessions of the Peace, such Appeal shall lie to and shall and may be brought before and heard and determined by that Court of General Quarter Sessions of the Peace, which shall hold its sittings nearest to the place at which the decision, sentence, order or judgment, to be appealed from, shall have been made, rendered, given or pronounced, and shall and may be claimed, and allowed, used, exercised and enjoyed, at any time within six calendar months from and after the day of the date thereof; any law, usage or custom to the contrary thereof in any wise notwithstanding: Provided always, that nothing herein contained shall extend or be construed to extend to appeals from sentences, decisions, orders or judgments, made, rendered, given or pronounced by any Justice of the Peace in this Province, appointed or to be appointed otherwise than under the provisions of this Act.

V. And be it enacted, That this Act shall be held and taken to be a Public Act, and shall be judicially taken notice of without being specially pleaded.