

C H A P. 64

An Act to amend the Revised Statutes, 1909, respecting district magistrates.

[Assented to, the 21st of March, 1922]

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

R. S., 3291
to 3332,
replaced.

1. Section first of chapter fourth of title sixth of the Revised Statutes, 1909, comprising articles 3291 to 3332, inclusively, of the said Statutes, is replaced by the following:

“SECTION I

“DISTRICT MAGISTRATES’ COURTS

“§ 1.—*Magistrates, their Powers and Officers*

District
magistrates
may be ap-
pointed.

“**3291.** The Lieutenant-Governor in Council may, from time to time, appoint, by commission under the Great Seal, one or more district magistrates in one or more districts in the Province, who shall be advocates of at least five years’ standing, and shall, upon their appointment, cease practising.

Chief Dis-
trict Magis-
trate may be
appointed.

“**3291a.** The Lieutenant-Governor in Council may appoint, from amongst the district magistrates of this Province, a Chief District Magistrate, with residence at the place he shall determine.

District
magistrates
to hold office
during good
behaviour.

“**3292.** Every district magistrate shall remain in office during good behaviour, and cannot be dismissed except according to the provisions of article 3263.

Property
qualification
not required.

“**3293.** No district magistrate need possess any property qualification.

Where they
shall reside.

“**3294.** Every district magistrate shall reside in the district or in one of the districts for which he has been appointed, and at such places as shall be assigned to him from time to time by the Lieutenant-Governor in Council.

Where Chief
District
Magistrate
shall reside.

The place where the Chief District Magistrate shall reside shall be fixed in conformity with article 3291a.

“3295. There shall be allowed:

1. To the Chief District Magistrate an annual salary, fixed by the Lieutenant-Governor in Council, not exceeding five thousand dollars; Salaries:
Of the Chief
District
Magistrate;

2. To each of the other magistrates, an annual salary, fixed by the Lieutenant-Governor in Council, not exceeding three thousand dollars; however, in places where the increase of business justifies it, he may be allowed a larger salary, but not exceeding four thousand five hundred dollars per annum. Of the other
magistrates.

Such salaries shall be paid out of the consolidated revenue fund. How paid.

“3296. 1. Every district magistrate when he travels in the performance of his duties shall be paid, in addition to his travelling expenses, six dollars per day, including the days necessarily occupied in travelling, both going and returning, from the place assigned to him as his residence, provided that,— Daily allow-
ance to dis-
trict magis-
trate over
and above
travelling
expenses.

a. no allowance shall be paid him for the hearing of any case in a district other than that or those assigned to him unless he has first received the authorization of the Attorney-General or that of the Chief District Magistrate, as the case may be, to proceed to such other district; and that Proviso.

b. every application for the payment of travelling expenses and the allowance of six dollars per day, above-mentioned, be accompanied by a certificate signed by the magistrate showing the number of days for which he is entitled to make such claim, and that the amount claimed for travelling expenses represents his actual travelling expenses. Proviso.

2. The Attorney-General may, whenever he deems it expedient in the interests of the administration of justice, grant, over and above such allowance and travelling expenses, an additional sum of four dollars per day to any magistrate to whom he gives instructions, in writing, to sit in any city other than that in which such magistrate has his residence. Additional
allowance
for sitting in
a city.

3. The expenses incurred under the provisions of this article shall be paid out of the consolidated revenue fund. Out of con-
sol. revenue
fund.

“3297. Articles 3278, 3279, 3280, 3280a and 3281 shall apply, *mutatis mutandis*, to district magistrates appointed under this section. Provisions
to apply.

“3298. Nevertheless, in every case where a magistrate may resign or be retired on pension in accordance Special pen-
sions for

magistrates in certain cases. with the provisions of articles 3278, 3279, 3280 or 3280a, the Lieutenant-Governor in Council may grant him a pension of three thousand dollars per annum if he resigns within thirty days of a request by the Attorney-General for such resignation.

Jurisdiction. **“3299.** Every district magistrate may:

Civil matters.

