saires Enquéteurs) 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 Application the said monics, according to the provisions of this Act, shall be accounted for of the money to His Majesty, His heirs and successors through the Lords Commissioners of His to be account to His Majesty, Weight ed for to His Majesty's Treasury for the time being, in such manner and form as His Majesty, His heirs and successors shall direct.

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. of this Act.

CAP. VI.

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

(14th March, 1829.)

Preamble.

HEREAS the duties and liabilities of Sheriffs and of Coroners in civil matters are not sufficiently defend 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 re-" peal 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 Govern-After 1st "ment of the Province of Quebec, in North America," and to make further pronent to be appeared vision for the Government of the said Province." And it is hereby enacted pointed Sheriff by the authority of the same, that from and after the first day of September or coroner on-tess they enter next, no person shall do or execute any of the duties of the office of Sheriff or into a Bond to Coroner in civil matters, until he shall have first entered into a Bond to His His Majesty for the die exe- Majesty, His Heirs and Successors for the due execution thereof, to the amount and in the manner hereinafter enacted and required.

The amount of security required.

offices.

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,

pounds, currency; by the Sheriff of the Inferior District of Gaspé in a sum of one thousand pounds, currency; and by the Sheriff of the Inferior District of Saint Francis, in a sum of one thousand pounds, currency; by the Coroner of the District of Quebec, in the sum of three hundred and fifty pounds, currency; by the Coroner of the District of Montreal, in a sum of three hundred and fifty pounds, currency; by the Coroner of the District of Three-Rivers, in a sum of one hundred pounds, currency; by the Coroner of the Inferior District of Gaspé, in a sum of fifty pounds, currency; and by the Coroner of the Inferior District of Saint Francis, in a sum of fifty pounds, currency; and every such Bond or Security shall be to our Lord the King, His Heirs and Successors, and the condition shall be, that the Sheriff or Coroner giving such security shall well and truly demean himself in the execution of all and every the duties of his office in civil matters, and shall duly pay over all monies to be levied or received by him as Sheriff or Coroner, as the case may be, to all and every the persons lawfully entitled to receive the same; and such Bond or Security shall avail to the King, and all persons whomsoever, who shall or may be aggrieved by any breach of the condition aforesaid or any part thereof.

Bond to be made double.

III. And be it further enacted by the authority aforesaid, that every Bond, Act of cautionnement or Suretyship, which shall be made or executed by virtue of this Act shall be made double, and shall be taken and received by the Secretary of this Province, and one duplicate thereof shall be transmitted to and recorded in the office of the Prothonotary, or Clerk of the Court of King's Bench or Provincial Court of the District for which such Sheriff or Coroner shall have been appointed, and the other duplicate shall remain in the Secretary's Office of this Province among the Public Records thereof, and every person shall be entitled to have communication and copy of any such Act, either at such Protho. notary's Office, or at the Office of the Secretary of this Province, upon payment of one shilling currency, for every communication, and five shillings currency for every copy.

Before Bond

IV. And be it further enacted by the authority aforesaid, that before the motive to be taking or receiving of the Bond, Suretyship or cautionnement required by this given to the Act, notice in writing shall be duly given to His Majesty's Attorney General, or neral or in his absence to the Solicitor General three days at least before the time of giv-Solicitor Ge- ing such Bond or Suretyship, and one additional day for each and every ten leagues distance between the place of residence of the Attorney or Solicitor General, as the case may be, and the place where such Bond or Suretyship shall be intended

intended to be given, specifying the day, hour and particular place of giving such Bond or Suretyship, and the names, additions and abode of the persons intending to become Sureties, and no such Bond or Suretyship shall be taken or received until after due proof upon oath shall have been made of the giving of such notice in writing; which proof of notice shall remain of record in the office of the Secretary of this Province, and communication thereof shall at all times be given gratis to any person applying for the same.

