

Application of the money to be accounted for to His Majesty and detailed account of the monies to be laid before the Legislature.

V. And be it further enacted by the authority aforesaid, that the due application of the monies appropriated by this Act, shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury, for the time being, in such manner and form as His Majesty, His Heirs and Successors shall direct; and that a detailed account of the expenditure of all such monies, shall be laid before the several branches of the Provincial Legislature within the first fifteen days of the next Session thereof.

## C A P. II.

An Act further to provide for the summary trial of Small Causes in the Country parts.

[18th - March, 1834.]

Preamble.

**W**HEREAS an early and expeditious method for the recovery of small debts of the nature herein-after specified, within the Parishes, Seigniories and Townships of this Province, would be of great advantage to the inhabitants residing within the same, and whereas the divers Acts heretofore in force and making provision for the easy recovery of such debts as aforesaid have expired:—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 whenever a Petition shall have been presented to the Governor, Lieutenant Governor or person administering the Government, signed by at least one hundred Proprietors of lands or tenements in any Parish, Seigniorie or Township of this Province, and praying for the establishment of a Commissioner's Court for the trial of Small Causes in such Parish, Seigniorie or Township, (such Petition having at the foot thereof a certificate signed by three of the principal Inhabitants of such Parish, Seigniorie or Township, that the persons whose names are thereunto subscribed are really Inhabitants of the same, and also Proprietors of lands or tenements therein,) it shall be lawful for the Governor, Lieutenant Governor or Person administering the Government, by any Commission or Commissions to be by him issued, to appoint such person or persons as to him shall seem fit, residing in such Parish, Seigniorie

Manner by which the inhabitants of Parishes, Seigniories, &c. are to proceed; before Commissioners can be appointed

Governor to appoint them.

None to be appointed in certain places.

Commissioners to try in a summary manner, cases concerning the recovery of debts, not exceeding £4 3 4 Currency. Nature of such debts, &c.

If there is no Commissioner in the Parish, &c. where the Debtor resides &c. he may be sued before the Commissioner of the nearest Parish &c. If any Commissioner be recused the suit to be transmitted to another near, &c.

Seigniorv or Township, to take cognizance of such causes and suits as are hereinafter specified, arising therein, (except such Parishes, Seigniories or Townships, as are within the County of Quebec, or the County of Montreal, and excepting also the Town and Parish of Three Rivers, the Parishes of Pointe-du-Lac, and Le Cap de la Magdeleine, and the Parishes, or Seigniories of Saint Grégoire, Nicolet, and La Baie du Febvre, and for none of which places any such Commissioner shall be appointed and have jurisdiction,) and it shall and may be lawful to and for such Commissioners, upon request or application to them or any of them made, to grant and issue or cause to be granted or issued a Summons or Summonses, to one or more person or persons, as the case may require, which Summons shall be in the form hereinafter mentioned and described, and shall not be returnable in less than two intermediate days, in cases where the Defendant or Defendants shall reside within the distance of two leagues from the residence of the Commissioner or Commissioners, before whom he or they may be summoned, allowing one day more between the service and return of every such Summons for every five leagues distance over and above the said two leagues at which the Defendant or Defendants may reside from the place where such Commissioner or Commissioners may hold his or their Court, as hereinafter provided, and in a summary way to hear, try and determine the cases before them in fact and in Law, according to the evidence before them, to the best of their skill and understanding, and arising within the Parish, Seigniorv or Township, for which such Commissioner or Commissioners may be appointed, concerning the recovery of debts, not exceeding in amount the sum of four pounds three shillings and four pence, current money of this Province, of the following nature, that is to say:— for Goods, Cattle or other moveables sold and delivered, for work and labour done, for goods lent or for pew rent, money lent and advanced, money paid, laid out or expended to or for the use of any person or persons, or for the rent stipulated and agreed upon, either for houses or other immoveable property, and for hire of horses, cattle or other immoveable effects, or on acknowledgements commonly called and known under the description of *Bons*, or on a Note or Notes of Hand in which the party or parties to whom only such Note or Notes are payable, shall sue the maker or makers thereof, but not in cases in which any party or parties suing shall claim as Indorsee or otherwise than as aforesaid: Provided always that in case there shall not be a Commissioner appointed for the Parish, Seigniorv or Township, in which the debtor may reside or in case such Commissioner should be absent then, such debtor may be sued before the Commissioner who shall reside nearest to the Parish, Seigniorv or Township in the same County in which the Defendant or Defendants may reside, such Commissioner having been appointed for some place within such County; but no Commissioner shall have jurisdiction out of the County in which he shall reside, and no Defendant shall be held to appear before any Commissioner out of the County in which such Defendant shall have his domicile: and in case that during any suit the Commissioner should be recused by either of the parties, such suit shall immediately be transmitted to the Commissioner of the nearest Parish, Township or Seigniorv