1. Exercise his jurisdiction in civil matters in all districts, counties, cities, towns and places in the Province where there exists a District Magistrate's Court, whether such districts, counties, cities, towns and places be comprised or not within the territory which has been assigned to him by his commission;

Penal matters.

2. Exercise his jurisdiction in any penal matter under the authority of the Parliament of Canada or of the Legislature of this Province, as well as in criminal matters, throughout the whole extent of the Province; and he shall have therein, in respect of such matters, all the powers, authority, rights and privileges by law vested in one or more justices of the peace of this Province, as well as all the powers, authority, rights and privileges by law vested in any district magistrate of this Province under any act of the Parliament of Canada or any other law whatsoever.

Powers and duties of magistrates.

“3300. The district magistrate shall hold all such Magistrates' Courts, and hear, try, and determine all such suits and proceedings, and exercise all such functions, proper to a district magistrate, as are required or authorized by law; and generally he shall act in every case and matter in the manner authorized or required by law.

Clerk of magistrate at chief place.

“3301. 1. The clerk of the Crown or the clerk of the peace shall, according to the nature of the proceedings, be, *ex officio*, the clerk of the magistrate, when the latter sits at the chief place in the district in criminal or penal matters.

Id., at place other than chief place.

2. The clerk of the Magistrate's Court shall be, *ex officio*, clerk of the magistrate when the latter sits in criminal or penal matters at a place other than the chief place, but where there exists a Magistrate's Court.

Magistrate to appoint own clerk in certain cases.

3. If the district magistrate is required to sit in criminal or penal matters in a locality, other than the chief place, where there is no Magistrate's Court, he shall appoint his own clerk and notify without delay the Attorney-General and the clerk of the peace of the district of such appointment.

Constables.

4. Every district magistrate, when he acts in criminal or penal matters, may appoint in the different localities, within

the limits of his jurisdiction, the constables he may require to carry out his orders and for no other purpose.

5. The remuneration of such clerks and constables shall consist of such fees as shall be determined by the Lieutenant-Governor in Council. Remuneration of clerks and constables.

6. The appointments of clerks and constables made by the district magistrate shall stand good until revoked by him or by the Attorney-General. Appointments to stand until revocation.

“3301a. The person acting as clerk of the magistrate, other than at the chief place, shall deposit in the office of the clerk of the peace of the district the records and proceedings, after the final decision in each case, or whenever he may be required so to do by the district magistrate. Duty of clerk other than at chief place.

“3301b. At the chief place, the deputy-clerk of the Crown or the deputy-clerk of the peace, as the case may be, shall be, *ex officio*, deputy-clerk of the magistrate. Deputy clerk ex officio.

“3302. Every bailiff of the Superior Court may, and, when required so to do, shall act as a constable under the orders of any district magistrate, without any special appointment for the purpose. Bailiffs of Superior Court to be constables.

“3303. The clerk of the district magistrate shall keep minutes of every proceeding had by and before such magistrate; he shall also keep books of account, and shall make returns from time to time when required so to do by the Attorney-General or by the Chief District Magistrate. Minutes to be kept and returns to be made.

“3303a. Every district magistrate shall see that his clerk faithfully fulfills the duties assigned to him. The district magistrate shall in addition report any information collected by him in the fulfillment of his duties, whenever thereunto required by the Lieutenant-Governor in Council. Certain duties of magistrate.

“3304. The Attorney-General or the Chief District Magistrate may, from time to time, instruct any district magistrate to attend, for any specific time, any district or districts, other than the district or districts for which he was appointed. District magistrates may be instructed to attend any district.

“3305. The Chief District Magistrate shall transmit to the Attorney-General at the end of each month, a report stating the instructions given by him in virtue of article 3304, the name of each magistrate to whom they were given, the place where the latter has been sent and the period of time fixed. Report to the Attorney-General.

Report transmitted to the Attorney-General.

