

*The Provincial Statutes of Lower-Canada, Being the second session of the eleventh Provincial Parliament of Lower-Canada.* Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1822.

2 George IV – Chapter 3

**An Act to amend an Act passed in the first year of His present Majesty's Reign, intituled, "An Act for the summary Trial of certain Small Causes, in the Country Parishes in this Province." (18th February, 1822.)**

Whereas it is necessary to amend an Act passed in the first year of His Majesty's Reign, Chapter second, intituled, "An Act for the summary Trial of certain Small Causes, in the Country Parishes of this Province;" 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 first Section of the said Act, passed in the first year of His Majesty's reign, intituled, "An Act for the summary Trial of certain Small Causes, in the Country Parishes of this Province," shall be and the same is hereby repealed; and that instead thereof it be enacted, and it is hereby enacted by the authority aforesaid, that such Commissioners as may have been or as shall hereafter be appointed, in virtue of the said Act, passed in the first year of His Majesty's reign, in any of the Parishes or Townships in this Province, may take cognizance of such Causes as are herein after specified, arising in the Parish or Township in which such Commissioner or Commissioners may reside, (the Counties of Quebec and Montreal, and the Town and Parish of Three Rivers [Trois-Rivières], excepted) and for that purpose, it shall and may be lawful, to and for such Commissioner or 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 prescribed in the said Act, herein above recited, and shall not be returnable in less than two intermediate days, in cases where the Defendant or Defendants shall reside within two leagues distance 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 herein-after provided; and to hear, try and determine in a summary manner, agreeable to Law, and the evidence before them, all causes and complaints which shall be brought before him or them and arising within the Parish or Township as aforesaid, in which such Commissioner or Commissioners may reside, 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, work and labour done, money lent and advanced, money paid, laid out or expended, to or for the use of any person or persons, and for rent stipulated and agreed upon, either for houses or other immoveable property, and for hire of horses, cattle or other moveable effects, or on

acknowledgement, commonly called and known under the description of Bons, or on such 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 so suing, shall claim as indorsee or otherwise than as aforesaid. Provided always, that in case there shall not be a Commissioner appointed or resident at the Parish or Township as aforesaid in which the debtor may reside, or in case such Commissioner should be absent, then such debtor may be sued before the Commissioner who may reside nearest to the Parish or Township in the same County, in which the defendant or defendants may reside, and in case that during any suit the Commissioner should be recused by either of the parties, such suit shall be immediately transmitted to the Commissioner of the nearest Parish, Township or Seigneurie within the same county, and if the recusation be adjudged valid by such Commissioner, he shall proceed to adjudge and determine the cause, but on the contrary, if he adjudge the recusation to be frivolous or unfounded, he shall send the parties before the recused Commissioner, in order that he do proceed as if such recusation had not been proposed.

II. And be it further enacted by the authority aforesaid, that this Act and the above-mentioned Act passed in the first year of His Majesty's Reign, intituled, "An Act for the summary trial of certain small causes in the Country Parishes in this Province," shall be extended to, and be in force in such Seigneuries in this Province, as may not be comprehended in or make part of any Parish or Township in the said Province.

III. And be it declared and further enacted by the authority aforesaid, that in any one Parish, Township or Seigneurie as aforesaid, no more than one Clerk or person doing the duty of Clerk, under and in virtue of the above recited Act, 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 Seigneurie as aforesaid in virtue of the said 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 Seigneurie, and when it may hereafter be necessary to appoint a Clerk or person to act as such, under the said 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 Seigneurie as aforesaid, and when there are no more than two Commissioners in such Parish, Township or Seigneurie 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, that may have been or that may hereafter be appointed, under and in virtue of this and of the above recited 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 Seigneurie as aforesaid, or a majority of them, such removal being sanctioned by the Governor, Lieutenant-Governor or person administering the Government of the Province for the time being, and another Clerk or person to act as such appointed in his stead, as by this and the above recited Act it is provided.

IV. Provided always, and be it declared and further enacted by the authority aforesaid, that no more than one Court shall be held in any Parish, Township or Seigneurie in this Province, under and in virtue of the said Act, although two or more Commissioners may have been appointed for the same Parish, Township or Seigneurie, it being nevertheless competent for all the Commissioners appointed under

and in virtue of the said Act in the same Parish, Township or Seigneurie, 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, Township or Seigneurie, shall be fixed by the majority of the Commissioners, where there are more than two Commissioners in the same Parish, Township or Seigneurie, and when there are no more than two Commissioners in the same Parish, Township or Seigneurie, then the Senior Commissioner shall fix the place where such Court shall be held; and in every Writ of Summons, to issue under the said Act, the place where the Court is to be held, shall be mentioned in the Writ.

V. Provided always, and it is declared and enacted by the authority aforesaid, that nothing herein-contained shall be construed in any manner, to derogate from the rights of the Crown, to erect, constitute and appoint Courts of Civil or Criminal Jurisdiction within this Province, and to appoint from time to time, the Judges and officers thereof, as His Majesty, his Heirs or Successors shall think necessary or proper for the circumstances of this Province or to derogate from any other right or prerogative of the Crown whatsoever.

VI. And be it further enacted by the authority aforesaid, that this Act shall continue and be in force until the first day of May, one thousand eight hundred and twenty-three, and no longer.