



## CHAPTER 66

An Act to amend the Courts of Justice Act respecting the  
Circuit Court of the district of Montreal

[Assented to, the 13th of April, 1933]

**HIS MAJESTY**, with the advice and consent of the  
Legislative Council and of the Legislative Assembly  
of Quebec, enacts as follows:

**1.** Section 57 of the Courts of Justice Act (Revised R. S., c. 145,  
Statutes, 1925, chapter 145) is amended: s. 57, am.

*a.* By striking out the words: "Except in the district of  
Montreal, for which there is a special and distinct court,"  
in the first and second lines thereof;

*b.* By striking out the words: "except the district of  
Montreal", in the sixth line thereof.

**2.** Section 75 of the said act is amended by striking out Id., s. 75,  
the words: ", except in the district of Montreal," in the first am.  
and second lines thereof.

**3.** The Circuit Court of the district of Montreal con- Provisions  
templated by Division IV of the said Courts of Justice Act repealed.  
is abolished, and sections 91, 92, 93, 94, 95, 96, 97, 98,  
101, 102 and 103 of the said Division IV are repealed.

**4.** No action, information, suit, cause or proceeding Transfer-  
pending before the Circuit Court of the district of Mont- ring of  
real, abolished under the authority of this act, shall be suits, etc.  
thereby abated, discontinued or annulled, but the same  
shall be transferred, in its then condition, to the Circuit  
Court contemplated by section 57 of the Courts of Justice  
Act; and any further proceedings shall be therein had to

judgment and execution, and subsequent thereto, as there might have been had before the Circuit Court abolished under the authority of this act.

Transfer to Magistrate's Court in certain event.

However, if at the date of the coming into force of this act, a Magistrate's Court has been established under section 289 of the said Courts of Justice Act, for the judicial district of Montreal, any action, information, suit, cause or proceeding pending before the Circuit Court abolished by this act and which concerns matters and things under the jurisdiction of the Magistrate's Court shall be transferred to the said Magistrate's Court, and any further proceedings in any such action, information, suit, cause or proceeding shall be had to judgment and execution, and subsequent thereto, as there would have been had before the Circuit Court of Montreal abolished by this act.

Persons summoned to appear, etc.

**5.** Any person summoned to appear before the Circuit Court abolished by this act, or ordered to do any other thing at any time before such Circuit Court, shall appear or do such thing at the same time, subject to the provisions of section 8, before the Circuit Court contemplated by section 57 of the Courts of Justice Act, or before the Magistrate's Court for the district of Montreal if such Magistrate's Court has been established and if the case for which such person was ordered to appear or do any other thing lies within the jurisdiction of the Magistrate's Court.

Transferring of records, etc.

**6.** The records, archives, plun:itifs, books and papers of the Circuit Court, abolished under the authority of this act, shall be transferred without delay to the Circuit Court contemplated by section 57 of the Courts of Justice Act.

Transfer to Magistrate's Court in certain event.

However, if at the coming into force of this act, a Magistrate's Court for the judicial district of Montreal has been established, the records of the Circuit Court so abolished respecting matters and things within the jurisdiction of the Magistrate's Court, together with a certified copy of all the entries in the plun:itifs concerning each of such cases, shall be transmitted without delay to the Magistrate's Court for the judicial district of Montreal.

Costs, etc.

**7.** The costs and disbursements necessitated by the transmission of the records of the Circuit Court abolished under the authority of this act shall be at the expense of the Province and shall be paid out of the consolidated revenue fund.

**8.** The delays of procedure shall be suspended from the date of the coming into force of this act, up to the twentieth juridical day following the receipt of the records by the court before which the cases must be continued, which receipt shall be announced by a proclamation published in the *Quebec Official Gazette*. Delays of procedure.

**9.** Each case shall, after such transmission, have such number as shall be given to it by the clerk of the court before which such case must be continued. Numbering of cases.

**10.** No notices other than those that would have been required before the Circuit Court abolished under the authority of this act, if it had continued to have jurisdiction, shall be necessary to continue such cases before the court to which the records of such cases have been transmitted. Notices for cases.

**11.** The Lieutenant-Governor in Council may establish and organize, under the provisions of section 289 of the Courts of Justice Act, a Magistrate's Court for the judicial district of Montreal, even before the coming into force of this act; but the Magistrate's Court so established shall obtain the jurisdiction granted to it by law, only from the date of the coming into force of this act. Establishing, etc., of Magistrate's Court for judicial district of Montreal.

**12.** In the event of a Magistrate's Court being established, under the authority of section 289 of the Courts of Justice Act, for the judicial district of Montreal, whether before or after the coming into force of this act, the Lieutenant-Governor in Council shall not be restricted concerning the appointment of district magistrates, by the number of magistrates provided for by subsection 4 of the said section 289. Appointing of district Magistrates.

The provisions of the foregoing paragraph shall authorize only such increase in the number of magistrates as may be deemed necessary by the Lieutenant-Governor in Council consequent upon the establishing of a Magistrate's Court for the judicial district of Montreal. Authorization restricted.

The provisions of paragraph 2 of section 272 of the said Courts of Justice Act, and the amendments thereto, shall apply to the salaries of the magistrates thus appointed. Salaries.

**13.** The words "Circuit Court of the district of Montreal" or "Circuit Court of Montreal", wherever they occur in any act, shall include the "Magistrate's Court for the judicial district of Montreal". "Circuit Court of Montreal".

**14.** This act shall come into force on such date as it may please the Lieutenant-Governor in Council to fix by proclamation. Coming into force.