“**3305a.** Every magistrate shall transmit to the Attorney-General, at the end of each month, a report stating:

1. The number of cases heard by him during the month;
2. The names of the parties;
3. The place and date of the hearing;
4. The date of the judgment;
5. The nature of the judgment.

Forms.

The Attorney-General may cause such reports to be made on forms prepared under his instructions.

Quebec Summary Convictions Act applies to certain proceedings.

“**3306.** Chapter 98 of the act 12 George V, (*Quebec Summary Convictions Act*), shall apply to proceedings before district magistrates, with reference to penal matters within the jurisdiction of the Legislature, in the absence of special provisions contrary thereto.

Other laws to apply.

“**3307.** The laws of the Legislature, whereby any power or authority is conferred on one or more justices of the peace shall also apply to such magistrates.

“§ 2.—*The Court and its officers*

Establishment of District Magistrates' Courts for counties or other places.

“**3308.** 1. The Lieutenant-Governor in Council may, when he thinks proper, establish by proclamation, in and for each district or county, or in and for any place in the Province, one or more Magistrates' Courts, called by the name of the district, county or place, as the case may be, where such courts may be established, to wit: “Magistrate's Court for the district of _____, (or the County of _____, or the City of _____, or the Town of _____, or the Municipality of _____” or as the case may be, mentioning the district, county or place.)

If more than one court in county.

2. If more than one such court is established for a county, each thereof other than the one first established, shall further be called by the name of the place where such court may be established by proclamation or order-in-council, to wit: “Magistrate's Court for the County of _____ (name of county) at _____ (name of place)”.

Continuance of certain courts.
Number of magistrates.

3. All Magistrates' Courts established before the twenty-eighth of January, 1874, continue to exist.

4. The number of the magistrates shall not, at any time, exceed twenty-one.

Magistrates' Courts in the county of Saguenay.

“**3309.** The Lieutenant-Governor in Council may establish one or more Magistrates' Courts in that part of the county of Saguenay situated to the west of the Jeremy Islands exclusively, with such territorial jurisdiction as he

may deem expedient to assign to each. Such courts shall be designated in the manner indicated in article 3308.

He may also establish as many additional Magistrates' Courts, as he may deem expedient, in the other parts of the county of Saguenay, situated to the east of the Jeremy Islands inclusively. Additional courts.

“3310. Such additional courts shall be held at such places and shall have such territorial jurisdiction as the Lieutenant-Governor in Council shall determine. Where additional courts shall be held.

“3311. Such additional courts shall have the powers and jurisdiction of other Magistrates' Courts, and their jurisdiction shall further extend to all sums or values not exceeding two hundred dollars. Powers of additional courts.

“3312. Every such additional court shall be called the “Local Magistrate's Court for (*naming the place at which it is held*)” and may be held on any juridical day upon which the magistrate is present, and which has been brought to the knowledge of the parties by notice or otherwise. Names of additional courts.

“3313. The Magistrate's Court established for the whole district shall sit at the chief place in the district. Where the Magistrate's Court shall be held.

If the Circuit Court is held in one place only in a county, other than that where the chief place is established, the Magistrate's Court shall be held at the same place as such Circuit Court. If such Circuit Court is held in more than one place in the county, the Magistrate's Court shall be held in one of such places to be fixed by the Lieutenant-Governor in Council. Idem.

If the Circuit Court is not held in the county, the Lieutenant-Governor in Council may fix the place where the Magistrate's Court shall be held. Idem.

When a Magistrate's Court is established at the chief place of a district or at a place, in a county, where there is a Circuit Court, the clerk of the Circuit Court shall be *ex officio* clerk of the Magistrate's Court; in all other cases, the clerk of the Magistrate's Court shall be appointed by the Lieutenant-Governor in Council. Clerk ex officio. Clerk appointed.

The clerks of the Magistrates' Courts shall receive no other remuneration as such than such fees as they may be entitled to under the tariffs hereinafter mentioned. Remuneration of the clerk.

“3314. The Magistrate's Court may appoint the constables it may require; the remuneration of such constables shall consist of such fees as shall be determined by the Lieutenant-Governor in Council. Appointment of constables.

