

greater costs shall be awarded against the Defendant than if he had been sued before the County Court for the County in which he resides.

Only one Court to be held in each County,

VII. Provided always, that no more than one Court shall be held in any County in Lower Canada, under this Act; the Court may be held by any one of such Commissioners in case of the unavoidable absence of the other Commissioners appointed in and for the same County; the place where the Court shall be held in each County shall be at such place as the majority of the Commissioners shall appoint, and in every summons or order of Subpœna to be issued under this Act, the place where the Court is to be held shall be mentioned.

Time of holding Courts.

VII. The County Courts aforesaid shall be held on the first Monday of every month, not being a holiday, and if it be a holiday then on the following day, and on any other days to which they may then find it necessary to adjourn for hearing witnesses and for determining suits; and such Courts, respectively shall so be held publicly in some suitable room, which shall be provided for that purpose by the Clerks thereof under the direction of the Commissioners; and the expense of hiring and warming such room or place, and all other expenses necessary for the convenient holding of the said Courts, shall be paid by such Clerks, respectively, out of the fees hereinafter assigned to them: Provided always, that no such Court shall at any time be held in any tavern or place of public entertainment, nor in any building thereunto appertaining.

Proviso.

Fees to Commissioners

IX. Each and every Commissioner shall be entitled to the sum of shillings for each and every day not being an adjourned day on which he shall hold a Court as Commissioner, which said sum shall be paid to him by the Clerk of the County Court, out of the fees hereinafter assigned to them.

Summonses when returnable.

X. In any case cognizable in a County Court it shall be lawful for any one of the Commissioners, upon request or application to him made, to grant and cause to be issued a Summons which shall be in the form of that one of the Schedules annexed to this Act which shall suit the case, and shall not be returnable within less than eight clear days from the day of service, in cases where the amount demanded shall not exceed six pounds five shillings currency, and fifteen clear days in all cases above that amount.

Recusation of Commissioners.

XI. If in any suit, all the Commissioners be recused by either party (and any recusation and the grounds thereof shall be reduced to writing), and the Court be thereby rendered incompetent to proceed with the case, such suit shall immediately be transmitted to the County Court in the same District, nearest to the residence of the Defendant, and if the recusation be there adjudged valid, such Court shall proceed to hear and determine the cause; but if the recusation shall be adjudged frivolous or unfounded, the parties shall be sent before the Court in which the Commissioners shall have been recused, in order that such Court may proceed as if the recusation had not been made; and in such case the Court before whom the cause shall have been originally brought, may, without any reference to the merit thereof, tax the costs of such frivolous or unfounded recusation against the party by whom it shall have been made:—Provided always, that any Commissioner may sign the original writ of summons in any action, although he may be related to either of the parties, but he shall be unqualified to Act in any other matter relative to such actions.

Proviso.