

Act 5 Geo. 4,
cap. 10, con-
tinued.

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 Que-*
" *bec 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 the said Act passed in the fifth year of His Majesty's Reign, intituled, " An
" Act still further to continue, for a limited time, certain Acts therein-men-
" tioned, relating to Houses of Correction in the several Districts of this Pro-
" vince," and every clause, provision, power, authority, direction, regulation,
matter and thing therein-contained, shall be and the same is hereby revived, and
shall be and remain in full force and authority, in as full and ample manner
to all intents and purposes, as if the same were repeated and re-enacted in the
body of this Act, until the first day of May one thousand eight hundred and
thirty-two, and no longer.

Houses of
Correction to
be under the
management
of the Sheriff of
each District.

II. And be it further enacted by the authority aforesaid, that from and after
the passing of this Act, and during the continuation of the same, the said Houses
of Correction shall be respectively under the sole care, superintendance and ma-
nagement of the Sheriff of the District in which such Houses of Correction are
respectively situated, so long as the said Houses of Correction shall be within
the same Buildings in which the Gaols at present are.

C A P. V.

AN ACT to provide for the appointment of *Commissaires Enquêteurs* for
the District of Montreal, and other purposes relating to the Administra-
tion of Justice in the said District.

(14th March, 1829.)

Preamble.

WHEREAS it is necessary to facilitate the administration of Justice in the
District of Montreal, in consequence of the vast number of causes by
which the Court of King's Bench for the District is overburdened in the Su-
perior Terms thereof; Be it therefore enacted by the King's Most Excellent
Majesty, by and with the advice and consent of the Legislative Council and As-
sembly 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 pro-*
" *vision for the Government of the Province of Quebec, in North America,*" and
to:

Governor
impowered to
appoint Com-
missioners for
receiving evi-
dence at Mon-
treal.

to make further provision for the Government of the said Province ;” and it is hereby enacted by the authority of the same, that immediately after the passing of this Act, it shall be lawful for His Excellency the Governor of this Province, or the person administering the Government thereof, to appoint by commission under his Sign Manual, two Commissioners for receiving evidence, (*Commissaires Enquêteurs*,) who shall sit for that purpose in the City of Montreal during the continuance of this Act, and to whom or to one of whom may be referred the *Enquêtes* to be taken in the causes pending in the Superior Terms of the Court of King’s Bench for the District of Montreal, in the manner hereinafter set forth.

Justices of
the King’s
Bench to or-
der the *En-
quêtes* to be
delivered to
the Commis-
sioners ap-
pointed under
this Act.

II. And be it further enacted by the authority aforesaid, that when and so soon as such Commissioners shall have been appointed, it shall be lawful for the Justices of the Court of King’s Bench for the said District, to cause the records in any cause wherein the *Enquêtes* shall have been or in any cause wherein the *Enquête* may be hereafter ordered during the continuance of this Act to be delivered to such Commissioners or to either of them to assign one or more rooms in the Court House as the place or places wherein such *Enquête* may be taken to fix the number of the clerks or writers to be provided for the said Commissioners by the Prothonotaries of the said Court, according to the exigence of the case, and from time to time to make such other regulations as they shall deem necessary to produce despatch in the taking of such *Enquêtes*, and to promote in this respect the due administration of Justice in such cases as are not already provided for by law, to which regulations the said Commissioners shall conform.

Commission-
ers impowered
to administer
Oaths to Wit-
nesses.

III. And be it further enacted by the authority aforesaid that the said Commissioners for receiving evidence, *Commissaires Enquêteurs*, shall administer, and they are hereby authorised to administer the necessary oaths to the witnesses who shall be called by the parties for the purpose of being examined before the said Commissioners, and such oath shall be considered in all respects, as if it had been taken before a Court of Law.

Commission-
ers not capa-
ble of exerci-
sing judicial
power, but to
refer validity
of objection to
the decision of
the Justices of
the Court of
King’s Bench.

IV. And be it further enacted by the authority aforesaid, that the said Commissioners shall not be capable of exercising any judicial power, and in all cases wherein objection shall be taken by any of the parties litigant to the hearing of any witness, or to the legality or the admissibility of any question proposed to such witness, or to any answer by him or her made, it shall be the duty of such Commissioners to refer the validity of such objection to the decision of the Justices of the Court of King’s Bench, or of any one of them, and the said Justice or Justices is and are hereby authorised to decide upon such objection out of the ordinary terms of the said Court of King’s Bench, any law to the contrary notwithstanding ; and his or their decision in such case shall have the same effect

as

as if it has been given during any superior Term of the said Court of King's Bench.

