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No. 72.

2nd Session, 5th Parliament, 19 Victoria, 1856.

BILL.

An Act to amend the Acts amending the laws relative to Courts of Original Civil Jurisdiction in Lower Canada.

Received and read, first time, Friday, 7th March, 1856.

Second reading, Monday, 10th March, 1856.

MR. GILL.

TORONTO:

PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to amend the Acts amending the laws relative to Courts of Original Civil Jurisdiction in Lower Canada.

WHEREAS it is expedient to amend the Act passed in the 12th year of Her Majesty's Reign, intituled, "An Act to amend the laws relative to the Courts of Original Civil Jurisdiction in Lower Canada," and also the Act passed in the 16th year of Her Majesty's Reign, amending the said above recited Act; Therefore Her Majesty, &c., enacts as follows:

Preamble.
12 Vic. c. 88.

I. Notwithstanding any contrary provisions in the Act first above cited, the Circuit Court in the Yamaska Circuit, established by the Act last above cited, shall from and after the passing of this Act, have concurrent jurisdiction with the Circuit Court in the Three Rivers Circuit and *vice versa*, so that all judicial proceedings, instituted in one of the said Circuits may be prosecuted and determined in the other, when the Judge holding the said Courts, upon the application of one of the parties, shall in the interest of justice so order.

Circuit Court in the Yamaska and three Rivers Circuits to have concurrent jurisdiction.

II. Upon such order of the said Judge, the Clerks of the said Circuits respectively, shall without delay transmit the records from the one to the other of the said Circuits, as the case may be, and notice of such transmission shall be given by the party who shall have obtained the order therefor, to the opposite party, if such party be not present or represented in Court at the time such order shall have been given.

Mode of exercising such concurrent jurisdiction.

III. And whereas it is expedient to increase the number of terms of the said Circuit Court in the Yamaska Circuit, be it enacted, that the said Court shall sit therein from the fourth to the eighth day of May in each year, both days inclusive, in the same manner as though the said term had been provided for by the twelfth section of the Act hereinabove secondly cited, any thing in the said section contrary thereto notwithstanding; Provided always, that in respect of this as well as of the other terms in the said Circuit, and of the Circuit of Arthabaska, the three first juridical days of each term shall be return days; and at the close of the third juridical day or any time thereafter, the Judge may, if there be then no business before the Court, close the sitting thereof until the then next term.

Additional term in the Yamaska Circuit.

Proviso.

IV. In the absence of the Judges of the Superior Court residing at Three Rivers and at Sherbrooke, respectively, all ministerial duties of the said judges, in cases where there is no contestation, may be performed by the President or Chairman of the Quarter Sessions of the Peace, or by the Prothonotaries of the Superior Court residing at Three Rivers or at Sherbrooke respectively, or by their deputies.

Who may perform the ministerial duties of the Judges at Three Rivers and Sherbrooke, in their absence.