

offices are held by one party.

Sherbrooke, be held by the same person or persons, then the salaries, fees, emoluments and pecuniary profits of the said two offices, while so held, shall form one fund, out of which all salaries, allowances and expenses which, without this Act, would be payable out of the fund formed by the salaries, fees, emoluments and pecuniary profits of either of the said offices, may be paid in the manner and subject to the provisions of the Act cited in the Preamble to this Act.

From what time this Act shall take effect.

II. And be it enacted, That the foregoing enactment shall have a retroactive effect as if passed on the tenth day of September, one thousand eight hundred and fifty, and the Act cited in the Preamble shall accordingly be construed as if the provision herein contained had been inserted therein.

Allowance to Prothonotary, &c. for collecting tax.

III. And be it enacted, That the Governor in Council shall have full power and authority to grant and allow to the Prothonotary, Clerk, Registrar, Sheriff or Officer authorized to collect and receive the duty or tax imposed by another Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to make provision for the erection or repair of Court Houses and Gaols at certain places in Lower Canada*, or imposed or hereafter to be imposed by any Order or Orders in Council under the authority of the said Act, upon the proceedings, matters and things in and by the said Act declared to be liable to such duty or tax, such sum for collecting and receiving the said duty or tax as to the Governor in Council shall seem just and reasonable, provided such allowance do not exceed the rate of two and a half per centum on the amount of such duty or tax so already collected and received, or to be hereafter collected and received as aforesaid.

### CAP. XVIII.

An Act to enable Creditors to attach the effects of Debtors about to leave the Province in cases under Ten Pounds.

[ 2d August, 1851. ]

Preamble.

**W**HEREAS persons often evade the payment of their just debts, in cases where they are indebted to individual creditors to an amount less than Ten Pounds, by secreting or making away with their estate, debts and effects, or by leaving the Province before judgment can be obtained against them: For the prevention 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 Process of Attachment, as well in the hands of the debtor as in the hands of a third person or of third persons, (*arrêt simple*, or *saisie arrêt*, or *entiercement*) prior to trial and judgment, may issue from the Circuit Court in Lower Canada, in all cases where the sum demanded is under Ten Pounds and exceeds One Pound and Five Shillings, current money of this Province, upon the affidavit of the plaintiff or his agent to the effect that the defendant or proprietor of such estate, debts or effects, is indebted to the plaintiff in a sum exceeding One Pound and Five Shillings, current money of this Province, and that he is about to secrete, or make away with the same, or doth abscond, or is about to leave the Province to defraud his creditors; Provided always, that the Commissioners' Courts shall have the like power to issue such Process of Attachment in cases within their jurisdiction, and above the sum of One Pound Five Shillings.

Attachment before judgment may issue in cases between £1 5s. and £10, on affidavit to a certain effect.

Clerks of Circuit Courts may issue such attachment, &c.

Proviso.

II. And be it enacted, That any Clerk of the Circuit Court or Commissioners' Court is hereby authorized to receive the necessary affidavit and issue such Writs of Attachment as aforesaid, in the same manner as he is now permitted and authorized to do in cases above Ten Pounds: Provided, nevertheless, that nothing herein enacted shall prevent any Judge of the Superior Court or Circuit Court from receiving such affidavit,

affidavit, and from granting a Fiat upon which to issue such Writs of Attachment as aforesaid; and the said Judges are hereby empowered to administer and receive such affidavits and grant such Fiats in the same manner as they are now authorized and empowered to do in cases above Ten Pounds.

III. And be it enacted, That the additional costs attendant upon the issuing of such Writs of Attachment as hereinbefore provided for, shall be taxed by a Judge of the Court at such sum as in his discretion he may think right, unless and until they be regulated by a Tariff of the Court under which the Clerk of the Court shall then tax such costs, and in the Commissioners' Court such additional costs shall be the same as in cases of seizure under execution. Costs.

IV. And be it enacted, That this Act shall remain in force for two years, and from thence until the end of the then next Session of the Provincial Parliament, and no longer. Duration of this Act.

V. And be it enacted, That this Act shall apply only to Lower Canada. This Act to apply to L. C. only.

### C A P . X I X .

An Act to authorize the holding of a Second Term of the Superior Court annually in the District of Gaspé, and for the better administration of Justice therein.

[ 2d August, 1851. ]

**W**HEREAS the increase of population and of trade in the District of Gaspé may render it expedient that two terms of the "Superior Court," now by law required to sit but once a year in the said District, should hereafter be held annually therein, and it therefore is expedient to invest the Executive with power to that effect: 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 whensoever and so soon as a second term, in addition to the term of the "Superior Court," now by law held but once a year in the District of Gaspé, shall be by the Governor in Council deemed conducive and necessary to the general welfare of the inhabitants of the said District, it shall be lawful for His Excellency to direct and authorize, by proclamation, and in the manner provided in and by that part of the seventy-seventh section of the Act passed in the twelfth year of Her Majesty's reign, intituled, *An Act to amend the laws relative to the Courts of original civil jurisdiction in Lower Canada*, to which are prefixed the words "IN THE SAID DISTRICT OF GASPE," a second term of the said Superior Court to be annually thereafter held in the said District, at such time as he shall deem proper, with power to him to alter the same at pleasure, and at the same places and for the like periods or number of days as the said Court heretofore has been held, and with the same powers and authority to the Judges holding the said term, to all legal intents and purposes, as if appointed and constituted under the aforesaid last recited Act; but subject always to the modifications thereof as provided in and by an Act of the twelfth year of Her Majesty's reign, intituled, *An Act to amend the law relative to the administration of Justice in Gaspé*, and to the other provisions of this last mentioned Act. Preamble.

On certain presentments and Petitions, the Governor may authorize the holding of a second term of the Superior Court annually in Gaspé.

12 v. c. 3, cited.

12 Vict. c. 40, cited.