

An Act to provide for the establishment of County Courts in Lower Canada.

WHEREAS it is expedient to establish County Courts in Lower Canada ; therefore Her Majesty &c., enacts as follows : Preamble.

I. Whenever a Petition praying for the establishment of a County Court, for the purposes hereinafter mentioned, shall have been presented to the Governor of this Province, by a majority of the municipal Councillors for the County in which such Court is prayed for, it shall be lawful for the said Governor in Council to appoint three persons in the said County, to be Commissioners in and for the same, and to hold the County Court therein for the purposes of this Act. County Courts where and how to be held.

II. Each of the County Courts aforesaid shall have power to hear, try and determine, in a summary way, according to the right of the parties, and to equity, and good conscience, and to the best of the knowledge and judgment of the Commissioners by whom they shall be held, all suits and actions, (with the exceptions hereinafter made,) purely personal or relating solely to moveable property, wherein the sum or the value of the thing demanded, shall not exceed twenty-five pounds currency. Summary Jurisdiction to £25 currency.

III. Provided always, that the jurisdiction of the County Court established under this Act shall not extend to actions for slander; or for assault or battery, nor to such as shall relate to paternity, or to the civil estate of persons in general, or for seduction, or lying-in expenses, or for any fine or penalty whatever. Proviso as to actions for uncertain amounts.

IV. Any person under the age of twenty-one years, but above the age of fourteen years, may prosecute a suit in any County Court held under this Act, for any sum of money not exceeding twenty-five pounds currency, due to him for wages, in the same manner as if he were of full age ; any law to the contrary notwithstanding. Who may prosecute suits.

V. In matters cognizable in the said County Courts, proof by oral testimony shall be receivable and sufficient in all cases wherein, before the passing of this Act, it would have been receivable and sufficient, if the sum or the value of the thing in dispute had been of less than one hundred livres *ancien cours* ; and any law heretofore in force in Lower Canada, requiring proof in writing, or a commencement of proof in writing in such cases, is hereby repealed. Oral testimony admissible.

VI. Provided also, that if there shall be no Commissioners appointed for and resident in the County in which the Defendant shall reside, or if all the Commissioners be absent, or sick, or unable to act as Commissioners so that the Court cannot be held, then such Defendant may be sued before that other County Court which shall be held nearest to the place in which the Defendant shall reside and in the same District, provided that no Proviso in case of absence or sickness of Commissioners.