Seigniori within the same County, and if the recusation be there adjudged to be valid by such Commissioner, he shall proceed to adjudge and determine the cause, but on the contrary, if he shall adjudge the recusation to be frivolous and unfounded, he shall send the parties before the recused Commissioner in order that he may proceed as if such recusation had not been proposed: Provided further, that nothing herein contained, shall extend or be construed to extend to prevent the parties, Plaintiff and Defendant, from referring the matter or matters in contestation before such Commissioner or Commissioners to the judgment and decision of three Arbitrators, to be named by the Commissioner or Commissioners, and by the parties respectively, the report and award of any two of whom shall be final and conclusive to all intents and purposes, and judgment entered thereon as in other ordinary cases.

Proviso.

Times for holding Courts by the Commissioners—where to be held—expenses how paid.

II. And be it further enacted by the authority aforesaid, that the several Commissioners to be appointed in virtue of this Act, shall hold their respective Courts on the first and third Saturday of every month, and on any other days to which they may find it necessary to adjourn for hearing witnesses and for determining suits, and that such Courts shall be so held by them, publicly, in some suitable room or place which shall be provided for them, and under their direction, by the Clerk of such Commissioners, respectively, to be appointed as herein-after mentioned; and the expense of hiring and warming such room or place, and all other expenses necessary for the convenient holding of such Courts, shall be paid by the said Clerks, respectively, out of the Fees herein-after assigned to them; Provided always, that no such Court or Courts shall, at any time, be held in any tavern or place of public entertainment, nor in any house or out-house, or other place thereunto appertaining.

Proviso.

Commissioners may issue writs of Subpcena for the appearance of witnesses under a penalty.

III. And be it further enacted by the authority aforesaid, that it shall be lawful for such Commissioner or Commissioners, before whom any such suit or action shall have been instituted, on the application of either party, to issue Subpcenas in the form herein-after mentioned and prescribed, to compel the appearance of witnesses before him or them, under a penalty of ten shillings currency, for each and every default, to appear as by the said Subpcena commanded, and that it shall be lawful to and for such Commissioner or Commissioners to administer to such witnesses an oath, in the usual manner.

Commissioners may administer oaths to witnesses.

Qualification  
of Commis-  
sioners, and  
Clerks.

IV. And be it further enacted by the authority aforesaid, that no person shall be capable of being appointed a Commissioner or Clerk, or of acting as such within any District of this Province, who shall not have to and for his own use and benefit, in his actual possession, a Freehold Estate, either in *Fief, en roture* or in free and common soccage in absolute property, or by *emphitéose* originally created for a term exceeding twenty-one years, or by *usufruit* for his life, in Lands, Tenements or other immobiliary Property lying and being within the limits for which he shall be appointed, of the yearly value of twelve pounds currency, over and above what will satisfy and discharge all incumbrances affecting the same, and over and above all rents and charges payable out of the same: Provided always that any person who without being so qualified shall give good and sufficient security to the amount of one hundred pounds currency, before the said Commissioner or Commissioners for the due performance of the duties of his office, may act as Clerk in the same manner as if he were qualified according to the provisions of this Act.

Proviso.

Fees allowed  
to the Clerks.

