

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 8

An Act to authorize the Prothonotaries or Clerks of the Civil Courts in this Province to number and authenticate, “parapher” the Registers of Baptisms, Marriages and Burials required by Law to be kept, to receive the advice of relations and friends “l’avis des Parens et Amis,” in certain cases; and to issue Writs of *capias ad respondendum* and attachment without the Fiat of a Judge. (14th March, 1829.)

Whereas it is expedient to alter the laws now in force relating to the manner in which the Judges of the several Courts of this Province are required to perform divers Ministerial Acts and to provide for the more easy execution of the same; 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 passing of this Act, the registers which are now by law required to be made and kept of the several Baptisms, Marriages and Burials, within this Province, shall and may be numbered and authenticated (paraphe) in the manner herein after mentioned by the Prothonotary or Clerk of the several Courts of King's Bench, or of the Provincial Court of the District of Three-Rivers [Trois-Rivières] for which such Prothonotary or Clerk now is or hereafter shall or may be appointed, any law, usage or custom to the contrary notwithstanding.

II. And be it further enacted by the authority aforesaid, that every such register shall be authenticated on the first page thereof by an attestation of such Prothonotary or Clerk, specifying the number of the pages contained in such register, the purposes for which it is 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, and 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 every such Register shall be kept and deposited in the like manner as Registers of Baptisms, Marriages and Burials were by law required to be kept and deposited before the passing of this Act, and the entries therein and the Copies thereof, when duly certified, shall have the same authenticity force and effect in Law, as if such Registers had been authenticated, “paraphe” by a Judge.

III. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, in all cases wherein by a law a *Capias ad respondendum*, or Attachment may issue against the Body or moveable effects of-any debtor or; debtors before trial or Judgment it

shall and may be lawful for the Prothonotary or Clerk of the said last mentioned Courts respectively to take and receive the necessary Oath or Affidavit in such cases by Law required, according to the form No. One or No. Two, hereunto annexed, as the Case may be, and thereupon to issue without the Fiat of a Judge the process or writ of Capias ad respondendum or of Attachment in the like manner as if the same had been awarded or granted by a Judge.

FORM No. 1.
Affidavit for Capias ad Respondendum.

A. B. of being duly sworn doth depose and say, that C. D. of personally indebted to in a sum exceeding ten pounds sterling, to wit: in the sum of that this deponent is credibly informed, hath every reason to believe, and doth verily, and in his conscience believe that the said immediately about to leave the Province, whereby the said without the benefit of a Capias ad Respondendum against the body of the said may be deprived of remedy against the said and this deponent hath

Sworn before me }
this day of }

FORM No. 2
Affidavit for an Attachment.

A. B. of being duly sworn doth depose and say that C. D. of is indebted to of in a sum of ten pounds sterling, to wit: in the sum of that this deponent is credibly informed and hath every reason to believe and doth verily, and in his conscience believe that the said now about immediately to secrete estate, debts and effects, or do abscond, or do intend suddenly to depart from the Province with an intent to defraud the said and his creditors.

This deponent further saith that he doth verily believe that without the benefit of a Writ of Attachment against the estate and effects of the said the said will lose his debt and sustain damage and hath signed.

Sworn before me at }
this }

IV. Provided always, and be it further enacted by the authority aforesaid, that nothing in this Act contained, shall extend or be construed to extend to prevent any person or persons from having and obtaining from any Judge of the said Courts in this Province, now authorized bylaw to grant the same, a Fiat for such Writ of Capias ad Respondendum or Attachment, as by the laws now in force in this Province, he or they are entitled to obtain.

V. And be it further enacted by the authority aforesaid, that it shall be the duty of the said Prothonotaries so to paraphe the said Registers, and to receive such Affidavits without receiving any fee or emolument therefor whatsoever.

VI. 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-three, and no longer.