

The Provincial Statutes of Lower-Canada, Being the third session of the thirteenth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1830.

10 & 11 George IV – Chapter 7

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 St. Francis, and to establish Courts of Judicature therein," and to make further provision for the due administration of Justice in the said Inferior District. (26th March, 1830.)

Whereas it is expedient further to continue 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 St. Francis, and to establish Courts of Judicature therein:" 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 said 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 St. Francis, and to establish Courts of Judicature therein," shall remain in force until the expiration of this Act, and no longer.

II. And whereas the inhabitants of the said Inferior District are, by reason of its remoteness from the seats of Superior Jurisdiction at Montreal and Three-Rivers [Trois-Rivières], exposed to great inconvenience and loss of time, and incur much expense in attending the Courts of King's Bench held at Montreal and Three-Rivers, in which Courts all causes arising in the said Inferior District and exceeding the jurisdiction of the Courts established therein, have heretofore been tried: Be it therefore enacted by the authority aforesaid, that there shall be held at Sherbrooke, in the said Inferior District of Saint Francis [Saint-François], by one of the Justices of the Court of King's Bench for the District of Quebec or for the District of Montreal, the provincial or resident Judge for the District of Three-Rivers and the Provincial Judge of the said Inferior District of Saint Francis, a Court of King's Bench, to sit in two Terms every year, that is to say, from the twenty-sixth day of February to the eighth day of the month of March, both days inclusive; and from the twenty-fifth day of August to the fourth day of September, both days inclusive, (Sundays and Holidays excepted), and during each of the said Terms the said Justice of the Court of King's Bench, the said Provincial or Resident Judge of the District of Three-Rivers, and the said Judge of the Inferior District of Saint Francis, or any two of them, of whom the said Judge of the Inferior District of Saint Francis shall not be one, shall have original jurisdiction and shall take cognizance of, hear, try and determine all civil suits or actions, and where the King is a party in the said Inferior

District (those purely of Admiralty jurisdiction and suits or actions wherein the value of the matter in dispute shall not exceed the sum of ten pounds sterling, excepted) unless the said suits or actions wherein the amount in dispute shall not exceed ten pounds sterling, 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 or things where the rights in future may be bound; and every juridical day in each of the said terms shall be a return day for all writs and process, returnable before the said Court; and the said Court of King's Bench to be held as aforesaid in the said Inferior District, and the Justice of the Court of King's Bench, the Provincial or Resident Judge of Three-Rivers and the said Judge of the said Inferior District, composing the said Court, or any of them, shall have within the said Inferior District, both in and out of Court, during the term and in vacation, the same powers and authorities in all cases as the Courts of King's Bench at Quebec and Montreal, and the Justices thereof, now have and enjoy by the Laws of this Province.

III. And be it further enacted by the authority aforesaid, that an Appeal shall lie from every judgment of the said Court of King's Bench, to be holden at the village of Sherbrooke, as aforesaid, to the Court of Appeals of this Province, in all cases where an Appeal would lie thereto, if such Judgment had been rendered in either of the Courts of King's Bench at Quebec or Montreal, and all the provisions of the Laws of this Province, respecting Appeals from the Judgment of the said last-mentioned Courts, are hereby extended to appeals from the Judgments of the said Court of King's Bench, to be holden at the village of Sherbrooke as aforesaid.

IV. And be it further enacted by the authority aforesaid, that the Clerk or Prothonotary of the Provincial Court of the said Inferior District of Saint Francis, shall be the Prothonotary of the Court of King's Bench, to be holden at the village of Sherbrooke as aforesaid.

V. And be it further enacted by the authority aforesaid, that all such provisions of a certain Act passed in the ninth year of His Majesty's Reign, intituled, "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," as relate to the issuing of Capias ad respondendum and attachment, and the receiving of the necessary oath or affidavit, by the Prothonotary or Clerk of the Civil Courts in this Province, shall be and are hereby extended to the Prothonotary or Clerk of the Provincial Court of the said Inferior District of Saint Francis.

VI. And be it further enacted by the authority aforesaid, that all Writs of Attachment against the body or moveable effects which may by law be issued before judgment, and might heretofore be issued by the Provincial Judge of the said Inferior District of Saint Francis, and made returnable to His Majesty's Court of King's Bench, for that of the two Districts of Montreal or Three-Rivers, in which such Writ should be executed, shall hereafter be made returnable at the said Court of King's Bench, to be holden at the village of

Sherbrooke, by virtue of the said Act: Provided always, that no cause which shall have been pending in the Court of King's Bench at Montreal, or in the Court of King's Bench held at Three-Rivers, nor any cause in which any process shall have been issued, and made returnable to either of the said Courts, previous to the passing of this Act, shall be removed therefrom, by virtue of any thing herein contained, but such cause shall be proceeded in and determined, as if this Act had not been passed.

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