V. And whereas it is proper to fix the costs of such cases as shall be adjudged under and by virtue of this Act by such Commissioner or Commissioners—be it further enacted by the authority aforesaid, that it shall be lawful to and for such Commissioner or Commissioners to allow to the Clerk or other person doing the duty of Clerk, under the immediate direction of such Commissioner or Commissioners, for every summons which such Clerk, or other person doing the duty of Clerk, as aforesaid, shall make and deliver, to a Suitor or Suitors, by the direction of such Commissioner or Commissioners, one shilling currency; for every copy of Summons, sixpence currency, for every Subpœna, one shilling currency; for every copy of Subpœna, sixpence currency; for every Judgment and copy thereof, one shilling and three pence currency; for every Warrant of Seizure, one shilling and three pence currency; for each Warrant of *Saisie arret* or *Saisie gagerie*, one shilling and three pence currency; for each copy thereof one shilling currency; and that the Peace Officer or Sergeant of Militia for every service and signification of the same, shall have the sum of one shilling currency, for his service, signification and certificate thereof, and at the rate of one shilling currency, per league, for the distance he shall have gone to perform such service, the distance in returning from the place where such service shall have been made not entitling him to any allowance; and it is hereby expressly declared and provided, that no Commissioner or Commissioners shall be entitled to, nor receive any recompence or remuneration whatever, for any thing which shall by them or any of them be done, under and in virtue of this Act, as Commissioner or Commissioners, as aforesaid; nor shall the Clerk or other person doing the duty of Clerk to any Commissioner or Commissioners as aforesaid, serve or signify any Summons, Subpœna, or other Writ, by him made, as aforesaid, and any such service or signification and certificate thereof, by such Clerk or other person doing the duty of Clerk, shall, to all intents and purposes, be held and considered as null and void, and every such Commissioner or Commissioners, Clerk or Clerks,

Commissioners  
not to receive  
any recom-  
pense.

Clerks not to  
serve any sum-  
mons, under  
pain of nullity  
of such ser-  
vice.

Clerks, or other person or persons doing the duty of a Clerk or Clerks, who, in the execution of the trusts reposed in him or them by this Act, shall misdemean himself or themselves, or shall deliver to any Bailiff, Peace Officer, Sergeant of Militia, or other person, any blank Summons, Subpoena, or other Writ or Writs, to be distributed, sold, or disposed of by such Bailiff, Peace Officer, Sergeant of Militia, or other person, as occasion may offer, shall, for every such offence, incur a penalty and forfeiture of five pounds, currency, (one half of which shall go to His Majesty, and the other half to the prosecutor or informer,) and be thereafter disabled from acting as Commissioner or Clerk, as aforesaid; it being hereby also expressly declared and provided, that no such Summons, Subpoena, or other Writ or Order, shall, in any case, be issued by such Commissioner or Commissioners, until application be made to him or them by the person or persons requiring the same, or by some person on his or their part and behalf, and that no Writ, Summons or Order, of any kind, shall be given or issued by any person acting as Clerk or *Greffier* to such Commissioner or Commissioners, without the express directions of such Commissioner or Commissioners, upon application to him or them made by the party or parties, as aforesaid.

One Clerk only to be employed in each Parish, Township &c.

First Clerk appointed to act in preference to others appointed subsequently.

Clerks how appointed.

Proviso.

They may be removed from Office.

Such removal to be sanctioned

VI. And be it further declared and further enacted by the authority aforesaid, that in any one Parish, Township or Seigniory, as aforesaid, no more than one Clerk, or person doing the duty of Clerk, shall be employed, or in any way act as such Clerk, although two or more Commissioners may have been or may hereafter be appointed in such Parish, Township or Seigniory, as aforesaid, in virtue of this Act, and that the person first appointed to be or act as such Clerk, shall be and act as such Clerk, to the exclusion of all others subsequently appointed as such in the same Parish, Township or Seigniory, until he shall be removed in the manner herein-after mentioned, and when it may hereafter be necessary to appoint a Clerk or person to act as such under this Act, the appointment shall be vested in a majority of the Commissioners where there are more than two Commissioners in the same Parish, Township, or Seigniory, as aforesaid; and when there are no more than two Commissioners in such Parish, Township or Seigniory, as aforesaid, then—the appointment of such Clerk or person to act as such, shall be vested in the Commissioner whose appointment shall have been oldest or first in date; provided always, that any Clerk or Clerks, or person or persons acting as such, who may hereafter be appointed under and in virtue of this Act, shall and may be removeable from his office by the Commissioner by whom he may have been appointed or by the Commissioners of the same Parish, Township, or Seigniory, as aforesaid, or a majority of them, such removal being sanctioned by the Governor, Lieutenant-Governor, or person administering

ed by the Governor.

nistering the Government of the Province for the time being, and another Clerk or person to act as such may be appointed in his stead, in the same manner as by this Act it is herein-before provided.

Registers to be kept.

