

in case of denial or neglect of payment of any such Rate or Dues, or any part thereof, on demand, to the person or persons appointed to receive the same as aforesaid, the said Commissioners of the Lachine Canal may sue for and recover the same in any Court having competent jurisdiction, or the person or persons to whom the said Rates or Dues ought to be paid, may, and he is, and they are hereby empowered to seize and detain any Boat, Vessel, Barge or Raft, for or in respect whereof such Rates or Dues ought to be paid, and detain the same until payment thereof.

C A P. XVII.

AN Act to provide more effectual means than heretofore have been, to compel, in the proper Jurisdiction, the appearance of Defendants residing in different Districts, who ought to be joined in the same Cause.

(9th March, 1824.)

Preamble.

Manner in which
Plaintiffs are to
proceed in cases
where defendants
reside in different
Districts.

WHEREAS serious delays and inconveniences are oftentimes experienced by Suitors in His Majesty's Courts of Law in this Province, in cases where several persons who ought to be joined as Defendants in the same cause, reside in different Districts, so that process cannot be legally served upon them in such manner as to compel the appearance of all of them, in the jurisdiction wherein the cause or action may be legally instituted;— Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, " An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, " *An Act for making more effectual provision for the Government of the Province of Quebec in North-America,*" " and to make further provision for the Government of the said Province,"— And it is hereby enacted by the authority of the same, that when and as often as the persons who ought to be joined in the same Action as Defendants, reside in different Districts, then and in such case it shall be lawful for the Plaintiff and at his choice to prosecute the said action:—First, in matters real in the jurisdiction wherein the object of the suit is situated:—Secondly, in matters of a mixed nature, in the jurisdiction wherein the object in litigation is situated or in the jurisdiction wherein the Defendants or any of them may reside :

reside:—and Thirdly, if in matters of succession or descent, that is to say:—First, in Cases or *Demandes* between Co-heirs to division or *Partage*, inclusively:—Second, in cases of *Demandes* instituted by Creditors of the deceased, previous to *Partage*:—Third, in Cases or *Demandes* relative to the execution of testamentary dispositions and demands, in *délivrance de légs*, until final judgement, in the jurisdiction wherein the succession shall be opened.

Court empowered to issue Writs to the Sheriffs of the several Districts where the defendants reside, to have the same effect as if service had been served on them within the jurisdiction of the Court where the action was instituted.

II. And be it further enacted by the authority aforesaid, that in any of the aforesaid cases, the Court in which the action shall or ought to be instituted, may issue a Writ or Writs addressed to the Sheriff or Sheriffs of the several Districts in this Province, where the several Defendants may respectively reside, which Writ or Writs being first indorsed by the signature of any of His Majesty's Judges for the District where the Defendant or Defendants may reside, and a copy thereof served upon such Defendant or Defendants, shall have the same force and effect as if the service had been made upon him or them, within the jurisdiction of the Court where the action may have been instituted.

CAP. XVIII.

An Act to amend certain parts of an Act passed in the forty-first year of the Reign of his late Majesty George the Third, Chapter Seventeenth, which directs the Circuit Courts to be held in the School Houses erected under the said Act.

(9th March, 1824.)

Preamble.

WHEREAS it is expedient to amend certain parts of an Act passed in the forty-first year of the Reign of His late Majesty George the Third, intituled, "An Act for the establishment of Free Schools and the advancement of "Learning in this Province," wherein it is enacted that the School Houses erected by virtue of the said Act, shall and may be appropriated to the Sittings of the Circuit Courts or any other of His Majesty's Courts which may be held in any Parish in which such School House is erected;"—Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual "provision for the Government of the Province of Quebec, in North-America;" "and to make further provision for the Government of the said Province;"

And