

The Provincial Statutes of Lower-Canada, Being the second session of the thirteenth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1829.

9 George IV – Chapter 22

An Act to continue for a limited time two certain Acts therein mentioned relating to the Summary Trial of certain Small Causes. (14th March, 1829.)

Whereas it is necessary to continue for a limited time an Act, passed in the sixth year of His Majesty's Reign, intituled "An Act to provide for the Summary Trial of certain Small Causes," as amended by an Act passed in the seventh year of His Majesty's reign, intituled "An Act to amend an Act passed in the sixth year of His Majesty's Reign, intituled 'An Act to provide for the Summary trial of certain Small Causes,'" the duration of which said Acts is limited to the first day of May, in the year of our Lord, one thousand, eight hundred and twenty-nine; 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 the aforesaid Act passed in the sixth year of His Majesty's Reign, intituled, "An Act for the Summary Trial of certain Small causes," as the same hath been amended by the aforesaid Act passed in the seventh year of His Majesty's Reign, intituled, "An Act to amend an Act passed in the sixth year of His Majesty's Reign, intituled, 'An Act for the Summary Trial of certain Small Causes,'" and all and every the matters and things in the said two Acts mentioned and contained, and now being in force, shall continue to be and remain in force until the first day of May, one thousand, eight hundred and thirty-three, and no longer.

II. And be it further enacted by the authority aforesaid, that all Commissions granted before the passing of this Act, in pursuance of the Act above-mentioned, are hereby revoked and annulled, and that from and after the passing of this Act, no Commissioner shall be named for any Parish, Seigniorie [Seigneurie] or Township, unless a Petition, praying for the establishment of such Court, shall have been presented by at least one hundred proprietors of lands or tenements in such Parish, Seigniorie or Township, to the Governor, Lieutenant-Governor or Person administering the Government of the Province for the time being.

III. And be it further enacted by the authority aforesaid, that such Petition shall not give occasion to the appointment of such Commissioner unless three of the principal inhabitants of the place shall certify at the foot of such Petition that the persons whose names are hereunto subscribed are really inhabitants of' the Parish, Seigniorie or Township and also proprietor of lands or tenements.

IV. And whereas the same reasons which have engaged the Legislature not to authorize the appointment of such Commissioners for the Parishes or Seigniories in the Counties of Quebec or Montreal are equally applicable to the plaices near the Town or Borough of Three Rivers [Trois-Rivières], be it therefore enacted by the authority aforesaid, that no Commission shall issue for holding Courts by virtue of this Act in the Parishes of Pointe du Lac and of Le Cap de la Magdeleine in the Parishes or Seigniories of Saint Gregoire, Nicolet and La Baie du Febvre.

V. And be it further enacted by the authority aforesaid, that when one and the same Parish, Seigniorly or Township shall extend into two or more Counties the Commissioner who shall be named in such Parish, Seigniorly or Township shall have no Jurisdiction out of the County in which they reside, and that no defendant shall be held to appear before any Commissioner out of the County in which such defendant shall have his domicile.

VI. Provided always and be it further enacted by the authority aforesaid, that from and after the passing of this Act and during the continuance shall not be lawful to cause the witnesses to be summoned to attend on the first day of the cause, but that in all cases of default or plea to the action (contestation) on the part of the Defendant a subsequent day shall be named for receiving evidence (enquete) any provision of the said Act to the contrary in any wise notwithstanding.

VII. Provided also and be it further enacted by the authority aforesaid, that during the continuance of this Act, in all cases where the subject of action shall not exceed the sum or value of ten shillings, currency, the costs, and expenses (milage and travelling expenses not included) which shall be adjudged against the Defendant shall not exceed the principal of the Judgement any provision of the said to the contrary in any wise notwithstanding.

VIII. And be it further enacted by the authority, aforesaid, that this Act may be amended or repealed in the present Session.