

No. 85.

1st Session, 6th Parliament, 21 Victoria, 1858.

BILL.

An Act to explain and remove doubts as to the construction of the Act authorizing parties to sue and defend causes in *forma pauperis* before the Courts of Law in Lower Canada.

Received and read, first time, Friday, 23rd April, 1858.

Second reading, Monday, 26th April, 1858.

HON. MR. LEMIEUX.

TORONTO :

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An Act to explain and remove doubts as to the construction of the Act authorising parties to sue and defend causes in *formâ pauperis* before the Courts of Law in Lower Canada.

WHEREAS doubts have arisen as to the true intent and meaning of the provisions of the Act passed in the Parliament of this Province, in the twelfth year of the reign of Her Majesty, Queen Victoria, chapter the forty-third, and intituled, "An Act to remove all doubts as to the right of suing and defending causes in *formâ pauperis* before the Courts of Law in Lower Canada," and it is expedient to remove the same: Therefore Her Majesty, &c., enacts as follows:

I. The true intent and meaning of the said Act, is, and shall be held to be, that all the Courts of Law and each of the Judges thereof, including the Vice-Admiralty Court of Lower Canada and the Judge and Deputy Judge thereof, are and shall be empowered, authorized and required, and they, and each and every of them, are hereby authorized and required to permit parties to sue and defend causes in *formâ pauperis*, whenever it shall be established by affidavit that such parties, having a good cause of action, or a good defence, or a good ground of complaint, are unable to establish the same in the ordinary course of Law, from want of the necessary means to defray the fees and charges of the several Officers of the said Courts, whose services may be required in the conduct of causes before such Courts: And the provisions of the Act hereinbefore mentioned are hereby declared and enacted to apply to the said Vice-Admiralty Court and to the Judge and Deputy Judge thereof respectively.

Preamble.

12 V. c. 43.

Intent and meaning of the said Act declared. It extends to the Court of Vice-Admiralty.