Not to prevent parties to the causes where objections are made from proceeding to the hearing of witnesses.

V. Provided always, and it is further enacted by the authority aforesaid, that nothing herein-contained, shall prevent the parties to the cause in all cases where such objections shall have been made, from proceeding to the hearing of the witnesses to whom no objection shall have been made or from proceeding with their *Enquête* reserving their rights of objecting as above-mentioned, unless all the parties shall consent that such *Enquête* be suspended, otherwise it shall be the duty of the said Commissioners to proceed further in such *Enquête* upon the requisition of any one of the parties.

When the Commissioners are to close the *Enquêtes*.

VI. And be it further enacted by the authority aforesaid, that it shall be the duty of the said Commissioners, as soon as the parties litigant shall have declared that they intend to call no further witness, or being called upon to proceed with their evidence, they shall neglect to do so, to declare the *Enquête* closed, and to give a certificate to that effect in writing which shall be by them inserted and filed in the Record of the cause to which it may relate, and shall form part thereof, reserving to the said parties, or to any one of them, the rights of moving in the said Court during the ordinary Terms thereof, that permission be given them to proceed further in their *Enquête*, or to cause other witnesses to be heard if such motion be well founded.

Justices of the Court of King's Bench, may preside at the *Enquêtes*.

VII. And be it further enacted by the authority aforesaid, that nothing herein-contained shall prevent the Justices of the said Court of King's Bench from presiding at such *Enquêtes*, if they think it right, or from ordering that such *Enquêtes* shall be taken before them on such days as they shall appoint for that purpose in the manner in which *Enquêtes* were taken before the passing of this Act.

The Justices of the Court of King's Bench to try the issue of Fact in the vacation.

VIII. And be it further enacted by the authority aforesaid, that the Justices of the Court of King's Bench sitting in the said District, or any one of them shall from the time of the passing of this Act, and during the continuance thereof, be and they are hereby authorised in all cases of Trial by Jury in civil cases to try the issue of Fact, and to receive the verdicts of Juries in the vacation between each of the superior Terms of the Court of King's Bench on such days as they shall have appointed for that purpose in their ordinary sittings during the Terms of the said Court, any law to the contrary notwithstanding.

£400 granted for the purposes of this Act.

IX. And be it further enacted by the authority aforesaid, that it shall and may be lawful to the Governor, Lieutenant Governor or person administering the Government of the Province for the time being, by Warrant or Warrants under his hand addressed to the Receiver General of this Province, to advance half yearly to the said Commissioners for receiving evidence, (*Commissaires*

saires Enquêteurs) respectively, reckoning from the time of the passing of this Act and during the continuance thereof, a sum not exceeding in the whole four hundred pounds currency, per annum to each of them, and that the due application of the said monies, according to the provisions of this Act, shall be accounted for to His Majesty, His heirs and successors through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His heirs and successors shall direct.

Application of the money to be accounted for to His Majesty.

Continuance of this Act.

X. And be it further enacted by the authority aforesaid, that this Act shall be in force during one year from the time of the passing thereof, and no longer.

C A P. VI.

AN ACT for making certain Regulations respecting the office of Sheriff.

(14th March, 1829.)

Preamble.

WHEREAS the duties and liabilities of Sheriffs and of Coroners in civil matters are not sufficiently defined, and it would be conducive to greater confidence in the administration of Justice, if the duties and responsibilities of those important offices were defined and regulated by law: 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 from and after the first day of September next, no person shall do or execute any of the duties of the office of Sheriff or Coroner in civil matters, until he shall have first entered into a Bond to His Majesty, His Heirs and Successors for the due execution thereof, to the amount and in the manner hereinafter enacted and required.

After 1st September next, no person to be appointed Sheriff or Coroner unless they enter into a Bond to His Majesty for the due execution of their offices.

The amount of security required.

II. And be it further enacted by the authority aforesaid, that the security required by this Act shall be given in the following sums, that is to say, by the Sheriff of the District of Quebec in a sum of four thousand pounds currency; by the Sheriff of the District of Montreal in a sum of six thousand pounds, currency; by the Sheriff of the District of Three-Rivers in a sum of two thousand pounds,