In cases of Province of the Sureties, new Securities,

V. And be it further enacted by the authority aforesaid, that in case any perthe death in-son or persons who shall have become surety or sureties for any sheriff or coroner solvency or removal from the under the requirements of this Act, shall afterwards die or become insolvent en déconfiture, or depart from this Province with the intent of establishing his domi-Sheriff's Co-cile elsewhere, the Sheriff or Coroner for whom any such person or persons had roners to give cile elsewhere, the Sheriff or Coroner for whom any such person or persons had become surety or sureties, shall within one calendar month give fresh security in the manner and to the amount herein-before required, and duplicates of the Act of every such new Suretyship shall be transmitted and deposited as herein-before enacted and required.

Persons performing the curities.

VI. And be it further enacted by the authority aforesaid, that every person Penalty on who shall presume to do or perform any duty belonging to the Office of Sheriff or Coroner in civil matters, without having first given security as required by this duty of Sher- Act, or who having given such security, shall refuse or neglect to renew the without hav-ing given Sc. same in any of the cases requiring such renewal, under the requirements of this Act, and shall continue to act as Sheriff or Coroner in civil matters after such refusal or neglect, shall be dismissed from the said office of Sheriff or Coroner, and shall forfeit and pay for the said offence a sum of five hundred pounds currency, to be recovered with costs of suit in any Court of King's Bench by action of debt, bill, plaint or information, one moiety of which penalty shall go to His Majesty, and the other moiety to any person or persons who shall sue for the same, within six months after the offence shall have been committed.

Cases in death, removal or Coroner.

VII. Provided always, and be it further enacted by the authority aforesaid, which after the that when any Sheriff or Coroner, as aforesaid, shall die, be removed from or reor resignation sign his office, and that within the space of eighteen months from and after such of any Sheriff death, removal or resignation, no misbehaviour shall appear to have been com-Their Sureties mitted by such Sheriff or Coroner, in the execution of his said office, then and in hall be exonerated; Susuch case, at the end of the said eighteen months, the Bond or Suretyship so enseties of fortered into by his said sureties, shall become void and of no effect as to such sumer Sheriffs or tered into by his said sureties, shall become void and of no effect as to such su-Coroners to re- reties, to all intents and purposes whatsoever, but such Sheriff or Coroner, his main bound for Monies levied and their Heirs, Executors, Administrators or Curators respectively, shall not by them or tatives upon

30

be exonerated if misbehaviour shall afterwards be discovered and established. their represent Provided nevertheless, that the sureties of every such former Sheriff or Coroner. Judgment ren. shall be and remain bound and liable by virtue of, and to the amount mentioned in the Act of Suretyship, for all monics levied by such former Sheriff or Coroner until the expiration of one entire year, after the date of the judgment by which such former Sheriff or Coroner, his heirs or legal representatives shall have been ordered to pay over the said monies to the person or persons who may have a right to receive the same.

Sheriffs and Coroners responsible for the Acts of their deputies.

VIII. And be it further enacted by the authority aforesaid, that every Sheriff or Coroner shall be, and he is hereby declared to be responsible to all persons for the acts of his deputies, bailliffs or other his servants acting under him, where such deputies, bailiffs, or other servants, are of the appointment of the Sheriff as aforesaid; and to this end be it further enacted by the authority aforesaid, that every Sheriff shall have the appointment of all Bailliffs, (huissiers) to be employed by him in the several districts of this Province; and further, that the several Sheriffs shall be and they are hereby empowered to appoint respectively a Deputy Sheriff, with all the powers and authorities which by his commission are vested in such Sheriff to act as such Deputy Sheriff, in case of the temporary absence or indisposition of the Sheriff, and whose acts and returns as such Deputy Sheriff shall be taken and received in all His Majesty's Courts of Law in this Province, and be as legal and valid to all intents and effects as the acts and returns of the Sheriff himself; and for all the acts of such Deputy Sheriff, such Sheriff so appointing him, shall be and he is hereby declared to be in like manner manner responsible.

