



CHAPTER 58

An Act to amend the Magistrate's Privilege Act

[Assented to, the 15th of March, 1928]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The Magistrate's Privilege Act (Revised Statutes, R. S., c. 146, 1925, chapter 146) is amended by adding thereto, after ss. 8 and 9, section 7 thereof, the following sections:

"S. 1. Before bringing an action or instituting proceedings in damages against any justice of the peace by reason of any act committed by him in the execution of his duties, and before presenting a petition to obtain a writ of *certiorari* or prohibition, the plaintiff must deposit in the office of the court a sum of fifty dollars to guarantee the costs which may result from such proceedings.

The provisions of articles 177 and following of the Code of Civil Procedure shall apply, *mutatis mutandis*, in the event of the plaintiff not conforming to this provision.

2. During the suit, on motion of the defendant, the judge or court may order the plaintiff to produce an additional deposit whereof he shall fix the amount. The suit is then suspended until the additional deposit ordered by the judge or court is effected.

"9. No costs shall be adjudicated against any justice of the peace in any suit on a writ of *certiorari* or prohibition unless, on proof of the bad faith of the justice of the peace, the court otherwise orders."

2. This act shall not affect pending cases and shall not apply to recorders nor to persons having the powers of two justices of the peace.

3. This act shall come into force on the day of its sanction.