Bailiffs of
Superior
Court to be
constables.

“**3315.** Every bailiff of the Superior Court may, and, when required so to do, shall act as a bailiff or as a constable of the Magistrate’s Court without any special appointment for the purpose.

Court sits
on juridical
days and
may be ad-
journd
from day to
day.
Proviso.

“**3316.** Notwithstanding article 15 of the Code of Civil Procedure, Magistrates’ Courts may sit on any juridical day, and, whenever the business before the court requires it, the district magistrate may adjourn the court from day to day until such business is disposed of.

Nevertheless the Lieutenant-Governor in Council may order by proclamation that the provisions of article 15 of the Code of Civil Procedure shall apply to the District Magistrate’s Court mentioned in such proclamation.

In absence
of magis-
trate, cer-
tain pro-
ceedings
may be had
and court
adjourned.

“**3317.** Whenever, on any day fixed for the holding of the Magistrate’s Court, the district magistrate, owing to illness or any other cause, is unable to hold the court, the clerk of the court may receive all returns to be made on such day, and cause any party or witness summoned to appear on such day to be called, and enter his appearance or record his default, and may adjourn the court to the next following day appointed for the holding thereof.

“§ 3.—*Jurisdiction of the Court*

Jurisdiction
of District
Magistrate’s
Court.

“**3318.** The jurisdiction of the District Magistrate’s Court in civil matters is regulated by the Code of Civil Procedure.

Jurisdiction
to the ex-
clusion of
Circuit
Court in cer-
tain cases.

“**3318a.** The Magistrate’s Court, established for a district, county or place, shall have jurisdiction to try and determine, to the exclusion of the Circuit Court, all cases, matters or things within the purview of articles 54, 55, 56, and 57 of the Code of Civil Procedure, which are within the competence of such Magistrate’s Court in such district, county or place.

Certain
cases not
heard before
Circuit
Court to be
continued
before
Magistrate’s
Court.

“**3318b.** 1. The cases pending before any Circuit Court which have not as yet been heard on the 21st of March, 1922, or at the date of the establishing of a Magistrate’s Court, if there exist no such court at such date, for the district, county or place, respecting matters or things which are within the exclusive jurisdiction of the Magistrate’s Court under the provisions of article 3318a, shall be tried, determined and executed in the Magistrate’s Court of the district, county or place, as the case may be, as if such cases originated therein.

2. The cases within the purview of article 3318*a*, which have been heard before the Circuit Court, but in which judgment has not as yet been rendered, as well as those which have been heard and in which judgment has been rendered, on the 21st of March, 1922, or at the date of the establishing of a Magistrate's Court, as the case may be, shall be continued and executed before the Circuit Court.

"**3318c.** The records in the cases referred to in paragraph 1 of article 3318*b*, in the possession of the clerk of the Circuit Court, on the 21st of March, 1922, or at the date of the establishing of a Magistrate's Court fixed in the proclamation establishing such Magistrate's Court, as the case may be, together with a certified copy of all the entries in the books concerning each of such cases, shall be transmitted without delay to the office of the clerk of the Magistrate's Court where the above-mentioned cases must be tried and determined.

"**3318d.** Every clerk or other person having in his possession the records that must be transmitted, as in article 3318*c*, to a Magistrate's Court, shall make such transmission together with a certified copy of all the entries in the books concerning each of the records, within eight days counting from the 21st of March, 1922, or from the date of the establishing of the Magistrate's Court, as the case may be, under penalty of a fine of ten dollars or imprisonment for fifteen days for every day that he shall refuse or neglect so to do.

"**3318e.** The costs and disbursements necessitated by such transmission shall be at the expense of the Province.

"**3318f.** On the refusal of such clerk or such other person having the custody of such documents to transmit them within the prescribed delay, the Attorney-General may authorize any competent person to take possession thereof and to transmit them to the office of the court before which the cases must be continued.

