

The Provincial Statutes of Lower-Canada, Being the fourth session of the eleventh Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1824.

4 George IV – Chapter 17

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.)

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:—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 legs, until final judgement, in the jurisdiction wherein the succession shall be opened.

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 Defendant 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.