

4. The tenth section of the Quebec interpretation act, shall not apply to this act, in-so-far as such section relates to the inconsistency of the provisions of the code of civil procedure, with those of this act. Sect. 10 of the interpretation act shall not apply.

CAP. VII.

An Act to diminish the number of terms of the Court of General Sessions of the Peace, in the Districts of Quebec and Montreal.

[Assented to 28th January, 1874.]

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, order that, in future, only two terms of the court of general sessions of the peace be held in each of the districts of Quebec and Montreal, and he may, by proclamation, fix the periods of such terms and change the same, from time to time, as he shall deem advisable. Terms of this court of the sessions of the peace may be reduced to two by the lieutenant-governor.

2. This act shall come into force on the day of the sanction thereof. Coming into force of this act.

CAP. VIII.

An Act to amend the Acts respecting District Magistrates and Magistrate's Courts in this Province.

[Assented to 28th January, 1874.]

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

1. The thirteenth section of the act of this province, thirty-second Victoria, chapter twenty-three, and the third section of the act thirty-fifth Victoria, chapter nine, are hereby repealed, and the following substituted therefor : Act 32 Vict., chap. 23, sec. 13, and act 35 Vict., ch. 9, sec. 3, are repealed and replaced.

"1. The lieutenant-governor in council, whenever he thinks proper, may, by proclamation, establish in and for any county, city or town in this province, one or more magistrate's courts, to be designated according to the respective counties, cities or towns wherein the same may be

established as : " the magistrate's court for the county of, or the city of, or the town of, (*according to the case, naming the county, city or town*)" ;

" 2. Where more than one such court is established for a county, then each, after the first shall be further designated by the name of the place, village, city or town, where the same may, by proclamation or order of the lieutenant-governor in council, be established as : " the magistrate's court for the county of (*naming the county*), at (*naming the village, town, city or place*)."

" 3. Provided always, that all magistrate's courts established before the coming into force of this act, shall continue as fully and to all intents, as if this act had never been passed."

" 4. Provided the number of district magistrates do not, at any time, exceed the present number, except it be considered necessary to appoint one for the Magdaline Islands."

Every district magistrate shall have the powers of justices of the peace and of the judge of the sessions.

2. Every district magistrate already appointed, or hereafter to be appointed, shall have, within the judicial district or districts for which he is appointed, all the powers, authority, rights and privileges by law vested in any one or more justices of the peace in this province, in all matters and cases in which such justice or justices have or may have jurisdiction, and all the powers, authority, rights and privileges by law vested in any judge of the sessions of the peace, and in any district magistrate of this province, under any act or acts of the parliament of Canada, or by any law whatever ; and shall also hold all such magistrate's court, 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 this or any other act or acts of the legislature of Quebec, or by any law whatever ; and generally shall act in every case and matter, and in any or every manner authorized or required by law.

He shall hold the magistrate's court ; and do every thing required by law.

The act 32, 33 Vict., ch. 30, statutes of Canada, apply to proceedings before district magistrates.

3. The provisions of chapter thirty, of thirty-second and thirty-third Victoria, of the parliament of Canada, respecting the duties of justices of the peace, out of sessions, in relation to persons charged with indictable offences, shall apply, in so far as may be consistent with the provisions of this act, to all proceedings had before such district magistrates with reference to such indictable offences.

The act 32, 33 Vict., ch. 31, statutes of Canada, and s.s. of ch. 103, C. S. C. not repealed, apply to certain proceedings before district magistrates.

4. The provisions of the act of the parliament of Canada, thirty-second and thirty-third Victoria, chapter thirty-one, respecting the duties of justices of the peace, out of sessions, in relation to summary convictions and orders, and such sections only of chapter one hundred and three of the consolidated statutes of Canada as have not been repealed by the parliament of Canada, shall apply to all proceedings

had before such district magistrate in reference to such summary convictions and orders, not only in matters where-in the parliament of Canada has exclusive jurisdiction, but also, in so far as the same may be applicable, in matters over which the legislature of this province has exclusive jurisdiction, as fully as if the provisions of the said chapter thirty-one of the thirty-second and thirty-third Victoria, had been specially enacted by the legislature of this province, in reference to like matters within the exclusive jurisdiction of this province.

