

## Act

To provide for the better administration of justice in the County of Ottawa, and to erect the said County of Ottawa into a judicial District, and for other purposes.

Whereas the rapid increase of the population of the County of Ottawa, its great extent, its commercial importance and its great distance from the seat of the several courts of Justice in the District of Montreal call for immediate legislative enactment to organise therein a better system of administration of justice, less expensive to the Province, and more



congenial to the wishes  
and better adapted to  
the wants of its inha-  
bitants: Be it therefore  
enacted by the Queen's  
most Excellent Majesty,  
by and with the advice  
and consent of the  
Legislative Council  
and Legislative Assem-  
bly of the Province of  
Canada, constituted  
and assembled by  
virtue of and under  
the authority of an act  
passed in the Parliament  
of the United Kingdom  
of Great Britain and  
Ireland, and intituled  
"An Act to reunite the  
Provinces of Upper and  
Lower Canada, and for  
the Government of  
Canada", and it is  
hereby enacted by the  
authority



authority of the same,  
that so soon as this act  
shall come into force,  
that portion of the District  
of Montreal now con-  
stituting the County of  
Ottawa, in Lower Canada,  
shall be and remain  
erected into a judicial  
District, under the name  
of "District of Bylmer"  
with superior and  
Inferior jurisdiction in  
all matters civil or  
criminal, and for all  
other legal purposes.

2 And be it enacted that  
the said District of Bylmer  
and the courts therein  
to be established shall  
be in all things in the  
same relative position  
with regard to the other  
Districts of Lower Canada



and to the courts therein,  
in which each of the said  
other Districts and the  
courts therein, is with  
regard to the other  
Districts or with regard  
to the courts therein  
established; the said  
"District of Bytown" re-  
-maining to all pur-  
poses whatever distinct  
and separate, with the  
same judicial organi-  
zation now possessed  
by the District of Mont-  
-real in the city of  
Montreal under the  
judiciary system of  
Lower Canada, subject  
to the exceptions contained  
in the present act.

3. And be it enacted that,  
the courts of civil juris-  
diction in the District  
of



of Bylaw shall consist  
of a court of Queen's  
Bench, of the District of  
Bylaw sitting in  
superior and inferior  
Terms; and a court of  
Bankruptcy.

4 And be it enacted that,  
the courts of criminal  
jurisdiction shall consist  
of the same criminal  
Courts now existing in  
the District of Montreal.

5 And be it enacted that,  
all courts established  
in the District of Bylaw  
shall have the same  
powers, rights, authorities  
as possessed by those of  
a similar nature in  
the District of Montreal.

6 And be it enacted that,



the Court of Queen's Bench  
of the District of Bylaw  
shall, in superior terms,  
take cognizance of all  
civil suits or actions,  
wherein the amount  
exceeds the sum of £20.  
currency, or whenever  
the right of title for  
possession to real ~~or~~  
estate is the object of the  
action and have appellate  
jurisdiction over all  
suits or actions exceeding  
£10-0-0 currency.

7 And be it enacted that,  
the Court of Queen's  
Bench of the District  
of Bylaw shall, in  
inferior terms, take  
cognizance of all civil  
suits or actions wherein  
the demand does not  
exceed £20 currency,  
whenever



whenever the right of possession or title to real estate shall not be contested.

8 And be it enacted that, that the court of Bankruptcy shall take cognizance of all matters falling under the bankrupt Laws of Lower Canada; which said court shall be presided over by a judge of Bankruptcy for the District of Bytown with the same power and authority and liabilities as now possessed by the circuit judges of the District of Montreal in reference to the court of similar nature in said District of Montreal.



9 And be it enacted that,  
the superior Term of  
the Court of Queen's Bench  
of the District of Bylmer  
shall be held by a Judge  
residing in said District  
of Bylmer, who shall be  
to all intents and  
purposes a Judge of  
the Court of Queen's  
Bench, and who shall  
be called "the Resident  
Judge of the District of  
Bylmer"; by one of the  
Justices of the Court of  
Queen's Bench of the  
District of Montreal and  
by the Judge of Bankruptcy  
for the District of Bylmer,  
two of them forming a  
quorum.