Liabilities of Sheriffs and Coroners in certain cases

IX. And whereas by the Laws now in force, the Sheriffs in the several districts of this Province, and the Coroners in certain cases, are charged with the service and execution of Writs of Summons and Executions, and other Civil Process, which heretofore and of common right appertained to the office of Huissier, as also with the custody and keeping of goods and chattels under seizure, which was heretofore entrusted to Gardiens, and with the receipt, safe keeping and payment of monies proceeding from the sales of goods and chattels, lands and tenements under Writs of Execution, which was heretofore the Province of the Receveur de consignations : Be it therefore enacted by the authority aforesaid, that in the service and execution of Writs of Summons, of Execution and other Civil process, the custody and safe-keeping of goods and chattels under seizure, and the receipt, safe-keeping, and payment of all monies by them levied under any Writ or Writs of Execution, the several Sheriffs and Coroners in this Province, shall be liable to the same extent, and in the same cases as any Huissier-Gardien or Receveur de consignations would have been liable under the Laws of Canada,

C. 6.

Proviso.

Canada, previous to the year of our Lord one thousand seven hundred and fiftynine: Provided always, that when any Defendant or Defendants shall offer a good and sufficient Guardian or Guardians to the Sheriff or Coroner seizing the goods and chattels of such Defendant or Defendants, under any Writ of Fieri Facias, Arret Simple, or Revendication, such Sheriff or Coroner shall be bound to accept of such Guardian or Guardians, and shall not be deemed answerable for the acts of such Guardian or Guardians, provided he can establish that such Guardian or Guardians when accepted of by him were solvent, or reputed so to be, to the amount of the value of the articles over which he or they were appointed Guardian or Guardians as aforesaid.

Sheriffs and

X. And be it further enacted by the authority aforesaid, that the Sheriff and Coroners to the Coroner of each and every District in this Province, shall at all times herekeep duplicate
Books. after have and keep duplicate books or registers for the enrolling and recording after have and keep duplicate books or registers for the enrolling and recording of all Deeds or Acts of Sale which shall be made by them of any lands and tenements by virtue of their offices, which books or registers shall be authenticated on the first page thereof, by an attestation of the Prothonotary or Clerk of the Court of King's Bench or Provincial Court of the District, specifying the number of the pages of such books or registers, the purposes for which they are intended and the day and year of making such attestation, which shall be signed at full length by the Prothonotary or Clerk making the same, also on every subsequent page by the number thereof, written in words at full length, and subscribed with the initial letters of the usual signature of the Prothonotary or Clerk: and the Sheriff and Coroner of each and every District shall respectively from day to day enroll, and enter in each of the said books or registers, without any blank or interval, all and every the Deeds or Acts of Sale which shall be made by them of any lands and tenements by virtue of their offices, together with an alphabetical Index to the same, until the said books or registers shall be filled, and shall immediately afterwards deposit one duplicate thereof in the office of the Prothonotary or Clerk of the Court of King's Bench or Clerk of the Provincial Court of the District, for which he shall be Sheriff or Coroner, there to remain of record in the archives of the District, and shall keep the other duplicate and all copies from such books or registers, certified by the Sheriff or Coroner, Prothonotary or Clerk having the custody thereof, shall be considered as authentic in all and every the courts of justice in this Province, and every Prothonotary, Clerk, Sheriff or Coroner having the custody of any such books, register or registers, shall be entitled to have and receive for each and every copy thereof, not exceeding two hundred words, a sum of five shillings currency; and if such copy shall exceed: two hundred words then at the rate of six pence currency for every additional hundred words whereof the same shall consist and no more. XI.

Sheriffs and Coroner, allowed a certain sum of money for keeping the same.

XI. And whereas the keeping of double registers of Deeds of Sale, Statements of Account at each and every term of Civil Jurisdiction, and other additional duties required by this Act will materially encrease the official labor of the Shcriffs of Quebec and Montreal respectively; Be it therefore enacted by the authority aforesaid, that there shall be allowed to each of the said Sheriffs respectively, from and after the passing of this Act, a sum of Five Pounds per annum, as a compensation for such additional duties.

To every re-

XII. And be it further enacted by the authority aforesaid, that to every return of seizure turn of a seizure of any goods and chattels or lands and tenements, the Process Sheriff to an Verbal of seizure shall be annexed, and shall contain an accurate and detailed innex Process ventory of the goods and chattels, and a legal description of the lands and tenements which shall have been seized.

