

The Provincial Statutes of Lower-Canada, Being the second session of the fourteenth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1832.

2 William IV – Chapter 8

An Act to make better provision with regard to Appeals from the Provincial Court of the Inferior District of Saint Francis, to establish Circuits therein, and to extend the benefits of Trial by Jury to the said Inferior District. (25th February, 1832.)

Whereas it would be greatly to the advantage of Suitors in the Provincial Court of the Inferior District of Saint Francis [Saint-François], that Appeals from the judgments of the said Court should lie to the Court of King's Bench holden in the said Inferior District, and not to the Courts of King's Bench, at Montreal and Three Rivers [Trois-Rivières], as heretofore it hath been practised;—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 Québec 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 in every case wherein by Law an Appeal from the judgments of the said Provincial Court can be brought such Appeal shall be to the Court of King's Bench holden in the said Inferior District to which last named Court, and to no other, the record in the cause shall be transmitted; and every enactment and provision relative to Appeal from the said Provincial Court contained in the Laws now in force and not contradictory to the tenor of this Act shall extend and apply to all Appeals from the judgment of the said Provincial Court to the Court of King's Bench in the said Inferior District. Provided always, that the Courts of King's Bench for the Districts of Montreal and Three-Rivers, respectively, shall, with regard to every Appeal from a judgment of the said Provincial Court rendered before the passing of this Act, proceed in all respects as if the same had never been passed.

II. And whereas it is expedient that Circuits of the Provincial Court of the said Inferior District should be held at the times and places hereinafter-mentioned, be it therefore enacted by the authority aforesaid, that there shall be held in each and every year by the Judge of the Provincial Court of the said Inferior District of Saint Francis, a Circuit Court at the times and places hereinafter-mentioned, to hear and determine all Civil Suits and Actions within the competency of the said Provincial Court, that is to say: at Stanstead Plain from the fourth to the eighth day of the month of January, and from the fourth to the eighth day of the month of July, both days inclusive; at Eaton Corner from the twelfth to the sixteenth day of the month of January, and from the twelfth to the sixteenth day of the month of July, both days inclusive. At Richmond, in the Township of Shipton, from the tenth to the fourteenth day of the month of February, and from the twentieth to the twenty-

fourth day of the month of July, both days inclusive; Provided always, that if any Suit or Action brought in such Circuit Courts shall relate to any fee of office, duty, rent, revenue, or any sum or sums of money payable to His Majesty, titles to lands or tenements, annual rents, or such like matters and things wherein the rights in future may be bound, the Defendant or Defendants shall have the same right to form an exception to the jurisdiction of the said Circuit Court, and to require a removal of the suit or action into the Court of King's Bench for the said Inferior District in the manner and under the conditions in and under which such suit or action might have been so removed out of the Provincial Court for the said Inferior District; and as often as it shall happen that the Judge at such Circuit Court shall be legally recused, such recusation shall be tried and determined as if it had been made against the said Judge while sitting in the said Provincial Court.

III. And whereas it is expedient that the benefit of the Trial by Jury in Civil Cases as established by the Laws of this Province, should be extended to the Inhabitants of the said Inferior District, be it therefore enacted by the authority aforesaid, that in every suit or action brought in the Court of King's Bench, held in the said Inferior District of Saint Francis, in which a Trial by Jury might be had, if such suit or action were brought in the Court of King's Bench for the District of Québec, Montreal, or Three-Rivers, it shall be lawful for either of the parties to such suit or action to have and obtain the trial and verdict of a Jury, and all the provisions and enactments of the several Ordinances and Statutes in force in this Province at the time of the passing of this Act or at any time thereafter, with regard to Juries and to Trials by Jury in Civil Cases, generally, and to the manner in which the Lists of Jurors shall be made, and in which Juries shall be struck, impanelled and summoned, or with regard to the verdicts of such Juries and to the consequences thereof, in the Courts of King's Bench for the Districts of Québec, Montreal and Three Rivers, shall be and are hereby extended to the Court of King's Bench held in the said Inferior District of Saint Francis. Provided always, that the Sheriff of the said Inferior District of Saint Francis, shall also comprise in the Lists of Jurors directed to be made as aforesaid, the names of all such persons residing within seven leagues of the Court House in the Village of Sherbrooke, as shall be proprietors of a freehold of the annual value of ten pounds, sterling.

IV. And whereas it may happen that by reason of the passing of any Act of the Provincial Legislature, whereby the several Courts of King's Bench in the Districts of Québec, Montreal, and Three Rivers, may be abolished, doubts may arise with respect to the Judges by whom the Court of King's Bench for the Inferior District is to be held; for remedy thereof, be it further enacted by the authority aforesaid, that the said Court shall in such case be held by one of the resident Judges of the Superior Court of Civil Jurisdiction for the District of Québec, or for the District of Montreal, the resident Judge of the Superior Court of Civil Jurisdiction for the District of Three Rivers, and the Provincial Judge of the said Inferior District of Saint Francis, and being so holden, as shall also the several Judges thereof, be invested with all the powers and authorities conferred on and subject to all the provisions provided with respect to the said Court, and the several Judges thereof by the Act passed in the tenth and eleventh years of His late Majesty's Reign, intituled, "An Act to continue further for a limited time a certain Act passed in the third year of His Majesty's Reign,

intituled, 'An Act to erect certain Townships therein-mentioned into an Inferior District to be called the Inferior District of Saint Francis, and to establish Courts of Judicature therein,' and to make further provision for the due administration of Justice in the said Inferior District," anything in the said Act to the contrary notwithstanding; Provided always, that if at any time it shall happen that by reason of the passing of any Act of the Provincial Legislature, the Provincial Court of Appeals existing, in this Province previous to the passing of such Act shall be abolished, and that a Court of Appeals to be held in the Town of Three Rivers, under the name of the Supreme Court, or under any other name shall be established and invested with the powers theretofore vested in the said Provincial Court of Appeals, then in every case wherein by the Laws in force before the passing of such Act an Appeal might have been held and brought from the judgment of the said Court of King's Bench, for the said Inferior District to the said Provincial Court of Appeals, an Appeal shall lie from such judgment of the said Court of King's Bench to the Court of Appeal or Supreme Court so to be held at the Town of Three Rivers, subject to the provisions of such Act, with regard to Appeals to be brought into such Court of Appeal from the Superior Courts of Civil Jurisdiction in the several Districts of the Province.

V. And be it further enacted by the authority aforesaid, that this Act shall be and remain in force until the expiration of the Act herein last above cited, and no longer.