
1st Session, 8th Parliament, 27 Victoria, 1863.

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BILL.

An Act to amend the Division Courts Act

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26th August, 1863.

Second reading, Wednesday, 2nd September,
1863.

Honorable Mr. McMASTER.

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BILL.

An Act to amend the Division Courts Act.

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sixth, seventh, eighth, tenth, eleventh, fourteenth, fifteenth, and twenty-third sections of the said Act are hereby repealed.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

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 places within such Division at which such Court shall be holden.

Times and places of holding Courts.

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.

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 held 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.

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.

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
to record
places of
holding
Courts.

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

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Clerks and
Bailiffs of
Division
Courts to be
appointed by
a Board of
County
officials.

8. The clerks and bailiffs of the Division Courts in each County or Union of Counties shall from time to time be appointed, and may from time to time, at pleasure, be removed by a board, composed of the Judge, the County Attorney, the Warden, the Treasurer, and the Registrar residing at the County Town of such County or Union of Counties; which board shall meet for the purposes of this Act at the Court-house of the County or Union of Counties, on the first Monday in each of the months of January, April, July, and October, and on such other days as they shall be summoned to meet by the Judge; and any three of the said board shall constitute a quorum thereof, and be competent to exercise all or any of the powers thereof, but the Judge may dismiss any such officer *ad interim*, subject to appeal to such board.

Officers of Di-
vision Courts
not to be
Municipal
Councillors,
or vote at
elections.

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

Present offi-
cers to con-
tinue until
appointment
of their suc-
cessors.

10. All persons holding offices as clerks or bailiffs, or other offices 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.

Clerks and
Bailiffs not to
purchase
claims, &c.

11. No clerk or bailiff of any Division Court shall directly or indirectly purchase, or acquire any interest in any note, debt, or account susceptible of collection, or claim pending, or judgment rendered in such Court, on pain of forfeiture of his office as such.

Interprea-
tion Act

12. In construing this Act, the words "the Judge" shall mean the senior or acting Judge of the County Court of the particular county in which the Division Courts are respectively situated.

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