

C A P . X X .

An Act to amend the law respecting District Magistrates.

[Assented to 12th July, 1888.]

Preamble.

WHEREAS, in the judicial district of Montreal, the number of cases in civil matters before the Superior Court and the Circuit Court is so great that, notwithstanding the permanence of the sittings of such courts, the judges presiding therein are unable to hear and decide them all with the despatch that would be suitable to the parties interested.

Whereas, to remedy this state of things and in the interest of the administration of justice, it has become necessary, so as to permit of the judges of the Superior Court attending exclusively to the affairs which are more immediately connected with that court, to abolish the holding of the Circuit Court in the district of Montreal and to establish there a district magistrates' court before which all the cases, proceedings, matters and things which are now within the jurisdiction of such Circuit Court may be brought; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Circuit Court of Montreal may be abolished and District Magistrates' Court established.

1. The Lieutenant Governor in Council may, by proclamation, abolish the Circuit Court sitting in the district of Montreal and establish in the city of Montreal for the said district a special court of record under the name of "District Magistrates' Court of Montreal."

Composition of court and qualification of magistrates. Appointment under Great Seal.

2. Such court shall be composed of two justices called "District Magistrates of Montreal," who shall be advocates of ten years' practice, be chosen from among the members of the Bar of the Province, and be appointed under the Great Seal by the Lieutenant-Governor in Council.

Property qualification not required. Magistrate disqualified from certain offices.

3. It is not necessary, to be appointed as magistrate, to have any property qualification, but so long as he occupies such office no magistrate can be a Senator or member of the House of Commons and of the Executive Council, Legislative Council or Legislative Assembly of the Province or fill any other office under the Crown.

Hold office during good behavior. How removable.

4. Such magistrates shall hold office during good behavior, but they cannot be removed from office except upon the joint address of the Legislative Council and Legislative Assembly.

5. The salaries and emoluments of such two magistrates shall be three thousand dollars per annum each, payable out of the consolidated revenue fund.

6. All the powers now possessed by the judges of the Superior Court and the duties imposed upon them respecting the affairs, proceedings, matters and things within the jurisdiction of the Circuit Court sitting in the district of Montreal are hereby conferred and imposed upon the district magistrates of Montreal.

7. One of these magistrates shall preside over the court alone, but they may both sit at the same time in different rooms and exercise all the powers of the court.

8. The jurisdiction of the said court is the same, *mutatis mutandis*, for hearing and deciding civil matters as that exercised under the law by the said Circuit Court of the district of Montreal.

9. Until otherwise decided by the Lieutenant-Governor in Council, the place of the sittings of the new court, the offices of the officers and the rooms necessary for the deposit of its archives shall remain the same as those now occupied for the same purposes by the Circuit Court of the judicial district of Montreal.

10. The present officers and employees of the Circuit Court shall, without new appointment, be the officers and employees of the new court.

11. Upon the death or removal from office of such officers, their successors shall be called officers of the Magistrates' Court of the district of Montreal.

12. The bailiffs of the Superior Court are at the same time bailiffs of the District Magistrates' Court hereby established, and are subject to its orders.

13. At the time of the coming into force of this act, any cause or proceedings commenced and pending before the Circuit Court of the district of Montreal shall be continued, heard and decided by the judges of the Superior Court as if this act had not been passed; but the executions and all other proceedings after the final judgment fall within the jurisdiction of the new court and of the justices thereof.

14. The records, archives, plunitifs, books and papers of the Circuit Court of the district of Montreal when

Powers of magistrates.

One magistrate to preside, but both may sit at same time in different rooms.

Jurisdiction of Court.

Place of sittings of court, offices, &c.

Present officers of Circuit Court continued.

Successors to be called officers of Magistrates' Court.

Bailiffs of Superior Court to be bailiffs for Court.

Pending cases.

Executions therein.

Records, &c., where to be kept.

abolished shall, until otherwise decided by the Lieutenant-Governor in Council, remain in the places where they are now deposited and kept, as belonging to the District Magistrates' Court of Montreal under the exclusive control of such court and of the justices thereof.

15. All the provisions of the Code of Civil Procedure and other provisions respecting the Circuit Court of the said district, are *mutatis mutandis* applicable to the Magistrates' Court of the district hereby established and to the justices presiding over such court.

16. The words "Circuit Court of the district of Montreal" "Circuit Court of Montreal" or simply "Court" or "Circuit Court" whenever referring to the Circuit Court sitting in the district of Montreal, wherever found in the Code of Civil Procedure or in any other law shall mean and include the "District Magistrates' Court of Montreal."

2. The words "judges of the Superior Court," "judge" or "judges," whenever referring to their powers and duties respecting the affairs, matters and things connected with the Circuit Court sitting in the district of Montreal, shall mean the District Magistrates of Montreal.

3. The words "Clerk of the Circuit Court" or "clerk" and the words designating any other officer or employee, whenever referring to the Circuit Court sitting in the district of Montreal, shall mean the clerk or other officer or employee of the District Magistrates' Court of Montreal.

17. This act shall be considered as forming part of the law respecting District Magistrates, and the provisions thereof shall apply to this act in so far as compatible.

CAP. XXI.

An Act respecting certain officers of justice.

[Assented to 12th July, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The Lieutenant-Governor may, by Order in Council, declare that, in the district of Montreal, the office of the prothonotary of the Superior Court shall be filled by one person only.