XIII. And be it further enacted by the authority aforcsaid, that every person who shall have been, or shall have acted as Sheriff or Coroner for any district, Any person and the heirs, executors, curators and other legal representatives of any such that may have person, shall be, and they are hereby enjoined and commanded forthwith to deacted as Sie. person, shall be, and they are hereby enjoined and commanded forthwith to deriff or Coroner liver and surrender unto the Sheriff of the same district, all deeds or acts of sale liver all deeds of lands and tenements which shall have been made by such person as Sheriff or or acts of sale Coroner, or transmitted to him by his predecessor in office, and all Writs, pubor Coroner. lic books, registers and papers appertaining to the office of Sheriff or of Coroner, as the case may be, in matters of a civil nature, which are or shall be in his or their possession, custody or power, judgments of distribution, receipts and vouchers for the payment of money and other legal acquittances and discharges, and rules for the discharge of prisoners always excepted, together with a list or inventory of such deeds or acts, Writs, books, registers and other papers, duly attested upon oath, by the person or persons delivering the same, and every person having been or having acted as Sheriff or Coroner, and every heir, executor, curator, or other legal representative of such late Sheriff or Coroner, who shall refuse or wilfully neglect to deliver and surrender all such deeds or acts of sale, writs, books, registers and other papers, with such list or inventory thereof, according to the true intent and meaning of this Act, and shall be thereof lawfully convicted, shall forfeit and pay the sum of five hundred pounds currency, one moiety of which shall go to His Majesty, His heirs and successors, and the other moiety to the person or persons that shall sue for the same, by civil action, in any Court of Record, having jurisdiction in such matters.

Sheriffs &c. become purchaser.

C. 6.

XIV. And be it further enacted by the authority aforesaid, that no Sheriff, at sales not Deputy Sheriff, Coroner, Bailiff or other officer employed by any Sheriff or Coroner at the sale or adjudication of any moveables or effects, lands or other real property, shall directly or indirectly become the purchaser (adjudicataire) of any moveables, effects, lands or other real property, by him sold, under pain of nullity of such adjudication, and of all costs, damages and interests towards the parties.

XV. And be it further enacted by the authority aforesaid, that all Sheriffs Sheriffs to shall have the custody and keeping of all gaols within their respective districts, tody of gaols, and shall appoint the gaolers or keepers of such gaols, for whose acts and the conduct of such gaolers the said Sheriff shall be liable.

make Rules for the interior

XVI. And be it further enacted by the authority aforesaid, that the several Sheriffs having the custody of gaols in this Province, shall, from time to time, Police of the make general rules and regulations, and shall submit the same for revision and approval, to the Courts of King's Bench, for the districts of Quebec, Montreal and Three-Rivers respectively, if in term, or to any two or more of the Judges of the said Courts respectively in vacation, and to the Judges of the Provincial Courts in the Inferior Districts of Gaspé and Saint Francis respectively, whether in term or vacation, as the case may be, for the interior order and police of the gaols, situate within their respective districts or inferior districts, and for regulating the conduct of gaolers and other officers and ministers of justice in the keeping and governing of gaols, and also for the safe custody, due care and sufficient protection of all prisoners for debt therein being; and all gaolers and other officers and ministers of justice, concerned in the keeping and government of gaols within the said districts or inferior districts, severally and respectively. shall observe the said rules and regulations.

capes from neglect.

XVII. And be it further enacted by the authority aforesaid, that the several liable in ca-Sheriffs and Coroners in this Province, shall be liable only in damages and interests, for escapes of prisoners for debt, happening through connivance or enconnivance or glect, either from the custody of themselves or their deputies or bailiffs, or from any gaol or gaols of which any Sheriff shall have the custody and keeping, according to the directions of this Act.