Fees allowed the Clerk for such copies.

Penalty in case of refusal.

VII. And be it further enacted by the authority aforesaid, that such Commissioner or Commissioners shall keep a Register of all Suits which shall have been brought before them respectively, by virtue of this Act, and shall give copies thereof to such persons as shall demand the same, and may for such copies allow to the Clerk, or other person doing the duty of Clerk, at the rate of six pence currency, for every hundred words, under a penalty of ten pounds, currency, on such Commissioner or Commissioners, for refusing to give a copy thereof, to be recovered by the party to whom the said copy shall have been refused, one half of which penalty shall belong to the King, and the other half to the party complaining.

One Court to be held in each Parish, Township, &c.

Commissioners in each Parish, &c. may be present at such Court.

Place for holding the Court to be fixed by a majority of the Commissioners. When there are only two, the senior one shall fix the place, &c.

VIII. Provided always, and be it further enacted by the authority aforesaid, that no more than one court shall be held in any Parish, Seignory, or Township, in this Province, under and by virtue of this Act, although two or more Commissioners may have been appointed for the same Parish, Seignory, or Township, it being nevertheless competent for all the Commissioners appointed under and by virtue of this Act, for the same Parish, Seignory, or Township, to be present, and to assist at such Court if need be, or if they so think fit, and the place where the Court shall be held in such Parish, Seignory, or Township, shall be fixed by the majority of the Commissioners where there are more than two Commissioners in the same Parish, Seignory, or Township, and when there are no more than two Commissioners in the same Parish, Seignory, or Township, then the senior Commissioner shall fix the place where such Court shall be held, and in every Writ of Summons to issue under this Act, the place where the Court is to be held, shall be mentioned.

In case of refusal by any person to pay the amount of Judgment and costs, Commissioners may cause the same to be levied by seizure, &c.

IX. And be it further enacted by the authority aforesaid, that if any person or persons shall refuse or neglect to pay or satisfy such sum or sums of money, within eight days after judgment obtained, together with such costs as upon such complaint, as aforesaid, shall be adjudged, the same being previously demanded, such Commissioner or Commissioners shall, by warrant of seizure and sale under his or their hand and seal, or hands and seals, (which warrant of seizure and sale shall be in the form herein-after mentioned,) cause the same to be levied by the seizure and sale of the goods and chattels of the party or parties so refusing or neglecting, as aforesaid, together with all costs and charges attending such seizure and sale but which shall not, in any case, exceed the sum of seven shillings and six pence currency. Provided always that in any case where the subject of action shall not exceed the sum or value of ten shillings currency, the costs and expenses, (milage and travelling expenses and the costs of execution not included,) shall not exceed

Proviso.

the

Proviso.

the principal for which Judgment shall have been given in such case : And provided further that when such goods and chattels shall be merely seized and not sold the said costs shall not exceed three shillings and nine pence currency, exclusive of travelling expenses, those of feeding the cattle under seizure and of the guardian.

On petition from inhabitants of a parish that there are not persons having sufficient qualification to be commissioners Governor empowered to appoint other persons, tho not qualified as this Act requires.

X. And be it further enacted by the authority aforesaid, that in case the proprietors of land, in any Parish, Seignory, or Township, shall in their Petition to the Governor, Lieutenant Governor or Person administering the Government of the Province, according to the provisions of the first Section of this Act, represent that there does not reside in such Parish, Seignory, or Township, any person fit and qualified to act as Commissioner therein, it shall be lawful for the Governor, Lieutenant Governor or Person administering the Government of the Province, to appoint any person or persons otherwise duly qualified according to the requirements of this Act, to be Commissioner or Commissioners for such Parish, Seignory, or Township, for the purposes of this Act, although such person or persons be not resident or have no real property in the Parish, Seignory, or Township, for which he or they shall be so nominated or appointed, which Commissioners may appoint a Clerk not residing and not having real property in such Parish, Seignory, or Township, but having real property within the Province, of the value herein-before stated.

No Commissioners to act before taking an oath of office, before a Justice of the Peace. Justice of the Peace to give a certificate of such oath to the Commissioner, to be annexed to his Register. Clerk to make oath before a Commissioner. Certificate of such oath to be entered on the Register.

