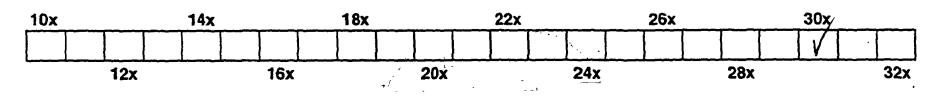
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1st Session, 8th Parliament, 27 Victoria, 1863.

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BILL.

An Act to amend the law respecting the Recorder's Court of the City of Quebec.

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Received and read, first time, Monday, 24th August, 1863.

Second reading, Thursday, 27th August, 1863.

Hon. Sir N. F. BELLEAU.

QUEBEC:

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

BILL.

An Act to amend the law respecting the Recorder's Court of the City of Quebec.

W HEREASit is necessary to amend the existing legislative provisions Preamble. respecting the Recorder's Court of the City of Quebec :

Thereforc, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The said Recorder's Court may, by a Writ of Summons in the Summoning 5 manner prescribed by law, order any debtor of the Corporation of the of debtors of said city, residing in the District of Quebec, to appear before it in any city, residing in District of Quebec, to appear before it in any city, residing civil action over which it has jurisdiction. Quebec.

2. If such debtor resides without the limits of the said city, but with- Delay be-

- 10 in the limits of the said District, there shall be added to the required tween the serinterval of two days, between the service and the return of a summons, vice and re-when the Defendant resides in the said city, an interval of one day for Summons. every five leagues of distance between the said city and the domicile of the Defendant, between the service of the summons and the return
- 15 thereof before the said Court; and every fraction of a league shall be reckoned as a league.

3. If the proprietor or possessor of vacant or unoccupied immovable Manner of property in the said city is absent from the District, and such immovable summoning an absent property is subject to the payment of any assessment, tax or due what- debtor.

20 ever to the Corporation of the said city, then such proprietor shall be proceeded against in the manner prescribed by law (mutatis mutandis) for the summoniug of absent debtors.

2. Execution against the property of a debtor shall not issue until Delay for exeight days after the rendering of the judgment against him. ecution.

- 2. The costs in every civil action, or in every complaint or prosecu-Taxation of 25tion, shall be taxed by the Clerk of the said Court, or his Deputy, sub- costs. ject to an appeal from such taxation to the said Court, whose judgment in this respect shall be final.
- 3. In case a Defendant has no movable effects or property within the writ de terres 30 District of Quebec, or if the said property is insufficient for the payment may be issued and satisfaction in principal, interest and costs of the judgment rendered in certain cases. against him, but possesses immovable property in the said District, a Writ de terris, addressed to the Sheriff of the said District, may be issued out of the said Court; and the procedure in that case shall be that 35 prescribed by the Act 24 Victoria, Chapter 26.

3. In case of the seizure in execution of the movable effects and pro-Oppositions perty of a Defendant, every creditor of such Defendant having a right a fin de conto make an opposition à fin de conserver on the moneys arising from server. the sale of the said property, may place such opposition in the hands of

40 the Bailiff making the seizure, and the said Recorder's Court shall hear and determine the said opposition according to law.

Tariff of costs 4. The said Recorder's Court may make a tariff of fees and costs to be demanded and received by the officers of the said Court, and may alter the said tariff; but the said tariff, and any alterations therein, shall have force only after having been approved by the Governor in Council.

5. The Clerk of the said Court, or his Deputy, may swear any person Cretain powers conferred to any affidavit or deposition to be produced in any cause or proceeding upon the pending or to be brought or instituted before the said Court.

2. The said Clerk, or his Deputy; may also swear any person to any deposition required for the prosecution of offences over which the said 10 Court has jurisdiction, and may issue from the said Court any Warrant for the arrest of the person against whom such prosecution is instituted or required, according to law.

3. The said Clerk, or his Deputy, may admit any person arrested as aforesaid to bail for his appearance before the said Court in the manner 15 prescribed by law; and such bail shall be as good, in all respects, and shall be considered, as if it had been given before and received by a Justice of the Peace.

4. The penalties of wilful perjury shall apply to every person who shall wilfully make a false deposition under the provisions of this Act. 20

Repeal of Sec. 6. Section 28 of the Act 25 Vistoria, cliapter 45, is hereby repealed. 35 of 25 Vic. c. 45.

7. The form of convictions for offences over which the said Court has Form of conjurisdiction, shall be (mutatis mutandis) that used for convictions in the victions. Court of General Quarter Sessions of the 'Peace for the District of Queboc.

S. No civil action, procedure or proceeding, and no complaint or Exception à la prosecution for any offence over which the said Recorder's Court has forme. jurisdiction shall be void for defect of form or for deficiency of allegation : but the said Court may order such action, procedure or proceed-ing, complaint or prosecution to be amended, if it thinks necessary for 30 purposes of justice.

9. It shall not be necessary to allege or to prove that any By-law of Proof of the transmission the Council of the said city has been transmitted to the Governor in of a by-law to Council lut such transmission shall be presented with the contrary is the Governor Council, but such transmission shall be presented until the contrary is 35 shall not be proved. necessary.

10. Section, 22 of the Act last above cited is hereby amended by Sec. 22 of 25 Vic., cap. 15 adding to it, after the words "shall be imprisoned." the words "and amended. kept at hard labor.

11. The following words shall be added at the end of the 30th Sec-tion of the said act, that is to say :- "And for this purpose the said 40 Sec. 30 of 25 Vict. c. 45' amended. Recorder shall have the powers conferred by the thirteenth chapter of the Consolidated Statutes of Canada.

12. The said Recorder's Court and the Recorder of the said city, in Certain powers granted to civil matters within the Jurisdiction of the said Court, shall have, in the Recorder's relation to such matters and every suit, proceeding, matter or thing, or 45 Court. incidental proceeding whatever connected therewith or depending thereon, as well before as after judgment, the powers and authority granted by law in that respect to the ordinary Courts of original civil jurisdiction in Lower Canada, and to the Judges thereof.

13. A public Act, to which the Interpretation Act applies. Public Act.

Clerk,

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