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2nd Session, 7th Parliament, 26th Victoria, 1863.

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BILL.

An Act to amend the Division Courts Act.

Received and read, first time, Monday,
16th March, 1863.

Second reading, Thursday, 19th March,
1863.

Hon. Mr. McMASTER.

QUEBEC :

PRINTED FOR THE CONTRACTORS BY HUNTER,
ROSE & LEMIEUX, ST. URSULE ST.

BILL.

An Act to amend the Division Courts Act.

5 **W**HEREAS it is expedient to amend the Act respecting the Division Courts, being the nineteenth Chapter of the Consolidated Statutes for Upper Canada; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The sixth, seventh, eighth, tenth, eleventh, fourteenth, fifteenth, and twenty-third sections of the said Act are hereby repealed. Repealing clause.

10 **2.** A court shall be holden in each Division once in every three months, or oftener, in the discretion of the Council of the County or Union of Counties; and the Council of the County or Union of Counties may appoint, and from time to time alter, the times and places within such Division when and at which such Courts shall be holden. Times and places of holding Courts.

15 **3.** The Council of the County or Union of Counties may appoint, and from time to time alter the number, limits and extent of every Division, and shall number the Divisions, beginning at number one. County Council to appoint Divisions.

20 **4.** When a junior County separates from a senior County, or Union of Counties, the Division Courts of the United Counties which were before the separation, wholly within the territorial limits of the junior County, shall continue Division Courts of the junior County, and all proceedings and judgments shall be had therein, and shall continue proceedings and judgments of the said Division Courts respectively; and all such Division Courts shall be known as Division Courts of such junior County, by the same numbers respectively as they were before, until the Council of the junior County appoint the number, limits and extent of the divisions for Division Courts within the limits of such junior County, as provided in the third section of this Act. On separation of junior from senior County. Courts to continue.

30 **5.** Whenever the Council of any County or Union of Counties alter the number, limits or extent of the Division Courts within such County, all proceedings and judgments had in any Division Court before the day when such alteration takes effect, shall be continued in such Division Court of the County or Union of Counties as the Judge directs, and shall be considered proceedings and judgments of such Court. On alteration of Divisions, Judge to direct in what Court proceedings to be continued.

35 **6.** At the first meeting of the Council of any senior County, after the issue of any proclamation for separating a junior from a senior County, or at any subsequent meeting of such Council, the said Council shall appoint the number, (not less than three, nor more than twelve) the limits, and extent of the several divisions within such County, and the time when such change of divisions shall take effect. Council of senior County to regulate its Divisions after separation.

County Clerk **7.** The Clerk of the County, in a book to be by him kept, shall record the divisions declared and appointed, and the times and places of holding the Courts, and the alterations from time to time made therein, and he shall forthwith transmit to the Governor a copy of the record.

Council to appoint and remove clerks & bailiffs. **8.** The County Council shall from time to time appoint, and may at pleasure remove any clerk or bailiff. **5**

Officers of Division Courts not to be Municipal officers, or vote at elections. **9.** Clerks and bailiffs, and other officers of Division Courts, shall not, during their terms of office as such, be qualified to be members or officers of any municipality or to vote at or directly or indirectly take any part in any parliamentary or municipal election, or to act as justices of the peace. **10**

Present officers to continue until appointment of their successors. **10.** All persons holding offices as clerks or bailiffs, or other officers of Division Courts, at the time of the passing of this Act, shall continue to hold such offices until their successors are appointed under this Act, and may continue until the thirty-first day of December next, to hold also any municipal office and be deemed qualified to hold the same, notwithstanding the provisions of this Act to the contrary. **15**