"**3318g.** After the transmission of the records to the office of the clerk of the Magistrate's Court, all proceedings shall, subject to articles 3318*h*, 3318*i* and 3318*j*, be continued and executed before the Magistrate's Court where the cases have been transmitted as if such cases had originated before it.

Delays of procedure suspended for certain period.

“3318h. The delays of procedure shall be suspended from the 21st of March, 1922, or from the date of the establishing of the Magistrate’s Court, as the case may be, up to the twentieth juridical day that follows the receipt of the records by the Magistrate’s Court.

Title and number of case.

“3318i. Each case shall, after such transmission, have such title and number as shall be given to it by the clerk of the Magistrate’s Court where it has been transmitted.

Continuation of cases.

“3318j. No notices other than those that would have been required before the Circuit Court, if it had continued to have jurisdiction, shall be necessary to continue such cases before the Magistrate’s Court.

Costs may be allowed.

“3319. The Court, in rendering final or interlocutory judgment in any cause, suit or matter, may award costs.

“§ 4.—Procedure

Procedure before District Magistrate’s Court.

“3320. Procedure in civil matters before the District Magistrate’s Court shall be regulated by the Code of Civil Procedure.

“§ 5.—Tariff of Fees

Tariff of fees to be made.

“3321. The Lieutenant-Governor in Council may, from time to time, make tariffs of fees to be paid upon proceedings before district magistrates, or before Magistrates’ Courts, in virtue of this section, and may cause stamps to be issued for the payment of such fees, and may make such regulations and orders concerning such fees and stamps as he may deem expedient.

Stamps to be issued.

“3321. The Lieutenant-Governor in Council may, from time to time, make tariffs of fees to be paid upon proceedings before district magistrates, or before Magistrates’ Courts, in virtue of this section, and may cause stamps to be issued for the payment of such fees, and may make such regulations and orders concerning such fees and stamps as he may deem expedient.

What tariff is to contain.

“3322. Such tariffs may include any fees for clerks, bailiffs, constables, criers or other officers or persons engaged in the service of such courts or magistrates, and also for and upon all proceedings and matters pertaining to the said courts and office of district magistrate or incident thereto.

Tariff continues until modification, etc.

“3323. The tariff of fees in force before the Circuit Court, as regards advocates, clerks and constables, shall be the tariff in force for like matters in the Magistrates’ Courts, until amended, as regards the advocates, by the proper authority, and, as regards the said officers, by the Lieutenant-Governor in Council, in accordance with the powers conferred upon him by this subsection.

“§ 6.—*Miscellaneous*

“**3324.** The civil and criminal jurisdiction of district magistrates are concurrent and shall not interfere the one with the other. Concurrent jurisdiction

Both jurisdictions may be exercised on the same day, and the exercise of one may be suspended to allow the magistrate to do any act or perform any duty belonging to the other, and may be again resumed. Both exercisable on same day.

“**3325.** All moneys arising from penalties, forfeitures or fines imposed by any district magistrate or District Magistrate’s Court, shall be paid to the clerk of the district magistrate or to the clerk of the District Magistrate’s Court, as the case may be. Penalties, etc., to whom paid.

Unless the clerk who receives the above moneys be the clerk of the Crown or the clerk of the peace, he shall transmit them forthwith to the clerk of the peace of the district. To whom transmitted.

The clerk of the Crown and the clerk of the peace shall remit the moneys collected by them according to law. Remittance.

“**3326.** This section is intended to apply to such matters only as are within the exclusive control of the Legislature, and shall be held to supplement any like provisions enacted by the Parliament of Canada as regards matters within its exclusive control. Supplements like provisions of Parliament of Canada.

“§ 7.—*Abolition of such Courts*

“**3327.** The Lieutenant-Governor in Council may, by proclamation, abolish any Magistrate’s Court he may deem proper; and, from and after the day fixed by such proclamation, the court shall no longer be held. Power to abolish Magistrate’s Court.

