

CAP. XXXV.

An Act to facilitate the holding of Courts of General or Quarter Sessions of the Peace in Lower Canada.

[10th August, 1850.]

WHEREAS difficulty is frequently experienced in procuring the attendance of Magistrates at the General or Quarter Sessions of the Peace in Lower Canada at seasons when, from the pressure of business or other causes, such attendance would subject them to serious loss or inconvenience; For remedy thereof, Be it 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 enacted by the authority of the same, That for and notwithstanding any thing to the contrary in any Act or Law, any Court of General or Quarter Sessions of the Peace in Lower Canada, may be holden by any one Circuit Judge, or by any two Justices of the Peace of whom a Circuit Judge shall be one; but nothing herein contained shall be construed to impair or diminish the rights or powers of any Justice or Justices of the Peace, who may choose to sit or act in such Court, or his or their powers when so sitting and acting; or to prevent the said Court from being held by any two or more Justices of the Peace in the absence of a Circuit Judge.

Preamble.

One Circuit Judge may hold the Court.

Saving of rights of Justices.

II. And be it enacted, That the General or Quarter Sessions of the Peace shall henceforward commence in the Cities of Quebec, Montreal and the Town of Three-Rivers, respectively, on the eighth day of January, on the fourth day of April, on the fourth day of July, and on the fourth day of October, of each year, and at no other time or times: Provided nevertheless, that if any of the said days be a Sunday or Holiday, the said Sessions shall commence on the next juridical day thereafter.

Periods for holding Quarter Sessions, at Quebec, Montreal and Three-Rivers.

Proviso.

III. And be it enacted, That the terms of the General Sessions of the Peace for the District of Saint Francis shall hence forward commence at Sherbrooke, on the first day of February, and on the first day of October in each year, and not at any other time or times: Provided nevertheless, that if any of the said days be a Sunday or a Holiday the said Sessions shall commence on the next juridical day thereafter.

Period for holding the same at Sherbrooke.

Proviso.

IV. And be it enacted, That the said Sessions shall respectively continue and be holden until the said Court shall declare the same closed, which shall not be done until the Court shall be of opinion that there remains no trial, matter or proceeding to be had or done by or before it, which cannot more conveniently remain over until the then next Sessions.

Duration of such Sessions.

V. And be it enacted, That every writ, process, recognizance, or other document which is or shall be returnable into any of the said Courts of General or Quarter Sessions of the Peace, or by which any party shall be bound to appear or attend at any such Court, or any thing shall have been ordered to be done in or before any such Court on any day subsequent to the time when this Act shall come into effect, shall be returned into such Court, and shall be held and considered to be returnable or such party shall be held to appear or attend, or such thing shall be done in or before such Court on that juridical day of the Sessions of such Court, which shall be next after the day on which such writ, process, recognizance or document shall have been made returnable, or on which such person shall have been bound to appear or attend, or on which such thing shall have been ordered to be done.

As to return Writs, proceedings, &c, issued before this Act shall be in force.

VI. And be it enacted, That the several Courts of Quarter or General Sessions of the Peace in Lower Canada may and shall make and establish a tariff of fees for the Officers of the said Court, and the Counsel, Advocates and Attorneys practising before such Courts respectively; and also such rules of practice as shall be requisite for regulating the conduct of the causes, matters and business before such Courts respectively; and all process and proceedings therein or relating thereto; which Tariff of Fees and

Courts of Q. S. may make Tariffs and rules of practice.

Rules

Rules of Practice, as well as any other Tariff of Fees or Rules of Practice which may have been established by any such Courts before the passing of this Act, the said Courts respectively shall have full power and authority to repeal, alter and amend from time to time : Provided always that no such Tariff of Fees or Rules of Practice shall be contrary to any Act or law in force in Lower Canada, otherwise the same shall be null and void.

Proviso.

Courts of Q. S. may award costs by judgments on appeals.

VII. And be it enacted, That it shall be lawful for any such Court of Quarter or General Sessions of the Peace, in pronouncing judgment upon any appeal from any inferior tribunal, to condemn the losing party to pay the costs of such appeal ; which costs may be levied by warrant of distress out of the goods and chattels of such party.

Process of Q. S. may be served in any part of L. C.

VIII. And be it enacted, That all and every summons, warrant or other process issued out of any such Court of Quarter or General Sessions, may be served or executed in any part of Lower Canada, whether in or beyond the District wherein the same shall have issued.

President of Q. S. may be appointed for Three-Rivers and St. Francis.

IX. And be it enacted, That for each of the Districts of Three-Rivers and Saint Francis, it shall be lawful for the Governor to appoint a fit and proper person to preside at or hold the Court of General or Quarter Sessions of the Peace in such District, and to assign to each person so appointed a salary not exceeding the rate of seventy-five pounds per annum : Provided always, that each person so appointed shall be a Barrister of at least five years standing, and each such person shall be a Justice of the Peace for the District for which he is appointed without its being necessary that he possess any property qualification whatever ; any law to the contrary notwithstanding.

Salary.

Proviso.

Powers of such Presidents.

X. And be it enacted, That each person so appointed as aforesaid, shall, in the District for which he is appointed, have in all respects as regards the holding of the Courts aforesaid, the same powers as are vested in the Circuit Judges in the other Districts of Lower Canada, and may alone, or with the assistance of one or more other Justices of the Peace, hold any such Court of General or Quarter Sessions of the Peace.

Courts may punish persons refusing to appear and give evidence.

XI. And be it enacted, That it shall be lawful for any such Court of General or Quarter Sessions of the Peace in Lower Canada, to punish by fine or imprisonment or both, any person who after having been duly summoned to appear and give evidence before any of the said Courts, shall refuse or neglect to comply with the order of the Court in that behalf, or any person who shall disobey or refuse or neglect to comply with any order or judgment legally made or pronounced by any such Court : Provided that no such fine shall in any case exceed the sum of twenty pounds, and that no person so offending shall, in consequence of such offence, be imprisoned for any time exceeding two calendar months.

Proviso.

Circuit Judges and Presidents only to tax costs, &c.

XII. Provided always, and be it enacted, That the Circuit Judges and the Presidents of the General or Quarter Sessions of the Peace to be appointed as aforesaid, shall alone have the power of taxing the accounts of witnesses attending at the Courts aforesaid, and who are to be paid by the Crown ; and of swearing such witnesses to the correctness of their accounts.

Inconsistent enactments, &c., repealed.

XIII. And be it enacted, That all such parts of any Act, Ordinance or Law as are inconsistent with or repugnant to this Act shall be and the same are hereby repealed.

Interpretation Act to apply.

XIV. And be it enacted, That the Interpretation Act shall apply to this Act.

C A P. XXXVI.

An Act to amend the Act to define the mode of proceeding before Courts of Justice in Lower Canada, in matters relating to the protection and regulation of Corporate Rights and to Writs of Prerogative.

[10th August, 1850.]

Preamble.

WHEREAS it is expedient to amend in certain particulars the Act passed in the Twelfth year of Her Majesty's Reign, and intituled, *An Act to define the mode of proceeding before the Courts of Justice in Lower Canada in matters relating to the protection and regulation of Corporate Rights and to Writs of Prerogative, and for other purposes therein*