5. The acts of the parliament of Canada, thirty-second and thirty-third Victoria, chapters thirty-three, thirty-four, thirty-five and thirty-six, shall likewise apply to such district magistrates, in so far as the same may be applicable to all proceedings had, and to be had before them; as shall also specifically the several acts of the parliament of Canada, mentioned in schedule A of the said chapter thirty-six, and all acts amending the same or any of them, and generally all acts of the parliament of Canada, and of the legislature of this province, whereby any power or authority is conferred on one or more justices of the peace of this province, in so far as they are not inconsistent with the provisions of this act.

The acts 32, 33 Vict. ch. 31, 34, 35 and 36 apply also.

And all the acts conferring powers on justices of the peace.

6. The magistrate's courts have always had the right to sit and may hereafter sit on any day between the ninth of July and the first of September, non-judicial days excepted, notwithstanding article one of the code of civil procedure.

The magistrate's court may sit in July and August.

7. The provisions of the code of civil procedure, contained in the third book thereof, shall apply in like manner to every magistrate's court and to the district magistrates holding the same, and the officers thereof, except in so far as such provisions are inconsistent with the provisions of this act, or are such as can only apply to the superior court or to the appealable cases in the circuit court, as if the words "circuit court" or "judge" meant and included respectively the words "magistrate's court" or "district magistrate."

Certain provisions of the code of civil procedure apply to the magistrate's courts.

8. The said magistrate's court, in rendering judgment, final or interlocutory, in or upon any cause or matter within its jurisdiction brought before it, may award costs which, until another tariff therefor shall be established as hereinafter provided as to attorney's and clerks fees, shall be taxed according to the tariff of the circuit court for cases or matters of like nature or amount; and the fees of bailiffs or other persons authorized to serve or act in any way in the execution of any suit or process of the said court, shall

Costs may be allowed.

Tariff.

be such as are now or shall, from time to time, be allowed to bailiffs in the circuit court.

The sec. 30 of
ch. 23 of act
32 Vict.,
amended.

9. Section thirty of the act of the legislature of this province, thirty-second Victoria, chapter twenty-three, is hereby amended, by adding thereto the following sub-sections :

Tariff.

" 1. Such tariff or tariffs may embrace all or any fees for counsel or attorneys-at-law practising in such courts or before such district magistrates, as well as for clerks, bailiffs, constables, criers or other officers or persons engaged in the service of such district magistrates and magistrate's courts, and also for and upon all proceedings and matters pertaining to the said courts and office of district magistrates or incident thereto."

Tariff.

" 2. The tariff of fees of the circuit court, as regards attorneys, clerks and bailiffs shall be held to be the tariff in force for like matters in the magistrate's courts, except in so far, as the same may have been or may hereafter be modified by the lieutenant-governor in council, in accordance with the powers hereby conferred upon him. "

The s.s. 5 and
6 of ch. 9 of
the act 35th
Vict., repealed

10. Sections five and six of the act of the legislature of this province, thirty-fifth Victoria, chapter nine, are hereby repealed.

The reasons for
the removal or
dismissal of a
district magis-
trate shall be
stated in the
order in
council.

11. No district magistrate already appointed, or who may hereafter be appointed, shall be removed or dismissed from his office by the lieutenant-governor in council, unless the reasons or grounds for his being so removed or dismissed be stated in the order in council authorizing such removal or dismissal.

Penalties shall
be transmitted
to the trea-
surer of the
province.

12. All fines or pecuniary penalties paid or levied under any sentence or judgment of a district magistrate or magistrate's court, shall be forthwith transmitted by the clerk of such court, or if there be no clerk, then by the magistrate himself, to the treasurer of this province, to be by him disposed of and applied according to law.

C A P . I X .

An Act to facilitate the keeping of accounts for *Cens et Rentes*, in Seigniories.

[Assented to 28th January, 1874.]

WHEREAS it is expedient to make certain provisions to enable the owners of fiefs and seigniories, to keep their