XI. Provided always and be it further enacted by the authority aforesaid, that no Commissioner shall be authorized to act as such until he shall have made Oath before some Justice of the Peace, well and duly to the best of his judgment and capacity to perform the duty of Commissioner, as required by this Act, of which Oath such Justice of the Peace shall give a copy and Certificate to the Commissioner having made Oath, who shall annex the same to his Register; and the Clerk or other person doing the duty of Clerk to such Commissioner, shall in like manner before entering upon the duties of his office, make Oath before such Commissioner faithfully to execute to the best of his abilities the duties of his office under this Act, of which Oath a Certificate shall by such Commissioner be entered upon his Register aforesaid. Provided always that no Bailiff, Serjeant of Militia, or person keeping a house of public entertainment or vending spirituous liquors, to be drunk in his house shall act as such Commissioner or Clerk to such Commissioner, and nothing herein contained shall prevent any person selling spirituous liquors as a Merchant shop keeper or trader to be carried away and not to be drunk in his house or on his premises from being appointed or from acting as such Commissioner or Clerk. And provided also, that the person who shall act as Clerk, to any such Commissioner or Commissioners shall be of lawful age of majority, and that no person being the Brother, Son, Son-in-law, or the Clerk or Agent of any such Commissioner or of any of the Commissioners in his or their private concerns, shall act

Proviso.

Clerks to be of lawful age of majority, &c.

as

as Clerk to any Commissioner whose Brother, Son, Son-in-law, Clerk or Agent as aforesaid, he may be.

No Bailiff or Serjeant of Militia to act as Attorney before Commissioners.

No person to act as Attorney without a procurator. &c.

Persons acting as Attorneys to do so gratis.

Penalty.

XII. Provided always and be it further enacted by the authority aforesaid, that no Bailiff or Serjeant of Militia shall act as Attorney before such Commissioner or Commissioners, nor shall any other person than an Attorney or Barrister, duly admitted to practice the Law in this Province, so act without a power of Attorney in writing or in presence of the parties and with their consent; and every person not duly admitted to practise the Law as aforesaid, who shall act or practise before the said Commissioners or any of them as Attorney or Agent of the parties, Plaintiff or Defendant, shall be bound so to do *gratis*, without demanding or receiving any fee, perquisite or remuneration what ever, and every person acting or practising as Attorney or Agent, of the parties, Plaintiff or Defendant, before the said Commissioners or any of them, without being duly admitted to practise the Law as aforesaid, and who shall directly or indirectly receive in consideration of any such service any fee, emolument or remuneration whatsoever, shall for every such offence incur the pains and penalties of the crime of extortion, and shall for ever be incapable of acting or practising as Attorney or Agent, before the said Commissioners or any of them.

Oppositions to be decided summarily &c.

XIII. And be it further enacted by the authority aforesaid, that all opposition shall be heard and decided summarily before the Commissioner or Commissioners, in the same manner as the causes originally instituted before such Commissioner or Commissioners.

Writs of Summons &c. by whom served &c.

Provi-o.

Proviso.

XIV. And be it further enacted by the authority aforesaid, that no Writ of Summons, Subpcena or Execution issued under the authority of this Act, shall be directed to be served or executed by any person other than a Bailiff or a Serjeant of Militia, residing in the Parish, Seigniorship or Township wherein the Defendant, or Witnesses, as the case may be, shall respectively reside. Provided always, that whenever it shall appear to any Commissioner, by Certificate from a Captain of Militia, that there is no Bailiff, and that none of the Serjeants of Militia residing in the Parish, Seigniorship or Township for which he is such Captain, are qualified to make a return in writing, it shall be lawful for the Commissioner or Commissioners to address such Writ of Summons, Subpcena or Execution, as may require to be served or executed in such place, to any other person resident therein, to be named in the said Writ, Subpcena or Execution, and who shall make oath to the due service or Execution thereof. Provided always that it shall be lawful for any Plaintiff or Defendant to employ any Bailiff in the Parish in which such Plaintiff or Defendant may



may reside, to serve any Summons, Subpcena or Judgment, or to execute any Writ of Execution on any Defendant or Witness, not residing in the same Parish with such Plaintiff or Defendant, provided such Bailiff do not exact any greater fee than that to which the Bailiff or Serjeant of Militia residing nearest to the Defendant, would have been entitled.

Parties in any suit not to summon their witnesses, on the return day of the Writ of Summons &c.

