

Laws of Her Majesty's Province of United Canada, passed in the year 1851. York: Stewart Derbshire and George Desbarts, 1851.

14 & 15 Victoria – Chapter 90

An Act to render executory certain Judgments in Lower Canada, and to provide more effectually to enforce Judgments in cases of resistance. 30th August, 1851.

Whereas no provision is in force under the existing Laws of Lower Canada, for carrying into execution the Judgments of the late Provincial Court for the Inferior District of St. Francis, and for enforcing the Judgments of certain Commissioners' Courts in Lower Canada which have ceased to exist, and great inconvenience has arisen from the want of such provision, inasmuch as such judgments have remained unexecuted, or it has been necessary to have them declared executory by other judgments obtained at great cost: And whereas it is necessary to provide more efficiently for enforcing judgments of the Courts in Lower Canada, in case of resistance to the execution thereof: 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 the Registers, Muniments, Records, Official Acts and Papers, and other proceedings of the said late Provincial Court, shall immediately after the passing of this Act be transmitted into and make part of the Records, Muniments, and other judicial proceedings of the Circuit Court for the Sherbrooke Circuit, at the Town of Sherbrooke in the District of Saint Francis; and that the judgments of the said late Provincial Court, shall and maybe executed as if they were judgments of the said Circuit Court, and the Clerk of the said Circuit Court for the said Sherbrooke Circuit, shall accordingly issue Execution under the said judgments, and ulterior proceedings shall be had thereupon, as if the said judgments were judgments of the said Circuit Court, under the laws now in force.

II. And be it enacted, That the Judgments of the several Commissioners' Courts in Lower Canada, which have existed under Acts now expired, or which have existed or shall exist under the Act passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to provide for the summary trial of small causes in Lower Canada*, and which have ceased or may hereafter cease to exist, may and shall be executed as if the said judgments had been rendered after the passing of the said Act by the Circuit Court in the same District, and the Clerks of the said Commissioners' Courts shall forthwith deposit the Records of the said Courts in the Commissioners' Court in existence nearest to the place where such Courts have ceased to exist, or if there be no such Commissioners' Court, then in the Circuit Court of the same District, and the Clerks of the said Courts at the places where the Records are or shall be deposited respectively, shall accordingly issue Writs of Execution by virtue of the said judgments, and ulterior proceedings shall be had upon the said judgments, as if the same had been rendered by the Circuit Court, or by any other Court in the same District, by virtue of the laws now in force.

III. And be it enacted, That every Court of Justice shall have the same powers in case of resistance to its process as regards any sale or other incidental proceeding, as it now has by the laws of Lower Canada, in case of such resistance as regards any seizure.

IV. And be it enacted, That every Judge of any such Court shall have in vacation, at chambers or at his residence, the same powers as the Court whereof he is a Member, in all cases of resistance to its process.

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