

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*

therein mentioned: Be it therefore 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 all the powers vested by the first, eleventh, twelfth and fourteenth sections of the Act mentioned in the preamble to this Act, in any two or more Judges of the Superior Court in vacation, shall and may, in each of the Districts in Lower Canada, except the Districts of Quebec and Montreal, be exercised by any one of the Judges of the said Court in vacation; and all the provisions and enactments of the said Act having reference to the said powers, shall be construed and have effect accordingly.

Powers vested by sec. 1, 11, 12 and 14, of 12 Vic cap. 41, in two Judges, may be exercised by one, except in certain cases.

II. And be it enacted, That so much of the sixteenth section or of any other part of the said Act, as directs in what manner Writs of *Certiorari* shall be applied for and issued, and what proceedings shall be had thereon or with regard thereto, shall be and is hereby repealed; and the law with regard to applications for Writs of *Certiorari*, the proceedings thereon, and all matters incident thereto, shall be as it would have been if the said Act had not been passed: Provided always, that no part of the said section which exempts parties suing out such Writs of *Certiorari* from the necessity of giving security, or which does away with the necessity of issuing *Alias Writs*, or which provides for the manner of making orders subsequent to the issuing of the first writ, or of making services and returns, is or shall be repealed: and provided also, that costs shall be awarded to the party in whose favor judgment shall be given.

Provisions as to *certiorari* repealed.

Proviso.

III. Provided always, and be it enacted, That with regard to all Writs of *Certiorari* issued between the time when the said Act came into force and effect and the passing of this Act, and to all proceedings thereupon and matters incident thereto, the provisions of the said Act shall apply as if this Act had not been passed.

Exception as to writs issued before the passing of this Act.

C A P . X X X V I I .

An Act to assign fixed Annual Salaries to certain Officers of Justice in Lower Canada, and to form a Special Fund out of the Salaries, Fees, Emoluments and Pecuniary Profits attached to their Offices.

[10th August, 1850.]

WHEREAS it is just and proper to form a Special Fund out of all the Salaries, Fees, Emoluments and Pecuniary Profits attached to certain Offices connected with the administration of Justice in Lower Canada, and to assign Annual and Fixed Salaries to the Officers holding and filling such Offices: Be it therefore 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 this Act shall commence and be in force at and after the expiration of one month from the day of its passing.

Preamble.

II. And be it enacted, That upon, from and after the day on which this Act shall commence, the Public Officers hereinafter mentioned shall respectively cease to have the right of demanding and receiving for their own use and benefit, the Salaries, Fees, Emoluments and Pecuniary Profits whatsoever, which are now or may hereafter be attached to their respective Offices, that is to say:

Commencement of this Act.

Public Officers who shall cease to receive fees on their own account.

First.—The Sheriffs of the Districts of Montreal, Quebec, Three-Rivers and Saint Francis;

Second.—The Prothonotaries or Clerks of the Superior Court in the said Districts;

Third.—The Clerks of the Circuit Courts in the Circuits respectively called the Circuits of Quebec, Montreal, Three-Rivers and Sherbrooke;