

Laws of Her Majesty's Province of United Canada, passed in the year 1854. Quebec: Stewart Derbishire and George Desbarts, 1854.

18 Victoria – Chapter 166

An Act to increase the number of sittings of the Courts of Justice within the District of St. Francis, and to make a more convenient arrangement thereof. Assented to 30th May, 1855.

Whereas the terms and sittings of the several Courts of Justice in the District of Saint Francis, are found to be, as at present arranged, inconvenient for the public and insufficient for the due administration of Justice, and it is therefore expedient to make certain changes therein: 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, as follows:

- I. The September Term of the Court of Queen's Bench at Sherbrooke, in and for the said District, shall open and commence on the twentieth day of the month of September in each year.
- II. Four Terms of the Superior Court of and for Lower Canada, shall be held in each year at Sherbrooke, in the district of Saint Francis, at the following periods: from the twentieth to the twenty-seventh days (both included) of the months, of January, March and October, and from the eighth to the, fifteenth days (both included) of the month of June.
- III. The Circuit Court for the Sherbrooke Circuit, shall be held at Sherbrooke, on the last five juridical days of each of the month of February, April, June, September, November and December in each year.
- IV. The Circuit Court, for the Stanstead Circuit, shall be held at Stanstead Plain, on the first four juridical days of each of the months of January, May, September and November in each year.
- V. The Townships of Eaton, Clifton, Newport, Bury, Lingwick, Winslow, Whition, Auckland, Marston, Ditton and Hampden, in the said District, shall form a distinct Circuit, under the name of the Eastern Circuit, and the Circuit Court for the said Eastern Circuit shall be held at the place in the Township of Eaton, where, the sittings of the Municipal Council of the county of Compton shall be held, on the fifth and sixth juridical days of each of the months of January, May and September in each year.
- VI. The Townships of Dudswell, Weedon, Stratford, Garthby, Wolfestown, Ham, South Ham and Wotton, in the said District, shall constitute and form a distinct Circuit, under the name of the Wolfe Circuit, and the Circuit Court, for the said Wolfe Circuit, shall be held in the Township of

Dudswell, on the seventh and eighth juridical days of each of the months of January, May and September in each year.

VII. The Circuit Court for the Richmond Circuit shall be held at the Village of Richmond, on the tenth, eleventh, twelfth and thirteenth juridical days of each of the months of January, May, September and November in each year.

VIII. So much of the Acts of the twelfth Victoria, chapters thirty-seven and thirty-eight, and of the Acts amending the same, and of the Acts of the sixteenth Victoria, chapter two hundred and one, as makes any provision respecting the terms and sittings of the above named Courts, inconsistent with this Act, shall be and the same is hereby repealed.

IX. All the provisions of the several Judicature Acts of Lower Canada now in force and not hereby expressly repealed, and all the rules of practice regulating or having reference to the Courts and Circuits now existing in the District of Saint Francis, shall apply and extend to the new Terms of the Courts, and to the new Circuits established by this Act, to all intents and purposes, as if this Act had formed part of the Act passed in the twelfth year of Her Majesty's Reign, chaptered thirty-eight.

X. The erection of the new Circuits by this Act shall not affect any suit, action, or proceeding commenced in any Circuit before this Act shall come into operation, but the same may be prosecuted and dealt with in the Court where it commenced as if the limits of such Circuit had not been changed; and if any new appealable cases are returnable on a day when the Court is not in session, they shall be treated in all respects as if returnable on the first day of the sitting of the Court, which shall occur after the issue of the Writ in such cases, as fixed by this Act.

XI. The new Circuits (Eastern and Wolfe) created by this Act, shall not prevent or restrict the jurisdiction of the Sherbrooke Circuit, but the last mentioned Circuit shall have concurrent jurisdiction with such new Circuits over the limits assigned to the said new Circuits; Provided nevertheless that when any defendant residing in such new Circuits who shall be sued in the Sherbrooke Circuit shall, before making defence to the action declare his option to have the suit, proceeded with in the Circuit where he resides, by filing a declaration to that effect with the Clerk of the Circuit Court for the Sherbrooke Circuit, at his office, and praying *acte* thereof, the said Clerk shall immediately remit the record in such cause to the office' of the Clerk of the Circuit Court within the limits of which such defendant resides, and such suit shall be proceeded with and terminated in the said last mentioned Circuit.

XII. This Act shall take effect from and after the first day of August, one thousand eight hundred and fifty-five, but a Clerk for each of the said new Circuits may be appointed by the Governor at any time before or after that day.