

CHAP. 41

An Act to amend the Revised Statutes respecting witnesses before the Circuit Court

[Assented to 14th April, 1908]

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

1. Articles 2380 and 2381 of the Revised Statutes are re-pealed. R.S.Q., 2380,
2381, re-
pealed.
2. Article 2382 of the Revised Statutes is amended by striking out the word " also " in the first line. R.S.Q., 2382,
amended.
3. This act shall come into force on the day of its sanction. Coming into
force.

CHAP. 42

An Act respecting the Court of the Sessions of the Peace

[Assented to 25th April 1908]

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

1. Section fourth of chapter third of title sixth of the Revised Statutes, as amended by the acts 2 Edward VII, chapter 19, section 1 ; 3 Edward VII, chapter 27, section 1 ; and 7 Edward VII, chapter 33, section 1, is replaced by the following :

"SECTION IV

OF THE COURT OF THE SESSIONS OF THE PEACE

§ 1.—*The constitution, jurisdiction and powers of the court and of the judges thereof.*

" **2485.** The Court of the Sessions of the Peace, is a court of record, composed of judges of the Sessions, of whom two, at least, shall reside at Montreal, and at least one at Quebec, and with jurisdiction throughout the whole Province.

Appointment and qualifications of judges, &c.

“ **2485a.** The Lieutenant-Governor in Council appoints, during good behaviour, by a commission under the Great Seal, the judges of the Sessions, who must be advocates with at least ten years’ practice, and who, when appointed, shall cease practicing. The said judges of Sessions are also stipendiary magistrates, within the meaning of any act of the Imperial Parliament in force in this Province.

Present judges continue in office.

“ **2485b.** The judges of the Sessions, now discharging the duties of such office, and no others, shall continue to be judges of Sessions, and to exercise their functions as provided by this section.

Salaries of judges.

“ **2485c.** The annual salary of each of the judges of the Sessions ordinarily discharging the duties of such office, shall be four thousand dollars, payable out of the Consolidated Revenue Fund of the Province ; and each of such judges shall perform the duties of judge of the Sessions and license commissioner, as well as all other duties now incumbent upon him, or which may hereafter be imposed upon him by any law in force in this Province.

Judges also to be license commissioners, &c.

Dismissal of judges, &c.

“ **2485d.** The Lieutenant-Governor in Council may dismiss such judges of the Sessions upon a joint address of the Legislative Council and Legislative Assembly, and, in case of any vacancy in the office, from death, dismissal or otherwise, may appoint other judges of the sessions to fill such vacancies.

Judges *ex officio* justices of the peace, &c.

“ **2485e.** The several judges of the Sessions as well as those who may replace them, as provided by article 2485d, are *ex-officio* justices of the peace for every district, with jurisdiction throughout the whole Province, and have all the rights and powers of one or more justices of the peace, as the case may be, even though not possessing the real estate qualification required by law from other justices of the peace.

Oath of office.

“ **2485f.** Every judge of the Sessions, before entering into office, shall take the following oath before a judge of the Court of King’s Bench or Superior Court :

“ I, A. B., swear that I will faithfully, impartially and honestly, and to the best of my knowledge and ability, fulfill all the duties and exercise all the powers of judge of the Sessions, in virtue of section fourth of chapter third, of title sixth of the Revised Statutes.”

Sittings of court.

“ **2486.** The Court of the Sessions of the Peace, shall be held at the times and in the manner hereinafter prescribed,

in each district of the Province, and shall be presided over by a judge of the Sessions.

“ **2486a.** The Court of the Sessions of the Peace shall try and decide all matters within its competence and jurisdiction, according to the laws in force. How cases to be decided.

“ **2486b.** In the districts of Quebec and Montreal, the Court of the Sessions of the Peace, shall hold its sittings at the chief place of each of such districts, every juridical day in the year, or as despatch of business may require. Sittings in districts of Quebec and Montreal.

“ **2486c.** In each of the judicial districts other than those of Quebec and Montreal, the Lieutenant-Governor may, by proclamation, order the Court of the Sessions to be held in such districts, at such times and at such places in each of said districts as he may think proper. Sittings in other districts.

“ **2487.** The clerk of the Crown, and the deputy-clerk or clerks of the Crown, in districts where such are appointed, shall be the clerks and deputy-clerks of the Court of Sessions of the Peace and officers of such court. Clerk of Crown, &c., clerk, &c., of court.

“ **2487a.** The clerk shall be the keeper of the records of the court, and shall enter all proceedings therein. He shall also keep books of account, and shall make report of the proceedings of the Court, of the state of his accounts, and of all the informations received by him in the discharge of his office, whenever required so to do by the Lieutenant-Governor in Council. Duties of clerk

“ **2487b.** The sheriff of each district is also an officer of the Court of the Sessions of the Peace, and, within his district, shall obey the orders of the court. Sheriff, officer of the court, &c.

“ **2487c.** All constables and peace officers in office at the place where the sessions of the court are held, are officers of the court and bound to obey its orders. Constables, &c., officers of the court.

“ **2487d.** The Court of the Sessions of the Peace shall have power to punish, by fine or imprisonment, any witness who, though duly summoned, neglects or refuses to appear and to give testimony before it, and any disobedience or contempt on the part of any person who refuses or fails to submit to any order or to carry out any judgment of the court. Powers of court to punish contempts, &c.

“ **2487e.** Such fine shall not be more than eighty dollars, nor such imprisonment for more than two months. Limit of punishment.

“ **2487f.** The judges of Sessions in office, or the majority Rules of practice.

Confirmation thereof. of them, may make rules of practice necessary to define the procedure to be followed in causes before them, and for the keeping of good order and decorum, and for the efficient working of the court. Such rules shall be approved by the Lieutenant Governor in Council before coming into force.

Powers, &c., of court. “**2488.** The Court of the Sessions of the Peace has all the powers and authority of the Court of General Sessions of the Peace or of the quarter sessions of the peace, and exercises such jurisdiction as the latter court may have in virtue of the law.

§ 2.—*Pensions of Judges of Sessions*

Two-third's pension to retiring judge in certain cases. “**2489.** If any judge of the Sessions who has been in office for ten years at least, becomes permanently infirm so as to be prevented from usefully performing his duties, and resigns such office, or if having filled such office for at least twenty-five years, he resigns the same, His Majesty may, by letters-patent under the great seal of the Province, grant him a pension equal to two-thirds of the yearly salary he received at the time of his resignation, and such pension shall be paid him during his life-time.

Pension to judge 80 years or 70 years old. “**2489a.** To every judge of the Sessions who has reached the age of eighty years and who has been compulsorily retired, and to every judge of the Sessions so retired or who, having reached the age of seventy years, sends in his resignation, and who, in the latter case, has filled the office of judge of the Sessions for a period of twenty-five years or over, His Majesty may, by letters patent under the great seal of the Province, grant a pension equal to the salary of the office held by him at the time of his retirement or resignation.

And of judge 70 years old and with 25 years service. “**2489b.** If any judge of the Sessions after having continued in office for thirty years and become afflicted with some permanent infirmity disabling him from the due execution of his office, resigns his office, His Majesty may, by letters patent under the great seal of the Province, grant him a pension equal to the salary of his office at the time of his resignation, such pension to commence from the date of his retirement and to be paid him during his life-time.

If holding Government office, salary reduced, &c. “**2489c.** If any person who receives a pension under the provisions of this paragraph, should receive a salary for filling any office under the Government of this Province, such salary shall be reduced to the amount of his pension.”

Coming into force. **2.** This act shall come into force on the day which the Lieutenant-Governor in Council may be pleased to fix, by proclamation.