XVIII. And be it further enacted by the authority aforesaid, that every She-Sheriffs to aceonnt. riff in this Province, shall, on the first juridical day in every term of the Courts of King's Bench, holding civil pleas in the districts of Quebec, Montreal and Three-Rivers

Three-Rivers respectively, and of the Provincial Courts of the inferior districts, for which he shall be Sheriff, exhibit an accurate and detailed statement and account, upon oath, of all monies in his hands by him received as Sheriff, when and from whom received, and of all orders and judgments directing any monies to be paid by such Sheriff since his last account rendered, specifying to whom the said monies are or were payable; of all monies by him paid as Sheriff, within the said period, and to whom; and of all monies remaining unpaid, though ordered and adjudged to be paid, and of the reasons why the same have not been paid, and the said statements and accounts shall be deposited and remain among the public records of the said Court, and shall be entered in a book or register, which shall be kept for that purpose, by the Prothonotary or Clerk of such Court, as the case may be.

From and XIX. Provided always, and be it further enacted by the authority aforesaid, after the passing of this act that to enable the said Sheriffs to make up and render the statements and accounts three weeks required of them by this Act, a period of three weeks shall be allowed them allowed to from and after the passing of this Act, notwithstanding that a term of any of the said Courts should intervene previous to the expiration of that time, and that every such future statement and account shall, by the said Sheriffs, be made up and limited to the period of three weeks, prior to the first jeridical day of each term as aforesaid, and so on from term to term respectively, and not otherwise.

Penalty on Sheriff swear- exhibiting the statements and accounts required of him by this Act, who shall ing falsely on knowingly and wilfully swear falsely in any matter where an Oath is by this Act authorized and required to be administered, shall be liable to suffer, upon conviction thereof, the pains and penalties by Law imposed for wilful and corrupt perjury.

Fines and penalties and penalties levied by virtue of this Act shall be reserved for the public uses of the public uses of the Province, and shall remain at the future disposal of the Provincial Parliament, and shall be accounted for to His Majesty, his Heirs and Successors, through the counted for to Lords Commissioners of His Majesty, his Heirs and Successors shall direct.

tained by persons engaged in Trade and Commerce from the seizure of rafts and

and timber at the suit of Paupers, Raftsmen, and others pretending claims thereon, which seizures have been after a long and expensive litigation set aside and annulled; and whereas from the want of distinguishing marks upon, and from the number of rafts and timber lying and being at all seasons in the several coves and harbours within the different Districts and Inferior Districts of this Province, no sufficient means exist for ascertaining the legal property and ownership in such rafts and timber for the due and proper execution of process against such rafts and timber: for remedy thereof, be it therefore further enacted by the authority aforesaid, that no Sheriff of any of the Districts or Inferior Districts of this Province shall be bound to proceed to the execution of any Writ of Attachment (Arrêt Simple) or Writ of Revendication, or of any Writ of Execution, against any raft or timber, until such Sheriff shall have been furnished by the party or parties suing out such Process with a Bond of Indemnity with two good and sufficient Securities, to the satisfaction of one of the Justices of His Majesty's Court of King's Bench or Provincial Judge for the District or Inferior District conditioned to secure and hold him harmless against all damages and costs to result from such seizure.

require a sum of money to enable them so seized.

XXIII. And whereas the seizure and custody of rafts and timber, more parti-Sheriffs may cularly when affoat, is attended with considerable risk and expense, inasmuch as a number of Guardians are requisite to ensure the safe-keeping of such rafts to secure the and timber: Be it therefore enacted by the authority aforesaid, that from and rafis of limber after the passing of this act, it shall and may be lawful for the Sheriff before executing such seizure, under any Process to him directed, to demand and receive in advance from the Plaintiff or Plaintiffs, his or their Attorney or Attornies ad litem, such sum as shall by any one of the Justices of His Majesty's Court of King's Bench for the District, or Provincial Judge of the Inferior District where such Process shall issue, be deemed sufficient for the safekeeping of such raft or timber: Provided always, that when and as often as the sum so advanced shall have been expended, it shall be lawful for such Sheriff, upon presenting a summary petition to any one of the Justices aforesaid, to obtain an order upon such party for the payment in advance of such further sum as by the said Justice for the purpose aforesaid shall be deemed sufficient service of which said petition and order shall in each and every instance be made upon the Attorney, ad litem, appearing for such party, in default of which payment, within twenty-four hours from and after the service of such Petition and Order, the said seizure shall be discharged, and such Sheriff exonerated from all liability to any person or persons whomsoever. XXIV.