10 And be it enacted that,  
the Resident Judge of the  
District of Bylmer shall  
be



be to all intent and purposes one of the Justices of the Court of Queen's Bench for the District of Bylaw, and shall have and hold in the said District all and singular the Jurisdiction, powers, authority, title and rank, which by any law or laws in force in this Province are vested in any one of the Justices of the Court of Queen's Bench for the Districts of Quebec and Montreal, within the said Districts, respectively and also all powers and authority vested in the President Judge of the District of Bylaw Three Rivers within the District of Three Rivers.



11 And be it enacted that,  
the Inferior Terms of  
the Court of Queen's  
Bench of the District of  
Bylmer shall be held  
by the President Judge  
of the District of Bylmer.

12 And be it enacted that,  
the Court of Queen's  
Bench of the District  
of Bylmer, whether sitting  
in Superior or inferior  
terms, shall have power  
to fix suitable days  
during the vacation to  
hear and determine  
the jury trials; the same  
as within the said  
Districts of Montreal.

13 And be it enacted that,  
the superior terms of the  
Court of Queen's Bench  
of the District of Bylmer  
shall



shall be held from the first to the fifteenth day of March and August both days inclusive, and that the four last juridical days of each Superior term of said Court shall be more specially reserved for the hearing and determining of all Criminal matters pending or in any way brought before the said Court of Queen's Bench, the Resident Judge issuing out at the beginning of each Superior term the necessary orders, for the summoning of grand and petty jurors and other matters incident thereto, if it is deemed necessary, and during the sitting of each supe



superior and inferior  
term of said court, it  
shall be lawful for the  
said court to fix certain  
days during the vacation  
for trials by jury in  
civil cases.

14 And be it enacted that,  
the inferior term of the  
Court of Queen's Bench  
for the District of Bytown,  
shall be held from the  
first to the tenth of  
February, May, August  
and November of each  
year, both days inclusive.

15 And be it enacted that,  
the sittings of the Bank-  
rupt court for said  
District of Bytown shall  
be permanent, and  
presided over by a  
Judge called the Judge  
of



of the Bankrupt Court  
for the District of Bylmer,  
and the same organiza-  
tion will exist for said  
Court as does now possess  
the Bankrupt Court for  
the District of Montreal,  
and the Judge of the  
Bankrupt Court for the  
District of Bylmer  
shall have and possess  
all the rights, powers,  
authority and privileges  
now possessed by the  
Circuit judges for the  
district of Montreal in  
relation to Bankrupt  
business therein.

16 And be it enacted, that,  
a Court of Quarter  
Sessions of the Peace for  
the District of Bylmer  
shall be held four times  
a year from the twentieth



to the thirtieth of January,  
May, August and No-  
-vember, both days inclu-  
sive; which said court  
shall be held by at  
least three justices of  
the Peace of said District  
of Bylmer; And said  
court shall possess  
all the rights, powers,  
authority, organization  
and jurisdiction in the  
District of Bylmer  
possessed by the Court  
of Quarter Sessions  
of the District of Montreal  
within the District of  
Montreal.

17. And be it enacted that,  
all the different courts  
of civil and Criminal  
jurisdiction shall, be  
held at the village of  
Bylmer; and all the  
judges and other officers  
belonging



belonging or attached to  
the judiciary department  
shall be bound to reside  
and keep their respective  
offices within said village  
of Bylmer.

18 And be it enacted that, all  
the judiciary officers and  
offices necessary and  
belonging to the judiciary  
department shall be  
similar and provided  
in the same manner  
and under the same  
obligations, within the  
said District of Bylmer,  
as they are and are  
provided for in the said  
District of Montreal for  
said District of Montreal;  
and all the rules and  
regulations of Practice of  
the different Courts of  
civil or criminal juris



diction in said District of  
Montreal, shall be follow-  
-ed in the corresponding  
courts of the District of  
Bylmer, until otherwise  
provided for, Provided the  
same shall not be  
repugnant to this act.