Commissioner may postpone the Cause in the absence of witnesses &c. Not more than one adjournment allowed. Defendant may obtain a *congé de défaut* if the Plaintiff does not enter his suit.

XV. And be it further enacted by the authority aforesaid, that it shall not be lawful for the parties; Plaintiff or Defendant, in any suit which shall be instituted before such Commissioner or Commissioners, to cause the Witnesses to be summoned on the return day of the Writ of Summons, but in all cases either of default or plea to the action on the part of the Defendant, a subsequent day shall be named for the adduction of evidence, to the end that the suit or cause of action may be then and there heard and determined in a summary way; and in case of the necessary absence of one or more Witnesses, who may have been duly summoned as aforesaid, it shall and may be lawful for such Commissioner or Commissioners, to continue the cause over to such convenient day as he or they shall then and there openly and publicly appoint, for the hearing of such Witnesses as may not have appeared as aforesaid, after being duly summoned and of no other, nor shall more than one adjournment after the day first appointed for the adduction of evidence be allowed in any such suit or action and in all cases where a Defendant shall appear on the return day of the Writ of Summons, and the Plaintiff shall not then enter and prosecute his suit, the Defendant may enter the summons, and obtain a dismissal of the suit or *congé de défaut*, against the Plaintiff with costs.

Commissioners to issue Writs of execution in the form of the Schedules hereunto annexed.

XVI. And be it further enacted by the authority aforesaid, that it shall be lawful for the said Commissioners to issue Writs or Warrants of *Saisie Gagerie*, *Saisie Arrêt*, after Judgment in all cases where such Writs are allowed by Law, and that such Writs or Warrants shall respectively be in the form of the Schedules under the numbers four and five of this Act.

Writs of Execution when returnable.

XVII. And be it further enacted by the authority aforesaid, that every Writ of Execution shall be made returnable and returned with the proceedings thereon certified on the day therein named for the return of the same, not being less than thirty nor more than sixty days from the date of such Writ.

This Act not to derogate from the rights of the Crown &c.

XVIII. Provided always and be it further enacted and declared by the authority aforesaid, that nothing herein contained shall be construed in any manner to derogate from the rights of the Crown, to constitute, erect and appoint Courts of Civil or Criminal Jurisdiction

Jurisdiction within this Province, and to appoint from time to time the Judges and Officers thereof, as His Majesty, His Heirs or Successors may think proper or necessary for the circumstances of the Province, or to derogate from any other right or prerogative of the Crown whatsoever.

Continuance  
of this Act.

Proviso.

XIX 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-six and no longer. Provided always, that if a certain Act passed by the Legislative Council and Assembly of this Province and reserved for the signification of His Majesty's pleasure on the third day of April, in the year one thousand eight hundred and thirty-three, and intituled, " An Act further to provide for the Summary Trial of Small Causes," shall receive His Majesty's assent and become part of the Law of this Province, then this Act shall cease and be no longer in force from and after the day on which His Majesty's assent to the said Act shall be made known in this Province, in the manner provided by Law.

## SCHEDULES.

### No. 1.

#### FORM OF A SUMMONS.

Parish, (Seigniory or Township) of  
To all and every the Bailiffs, Constables and other Officers in the Parish,  
(Seigniory or Township) of  
Greeting :

In His Majesty's name you are hereby commanded to summon A. B. of  
if he may be found within the Parish, (Seigniory or Township,) of  
to be and appear before His Majesty's Commissioners  
for the summary trial of certain actions, residing in the said Parish, (Seigniory or  
Township,) at the dwelling house of on the  
day of at o'clock in the noon,  
then and there to answer C. D. of who demands of the said  
A. B. the sum of for and do you  
make your return of this summons with your doings thereon on or before  
the said day.

Witness hand and seal this day of  
in the year of His Majesty's reign and in the year of our  
Lord one thousand eight hundred and

No 2.

No. 2.

FORM OF A WARRANT OF EXECUTION.

