

## CAP. XXIX.

An Act to amend the Revised Statutes of the Province of Quebec respecting the administration of justice in the district of Saguenay.

[Assented to 21st March, 1889.]

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

1. The following article is added after article 2407 of the Revised Statutes of the Province of Quebec : of Art. added after R. S. Q., 2407.

“2407*a*. Any writ of summons or other judicial document may, upon permission of the judge, prothonotary or clerk of the courts having jurisdiction in that part of the North shore of the Gulf of the St. Lawrence, be also served by any literate person. Writs, &c., may be served by literate person in certain part of North Shore.

The certificate of such service shall be sworn before a justice of the peace having jurisdiction or residing in that part of the district of Saguenay, or before a commissioner of the Superior Court appointed for the said district.” Certificate of service before whom to be sworn.

## CAP. XXX.

An Act to amend the law respecting district magistrates

[Assented to 21st March, 1889.]

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

Whereas the federal authorities have neglected to make all the appointments of additional judges provided for by the statute of this Province 50 Victoria, chapter 11 ;

Whereas, to remedy this state of things, and in the interest of the administration of justice, it has become necessary to establish in the city of Montreal, for the judicial district of Montreal, a magistrates' court, before which may be brought all the cases, proceedings, matters and things which are hereinafter enumerated in article 2544*g* ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Subsection  
added to R. S.  
Q., t. 6, c. 4,  
s. 1.

**1.** The following subsection is added after subsection seventh of section first of chapter fourth of title sixth of the Revised Statutes of the Province of Quebec :

§ 8.—*Special provisions respecting the district of Montreal.*

District Ma-  
gistrates'   
court may be  
established.

**" 2544a.** The Lieutenant-Governor in Council may, by proclamation, establish in the city of Montreal, a magistrates' court under the name of " Magistrates' Court of the District of Montreal."

Composition  
of court, qua-  
lification of  
Magistrates.  
Appointment  
under Great  
Seal.

**" 2544b.** Such court may be composed of two district magistrates chosen from among the members of the Bar of the Province of ten year's practice, and appointed under the Great Seal of the Province by the Lieutenant-Governor in Council.

Magistrates  
disqualified  
for certain  
offices.

**" 2544c.** No such district magistrate while in office can be a Senator or member of the House of Commons, the Executive Council, Legislative Council or Legislative Assembly of the Province, nor fill any other office under the Crown.

Hold office  
during good  
behavior.  
How remove-  
able.

**" 2544d.** Such magistrates shall hold office during good behavior, and cannot be removed from office except upon the joint address to the Legislative Council and Legislative Assembly.

Salaries.

**" 2544e.** The salary of each of such magistrates shall be three thousand dollars per annum, payable out of the consolidated revenue fund.

One to pre-  
side, but both  
may sit at  
same time in  
different  
rooms.

**" 2544f.** 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.

Jurisdiction  
of court :  
Certain suits  
under one  
hundred dol-  
lars ;

**" 2544g.** The court has ultimate jurisdiction :

1. In all suits wherein the amount or the value of the thing demanded is less than one hundred dollars, (saving such cases as fall exclusively within the jurisdiction of the Court of Vice-Admiralty, suits in matters of petition of right, and all suits for fees of office, duties, rents, revenues or sums of money payable to the Crown or which relate to any title to lands or tenements, to annual rents or such like matters whereby rights in future may be bound ;)

Suits for  
school taxes,  
&c. ;

2. In all suits for school-taxes or school-fees, and all suits concerning assessments for the building or repairing of churches, parsonages and church-yards, whatever may be the amount of such suits ;

3. In all suits for the recovery of rates, taxes, assessments, penalties, damages, or sums of money whatever, due or payable in virtue of the Municipal Code, or in virtue of any special municipal act of incorporation, or in virtue of any by-laws or regulations made under the authority of such acts, or under the laws respecting abuses prejudicial to agriculture; Suits for rates, &c.

4. In all suits for the recovery of penalties incurred, and of sums due to the treasury of this Province under the license law. Suits for penalties, &c., under License Law.

"2544<sup>h</sup>. The Lieutenant-Governor in Council may appoint a clerk of the said Magistrates' Court of the district of Montreal, with a salary not exceeding fourteen hundred dollars, yearly, and all other officers and employees necessary for the despatch of the business before such court and may fix their salaries. Appointment of clerk and other officers provided for.

"2544<sup>i</sup>. The bailiffs of the Superior Court are at the same time bailiffs of the said District Magistrates' Court and are subject to its orders. Bailiffs of Superior to be bailiffs of court.

"2544<sup>j</sup>. All the provisions of the Code of Civil Procedure and other provisions respecting the Circuit Court of the district of Montreal, are applicable *mutatis mutandis* to the Magistrates' Court of the said district, to the said Magistrates, and to the officers of the said Court. Application of certain provisions of Code of Civil Procedure.

"2544<sup>k</sup>. The Lieutenant-Governor in Council may fix the place or building in which the sittings of the new court shall be held, as also the offices for its officers and the places where its archives shall be deposited. Place for holding court and its offices.

"2544<sup>l</sup>. The costs and expenses necessary for the installation and maintenance of the said building and offices of the officers of the said court shall be defrayed out of the consolidated revenue fund. Costs of installation, &c., how defrayed.

"2544<sup>m</sup>. The provisions of the preceding subsections of this section shall apply to this subsection in so far as not inconsistent therewith." Provisions of preceding subsection to apply.

2. All proceedings had and commenced before the court established by the act 51-52 Victoria, chapter 20, may be continued before the court established by this act, which court is authorized to terminate such proceedings as if they had never been interrupted, and as if they had commenced before the court established by this act. Proceedings had before court established under 51-52 V., c. 20 to be continued, &c., before the court established by this act.

The judgments rendered by the court established by the said act 51-52 Victoria, chapter 20, may be executed by the court established by this act.

In all such cases the last proceedings shall be considered as dating from the coming into force of this act.

Coming into force.

**3.** This act shall come into force on the day of its sanction.

## C A P . X X X I .

An Act to amend the law respecting inquiries in cases of fire and the office of fire commissioner in the city of Montreal.

[Assented to 21st March, 1889.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

R. S. Q., art. 2999, amended.

Appointment of secretary to fire commissioner of Montreal.

**1.** Article 2999 of the Revised Statutes of the Province of Quebec, is amended by adding thereto the following :

“The corporation of the city of Montreal shall also, from time to time, appoint a competent person to fill the office of secretary to the fire commissioner in the city of Montreal.

Article added after R. S. Q., 3000.

**2.** The following article is added after article 3000 of the said Revised Statutes :

Qualification of secretary.

“**3000a.** The secretary of the fire commissioner of Montreal shall be required to speak and write the French and English languages correctly.

Power to receive deposition, &c.

He shall have power to receive on oath any deposition or affidavit which the fire commissioner is authorized to receive.

Secretary to obey orders of fire commissioner.

He shall, in the conduct of the business of his office, obey the orders of the fire commissioner and the rules and regulations by him made for that purpose.”

R. S. Q., art. 3011, replaced.

**3.** Article 3011 of the said Revised Statutes is replaced by the following :

Salary of fire commissioner, &c., how paid.

“**3011.** The fire commissioner for the city of Montreal, appointed under this section, is entitled to an annual salary of three thousand dollars, to be divided equally between the incumbents of the said office, so long as the said office is held by more than one person, to be paid by the corporation of the city of Montreal in equal monthly payments, from and out of the revenues of the said city.