

*The Provincial Statutes of Lower-Canada, Being the third session of the fourteenth Provincial Parliament of Lower-Canada.* Quebec: John Carleton Fisher & William Kemble, Law Printer to the King's Most Excellent Majesty, 1833.

### 3 William IV – Chapter 18

#### **An Act further to continue for a limited time, and to amend a certain Act therein mentioned, relating to the Inferior District of Saint Francis. (3d April, 1833)**

Whereas it is expedient further to continue for a limited time and to amend the several Acts hereinafter mentioned: 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 a certain Act passed in the tenth and eleventh years of His late Majesty's Reign, intituled "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 Saint Francis, and to establish Courts of Judicature therein, and to make further provision for the due Administration of Justice in the said Inferior District,'" shall be and remain in force until the expiration of this Act and no longer.

II. And be it further enacted by the authority aforesaid, that the said District heretofore called the Inferior District of Saint Francis [Saint-François], shall be hereafter called the District of Saint Francis.

III. And whereas doubts have arisen whether the Judge of the Provincial Court of the said District of St. Francis, can of right hear and determine any suit or action founded upon any contract, agreement, bill, note or obligation made, executed or entered into without the limits of this Province; Be it therefore enacted and declared by the authority aforesaid, that it is not nor shall not be a valid ground of exception to the Jurisdiction of the said Provincial Court, or good defence to any such action, that the contract, agreement, bill, note or obligation upon which the same shall be founded, was made, executed or entered into without the limits of this Province.

IV. And be it further enacted by the authority aforesaid, that it shall be competent for the Judge of the said Provincial Court with one of the Judges of the Court of King's Bench for the said District of Saint Francis, to open the said Court of King's Bench to receive returns to any process issued from, the same, and record the benefit of default thereon.

V. And be it further enacted by the authority aforesaid, that so much of a certain Act passed in the forty-first year of the Reign of George the Third, intituled “An Act to amend certain forms of proceedings in the Courts of Civil Jurisdiction in this Province, and to facilitate the Administration of Justice,” as enacts that the Courts of Criminal and Civil Jurisdiction within this Province, shall have power and authority within their respective jurisdictions to make a Table of Fees for the Officers of the said Courts, and to alter and correct the same shall be and the same is hereby suspended in so far as concerns the Provincial Court of the said District of Saint Francis in cases where the amount of any Judgment rendered therein or any sum sued for shall be less than ten pounds sterling, and that no other or greater fees or allowances than these hereinafter mentioned, shall be claimed by any of the Officers of the said Provincial Court, for any of the services hereinafter mentioned or for the suing out and bringing to Judgment any suit or action in the Provincial Court of the said District of Saint Francis, or for the suing out of any process or performing any service hereinafter mentioned after Judgment shall have been rendered, on any suit or action in the said Court where the amount of any such judgment shall be for a less sum than ten pounds sterling, that is to say: To the Clerk of the said Provincial Court for a summons and declaration which including the copy thereof shall not exceed two hundred words, three shillings currency; For every hundred exceeding two hundred, six pence currency; And for certifying any exhibit if required six pence currency; for an original subpoena, one shilling currency; For every copy, if certified by the Clerk, six pence currency; For every copy of a rule of Court or judgment whether interlocutory or final, if demanded, one shilling and three pence currency; For every writ of execution two shillings and six pence currency; For every writ of saisie gagerie, saisie arret or entiercement, three shillings and nine pence currency; For every copy thereof one shilling and six pence currency; For entering and fying every opposition five shillings currency; For the entry of every final judgment, one shilling and three pence currency; For every commission Rogatoire two shillings and six pence currency; To the Attorney in any case settled before entry, five shillings currency; To the Attorney in all cases after entry where the amount of judgment by confession or default shall be for a sum exceeding five pounds currency, ten shillings currency; To the same where the amount of judgment by confession or default shall be for a sum exceeding two pounds currency and less than five pounds currency, seven shillings and six pence currency; To the same where the amount of judgment by confession or default shall be for a less sum than two pounds currency, five shillings currency; To the Attorney in any of the three, last mentioned cases when contested, an additional sum of two shillings and six pence currency; For any plea in writing ordered by the Court or ecritures et production, five shillings currency; For suing out every commission rogatoire or for drawing every opposition or declaration for saisie gagerie, saisie arret or entiercement including copies, ten shillings currency; For annexing and certifying any exhibit nine pence currency; To the crier on the return of every summons, one shilling currency; To the same on the return of every subpoena six pence currency; To every bailiff per mile for travel going, four pence currency; To the same for returning, four pence currency; For service of every summons and subpoena and rule of Court, one shilling and six pence currency; For seizing upon any writ of execution, four shillings currency; For every proces verbal of seizure, two shillings and six pence currency; For every copy of the same, one shilling and six pence currency; For every publication of sale, two shillings and six pence

currency; For every proces verbal of sale, two shillings and six pence currency; For every copy of the same, one shilling and three pence currency; For the sale of effects seized two shillings and six pence currency; Record to the seizure, one shilling and eight pence currency; Record to the sale, one shilling and eight pence, currency; Return to every opposition, one shilling and three pence currency.

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 thirty-seven, and thence until the end of the next Session of the Provincial Parliament, and no longer.