

## CAP. XLIII.

An Act to remove all doubts as to the right of suing and defending Causes *in formâ pauperis* before the Courts of Law in Lower-Canada.

[ 30th May, 1849. ]

**W**HEREAS doubts having arisen, whether the Courts of Law in Lower-Canada, and the several Justices thereof, are empowered to allow parties to sue and defend *in formâ pauperis*, as hath been practised heretofore in the said Courts ; And whereas it is unjust to refuse access to the Courts to suitors whose pecuniary means are insufficient to enable them to pay, in the first instance, the ordinary fees and charges of the officers of the said Courts : Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower-Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That the said Courts, and each of the Justices thereof, are and shall be empowered and authorized to permit parties to sue and defend causes *in formâ pauperis*, as hath been heretofore practised, whenever they shall be satisfied by affidavit that such parties, having a good cause of action or a good defence, are unable to establish the same in the ordinary course of law, for want of the necessary means to defray the fees and charges of the several officers of the said Courts whose services are required in the conduct of causes before such Courts.

Preamble.

The Courts and Justices may, in certain cases, allow parties to sue or defend *in formâ pauperis*.

II. And be it declared and enacted, That the said Courts have and shall have full power and authority, either by interlocutory or by final judgment, to dispauper parties to whom the said privilege of suing *in formâ pauperis* shall have been allowed, whenever law and justice shall require them to be so dispaupered.

Parties may be afterwards dispaupered for cause.

## CAP. XLIV.

An Act for the limitation of Actions of Clerks of Courts of Justice and Attorneys *ad lites*, and of all other Officers of Justice, entitled to receive fees and costs.

[ 30th May, 1849. ]

**W**HEREAS doubts have arisen with respect to the right of the Clerks of the several Courts of Justice in Lower-Canada, to sue for the recovery of sums due to them for fees or emoluments of office, after a certain time from the day when such fees or emoluments have become due ; and whereas by an Ordinance of the King of France, of the month of June in the year One thousand five hundred and ten, it is enacted and ordained, That all Actions of Clerks of Courts of Justice, for the recovery of sums due to them by virtue of their office, shall be subject to a prescription of three years ; and whereas the said Ordinance forms part of the Civil Law of Lower-Canada : Be it therefore declared

Preamble.

Ord. King of France, June 1510, cited.