

Proviso.

place, then the person in whose hands the register shall then be, shall forthwith deposit the same and all papers belonging to the Court, in the office of the Prothonotary of the Superior Court in the District in which the Court shall have been held, and this under a penalty of *twenty-five pounds* 5
currency ; Provided always ; that the Clerk of any County Court who shall cease to perform the duties of his office, (or in case of death, his heirs or legal representative) shall, under the same penalty, forthwith deliver the register and papers in his or their possession to the Commissioners, or to the person appointed to be Clerk of the said Court.

Who may act
as Attorney
before the
Court.

XXVIII. No Bailiff or Sergeant of Militia shall, in any case, act as Attorney 10
before any County Court, nor shall any other than an Attorney or Barrister duly commissioned to practise the Law in Lower Canada, so act without a power of Attorney in writing, except in presence of the party and at his request ; and any person not duly commissioned to practise the Law as aforesaid, who shall act or practise before any County Court as Attorney of 15
the parties, Plaintiff or Defendant, shall be bound to do so *gratis*, without demanding or receiving any fee, perquisite or remuneration whatsoever ; and any person acting or practising as Attorney of any party before the said Court without being duly commissioned to practise the Law as aforesaid, who shall directly or indirectly, receive in consideration of such service 20
any fee, emolument or remuneration whatsoever, shall be held to have obtained the the same under false pretences with intent to defraud the party from whom he shall have received it, and shall be liable to punishment accordingly, and shall for ever after be incapable of acting as Attorney before any County Court : Provided also, that no Clerk of any such Court 25
shall act as Attorney or *Porteur de Pièces* in any case whatsoever : and provided further that no Bailiff or other person who shall have served or executed any summons or process in any suit shall be a competent witness in such suit, on behalf of the party by whom such summons or process shall have been sued out, except only with regard to the service or execution 30
of the same.

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Services how
to be effected.

XXIX. No summons, order or other process issued under this Act, shall be served or executed, except by a Bailiff or a Sergeant of Militia nor by any Bailiff or Sergeant of Militia, residing out of the County wherein the Defendant or witness may respectively reside, 35
unless he shall renounce all claim to any greater sum for travelling expenses than that to which a person being resident therein would be entitled, except where there shall be no Bailiff nor Sergeant of Militia residing in the County wherein any such process is to be served, qualified or willing to make a return in writing ; in which case such 40
process may be served or executed by a Bailiff or Sergeant of Militia residing out of such County, and he shall be allowed his travelling expenses from the residence of the Bailiff or Sergeant of Militia residing nearest to the place where the service is to be made, or the Commissioners may in such case specially address such process to any other person 45
by name, resident in the County where the service is to be made, who shall make oath to the due service and execution thereof :—Provided always, that no warrant of execution, or process authorizing the seizure of any property whatever shall be addressed to any person other than a Bailiff. 50

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Costs.

XXX. And whereas it is right to fix the costs in such cases as shall be determined under this Act in any County Court ; Be it therefore enacted, that it shall be lawful for the Clerk of any County Court, to demand and receive the fees set forth in the Tariff or Schedule of Fees to this Act an-