“**3328.** The records, registers, documents and archives of every Magistrate’s Court, abolished under the authority of this subsection, whether they be in the possession of the clerk of such court or of any other person, shall be sent, without delay, to the office of the clerk of the other Magistrate’s Court, specified in the proclamation, and shall form part of the archives of such other Magistrate’s Court. Transmission of archives, etc., to a Magistrate’s Court.

“**3329.** Every clerk or other person, having in his possession records, registers, documents or archives of a Magistrate’s Court which has been abolished, shall make such transmission within eight days from the date at which such Delay for doing so.

Penalties for default. court ceased to be held, under penalty of a fine of ten dollars or imprisonment for fifteen days, for every day that he shall refuse or neglect so to do.

Costs. **"3330.** The costs and disbursements necessitated by such transmission shall be at the expense of the Province.

Proceedings on refusal to transmit. **"3331.** On the refusal by such clerk or such other person to transmit any such document, within the prescribed delay, the Attorney-General may authorize a competent person to take possession thereof and to transmit them to the office of the court mentioned in the proclamation.

Continuance of proceedings. **"3332.** After the records, registers, documents and archives of a Magistrate's Court, which has been abolished, have been transmitted to the office of the clerk of another Magistrate's Court indicated, all proceedings pending and all judgments not executed in such Magistrate's Court are, subject to the provisions of article 3332a, 3332b and 3332c, continued and executed before the Magistrate's Court, where the cases have been sent as if such cases had originated before such court.

Subject to certain provisions

Suspension of delays of procedure. **"3332a.** All delays of procedure are suspended from the day the court is abolished until the twentieth day that follows the receipt of the records by the Magistrate's Court.

Titles and numbers of cases. **"3332b.** Each case after such transmission shall have such title and number as shall be given to it by the clerk of the Magistrate's Court to which it has been transmitted.

Continuation of cases. **"3332c.** No notices other than those that would have been required before the Magistrate's Court, if it had not been abolished, shall be necessary to continue such cases before the other Magistrate's Court.

Transmission of records, etc. of certain District Magistrate's Courts. **"3332d.** When a District Magistrate's Court has been abolished, and the records, registers, documents and archives of such court have been deposited in the office of a Magistrate's Court in accordance with article 3328, the Lieutenant-Governor in Council may order by proclamation that such records, registers, documents and archives be transmitted to the office of another Magistrate's Court in the same county within which the abolished court was situated.

Provisions to apply. **"3332e.** Articles 3329 to 3332c, inclusively, shall

apply, *mutatis mutandis*, to the case provided for by article 3332d."

2. Article 3572 of the Revised Statutes, 1909, is amended, R. S., 3572, am. by replacing the first two lines of paragraph 9 thereof, by the following lines:

"9. By each clerk of the Magistrate's Court and by each clerk of a magistrate, a statement or report of all matters brought before the Magistrate's Court or before the district magistrate, showing:" Clerk of magistrate or Magistrate's Court.

3. The clerks of the Magistrates' Courts, in office on the 21st of March, 1922, shall continue to act as such until they shall have been replaced by the Lieutenant-Governor in Council. Certain officers maintained in office.

4. This act shall come into force on the day of its sanction. Coming into force.

C H A P. 65

An Act respecting the preparation and renewal of the lists of jurors for the districts of Montreal and Quebec

[Assented to, the 21st of March, 1922]

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

1. Article 3405 of the Revised Statutes, 1909, as amended by the act 1 George V (2nd session), chapter 33, section 1, is further amended: R. S., 3405, am.

a. By adding after the words: "*banlieue* thereof", in the second line of paragraph 1, the words: "excepting the cities of Montreal and Quebec";

b. By inserting therein, after paragraph 1 thereof, the following:

"1*a.* Every male person, domiciled within any municipality whose territory is, wholly or in part, included in the Island of Montreal, who is entered upon the valuation roll as proprietor of immoveable property of a total value of more than six thousand dollars, or as occupant or tenant of immoveable property of an annual value of more than five hundred dollars. Grand jurors in Island of Montreal.

"1*b.* Every male person, domiciled within the city of Quebec or within any municipality, wholly or partly Grand jurors in