Parish, (Seigniorly or Township,) of

To all and every the Bailiffs, Constables, and other Officers within the said Parish, (Seigniorly or Township,) of

Whereas A. B. of \_\_\_\_\_ did on the \_\_\_\_\_ day of \_\_\_\_\_ before \_\_\_\_\_ of His Majesty's Commissioners for the summary trial of certain Actions, residing at \_\_\_\_\_ recover Judgment against C. D. of \_\_\_\_\_ for the sum of \_\_\_\_\_ for his debt and \_\_\_\_\_ for his costs, of which execution remains to be done. You are therefore hereby commanded, in His Majesty's name, to levy of the goods, chattels, and effects of the said C. D. (except his beasts of the plough, his implements of husbandry, the tools of his trade, and one bed and bedding, unless the other goods and chattels shall prove insufficient, but not in any case the bed and bedding,) nor such articles as are specially exempted by Law from seizure, the aforesaid sum and costs, together with \_\_\_\_\_ for the expenses of this execution, returning to the said C. D. the overplus, if any there be, after having fully satisfied the aforesaid sum of \_\_\_\_\_

Witness \_\_\_\_\_ hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ in the \_\_\_\_\_ year of His Majesty's Reign, and in the \_\_\_\_\_ year of our Lord



No. 3.

FORM OF A SUBPCENA.

Province of Lower-Canada, }  
County of \_\_\_\_\_ }

To \_\_\_\_\_

Greeting :  
I command you, that laying aside all and singular business and excuses, you and each of you be and appear, in your proper person, before me, a Commissioner, for the summary trial of certain Actions, at the \_\_\_\_\_ in the Parish, (Seigniorly or Township,) of \_\_\_\_\_ in the County of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock in the \_\_\_\_\_

noon, then and there to testify, all and singular, those things which you or any one of you know in a certain cause, between Plaintiff, and Defendant before me the undersigned Commissioner, and this you or any one of you shall by no means omit under the penalties of the Law.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_



No. 4.

FORM OF A WARRANT OF SIMPLE SAISIE EN MAIN TIERCE.

Province of Lower Canada,  
Parish, (Seigniory, township or extra parochial place.)

To A B. of the Parish, (Seigniory, Township or extra parochial place of  
Bailliff.

I command you, at the instance of C. D. of the Parish, (Seigniory, Township or extra parochial place) of \_\_\_\_\_ in the \_\_\_\_\_ county of \_\_\_\_\_ in the district of \_\_\_\_\_ for the security, safe keeping and payment of the sum of \_\_\_\_\_ due by E. F. of \_\_\_\_\_ under judgment to the said C. D. of \_\_\_\_\_ (state briefly the subject and the date of the judgment and by whom rendered) to seize and attach in the hands of G. H. of \_\_\_\_\_ all sums and things generally whatsoever, which he owes or shall owe on any account whatsoever to the said E. F., or which he has in his possession belonging to the said E. F., strictly prohibiting him from parting with the same, on pain of paying the same twice, and of being personally liable to the demand in the matter in which this Warrant is issued.

I further command you to summon the said E. F. and G. H. to appear before the Court of Commissioners in the Parish, (Seigniory, Township or extra parochial place) on \_\_\_\_\_ day of \_\_\_\_\_ at the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon, the said E. F., to show cause, (if any he had) why this attachment (*saisie arret*) should not be declared good and valid, and that the said G. H. may make his declaration under this Warrant and have you then and there this Warrant with your doings thereon.

Given at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_

No. 5.

No. 5.

## FORM OF A WARRANT OF SAISIE GAGERIE.

Province of Lower Canada,

Parish, (Seigniory, Township or extra parochial place) of

To A. B. of the Parish, (Seigniory, Township or extra parochial place) of  
Bailliff.

I command you, at the instance of C. D. of the Parish, (Seigniory, Township or extra parochial place) of \_\_\_\_\_ in the county of \_\_\_\_\_ in the district of \_\_\_\_\_ to detain by *Saisie Gagerie*, all the goods and chattels belonging to E. F. of \_\_\_\_\_ in the said county, and being in the house by him occupied (or) (the produce and effects in the barns and other buildings occupied by the said E. F.) (or) (the produce on the ground occupied by the said E. F.) for the surety and payment of the sum of \_\_\_\_\_ due by the said E. F. to the said C. D. for the rent under his lease (or) for the premises by him occupied.

I command you further to summon the said E. F. to appear before Commissioners, in the Parish, (Seigniory, Township or extra parochial place) of \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ to answer the demand of the said C. D. and to shew cause (if any he hath,) why the said *Saisie Gagerie* should not be declared good and valid, and have you then and there this Warrant, with your doings thereon.

Given at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ B. C.  
Commissioner.