

4th Session, 3rd Parliament, 14 & 15 Vict., 1851.

BILL.

An Act to render executory certain
Judgments in Lower Canada, and to
provide more effectually to enforce
Judgments in case of resistance.

Received and read a first time, Wednesday, 25th
June, 1851.

Second reading, Thursday, 26th June, 1851.

MR. SANBORN.

BILL.

An Act to render executory certain Judgments in Lower Canada, and to provide more effectually to enforce Judgments in case of resistance.

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, &c.

15 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 may be 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.

Registers, &c. of the late Provincial Court to be transmitted into the Circuit Court; its judgments made Executory.

30 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 of 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 or any other Court in the same District; and the clerks of the said Courts at the places

How judgments of Commissioners' Courts which may have ceased to exist, shall be executed. 7 V. c. 19.

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. 5

Powers of
Courts in
cases of
resistance to
process.

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. 10

And of any
Judge.

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. 15

Extent of Act.

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