Proviso.

Coroners to dule A.

XXIV. And whereas the forms of Advertisement for Sheriff's Sales now in advertize the use, are unnecessarily long and highly expensive to Defendants; for remedy sales of immo-reable proper- thereof, be it further enacted by the authority aforesaid, that from and after the ty according passing of this Act, the Sheriffs and Coroners of the several districts of this Province shall advertise the sales of immoveable Property, by them to be made according to the form in the annexed Schedule A, which Advertisements shall be printed consecutively under one heading in the form prescribed in and by the said Schedule A.

Sheriffs authorized to deceiving any writ, &c. a sum in adblication.

XXV. And be it further enacted by the authority aforesaid, that it shall and mand, on re- may be lawful for the said Sheriffs, on receipt of any Writ of Fieri facius de Terris, Writ of Venditioni Exponas or alias Writ of fieri facias, to demand and vance, to de- have from the person or peasons presenting the same, the sum of twenty shillings curfray the ex-rent money of this Province and no more, in advance to enable him or them to defray the expenses of Publication or otherwise, any Law, usage or custom to the contrary notwithstanding;—Provided nevertheless, that when it shall be desired by the Party at whose instance the seizure shall have been made a concise statement of the charges subject to which the said Land or Immoveable property is to be sold shall be inserted in such advertisement immediately after the description of the said Land or immoveable property.

Proviso.

How Sheriffs **XXVI.** And be it further enacted by the authority aforesaid, that when there or Coroners shall be more than one Plaintiff or more than one Defendant mentioned in any in cases where Writ under the authority of which lands and tenements shall be advertised for there is more than one plain-sale by any Sheriff or Coroner of this Province, or when the Plaintiff shall sue tiff and more as tutor, or the Defendant shall be sued as tutor to the minor children of any fendant in any person deceased, it shall be sufficient that the Sheriff or Coroner advertising in writ for the person deceased, it shall be sufficient that the Sheriff or Coroner advertising in sale of any such case do mention the first Plaintiff and first Defendant in such writ named, lands and tenses stating always that there are other Plaintiffs or other Defendants, as the case may be, or the name of the firm, if there be one, and that he state generally in the other case that such tutor is tutor to the minor children of the persons deceased, without specifying at length the names of such minor children.

Continuance of this Act.

AXVII. And be it further enacted by the authority aforesaid, that this Act shall be and remain in force until the first day of May, one thousand eight hundred and thirty-five, and no longer.

SHERIFF'S

SHERIFFS' SALES.

SCHEDULE A.

To Wit.

Public notice is hereby given, that the undermentioned lands and tenements have been seized and will be sold at the respective times and places as mentioned below, all persons having claims on the same are hereby required to make them known according to Law, all oppositions afin d'annuler afin de distraire or afin de charge except in cases of Venditioni Exponas, to which no such oppositions are by Law allowed are required to be filed with the undersigned at his office previous to the fifteen days next preceding the day of Sale, oppositions afin de conserver may be filed at any time within two days next after the return of the Writ.

No.

Fieri Facias.

in the county of in the District of A. B. of the city of in the county of against C. D. of in the dis-(insert the description of (as the case may be) trict of the Land or other immovcable Property, the Parish Seigniory or Township, and the County and District in which the same is situate,) in the county, on the day of &c. bounded, &c. To be Sold at o'clock in the morning; the said Writ returnable on the day of

A. B. Sheriff.

No. Venditioni Exponas.

No. Alias Fieri Facias.

C A P. VII.

An Act further to regulate Persons who keep Houses of Public Entertainment, and retail Spirituous Liquors, and for other purposes.

(14th March, 1829.)

Preamble.

HEREAS it has become expedient and necessary to make further provision to regulate persons who obtain Licences to keep Houses of Public Entertainment, and to retail Spirituous Liquors in the Country Parishes, Townships and Seigneuries,