19 And be it enacted that,  
the Court of Queen's Bench  
of the District of Bylmer  
shall have power, during  
the sittings of the superior  
term thereof, to frame  
rules of practice to be  
followed in all the courts  
of said District of Bylmer,  
and also to establish the  
fees and emoluments  
to be received and  
demanded by the several  
officers and persons be-  
-longing to or practising  
in any of the courts of  
said



said District of Bylmer,  
with the power to alter  
them according to cir-  
cumstances.

20 And be it enacted that,  
all the writs issued from  
the Court of Queen's Bench  
shall be tested in the  
name of the Resident  
Judge of the District of  
Bylmer, and any juri-  
-dical day shall be a day  
of return.

21 And be it enacted that,  
all the judicial notices  
and advertisements  
relating to or in any  
ways concerning any  
interest, matters or thing  
in said District of Bylmer  
shall be published in  
the English and French  
languages in a news-



papers printed in said  
village of Bylmer; and  
all notices of whatever  
nature they may be  
which might affect or  
concern any right,  
title or claim in said  
District of Bylmer, shall  
be published in said  
newspaper, which on the  
Proclamation of His  
Excellency the Governor  
of Canada, shall to all  
intent and purposes  
become and remain  
the official Gazette of  
the District of Bylmer:  
Provided that it shall  
not be necessary to  
cause to be published  
in said official Gazette,  
any notices which by  
the laws of Lower Canada  
are not ordained to be  
published in a newspaper

or



or official Gazette.

19 And be it enacted that  
in any writ or action  
to be brought against any  
person who shall have  
left his domicile in the  
District of Bylmer, or  
against any person  
who shall have had no  
domicile within said  
district of Bylmer, but  
shall have personal or  
real estate in the same,  
it shall be lawful for  
the Plaintiff, if no curator  
be appointed in the  
ordinary course of law  
to represent such person,  
to summon and implead  
such person, by a writ  
issued in the usual way,  
out of the Court of Queen's  
Bench of the District of  
Bylmer, of either term



according to the amount  
of the demand; and  
that upon the certificate  
of the Sheriff or Bailiff to  
the writ, that the Defen-  
dant cannot be found  
in the said District of  
Bylmer, it shall be lawful  
for the Resident Judge  
of the District of Bylmer,  
on the receipt of such  
certificate to order that  
the Defendant shall, by  
an advertisement, to be  
twice inserted in the  
English and French  
languages in the afore-  
mentioned official Gazette  
of the District of Bylmer  
(or if there is no official  
Gazette then in any  
other news-papers published  
in Lower Canada) be  
notified to appear and  
answer such suit or  
action



action, within two months  
after the last insertion  
of such advertisement,  
and that upon the neglect  
of the Defendant, to appear  
and answer to such  
suit or action within the  
period aforesaid, it shall  
be lawful for the Plaintiff  
to proceed to trial and  
judgment as in a case  
by default;

23 And be it enacted that,  
whenever any person or  
persons, body politic or  
body corporate shall have  
a right of action, against  
the owner or proprietor of  
any real or immovable  
property situate in the  
said District of Bylines,  
and that the said owner  
is unknown to said  
creditor, then and in that



case it shall be lawful for  
such creditor (whether indi-  
vidual, body politic or corporate  
or otherwise) to cause  
public notice to be given  
in the aforementioned  
official Gazette of the  
District of Bylmer twice  
in the English and French  
languages of his intention  
to bring an action against  
such unknown owner  
and describing the  
property thereof, and two  
months after the last  
mentioned insertion in  
said official Gazette (or  
if there is none in said  
District of Bylmer then  
in the Canada Gazette)  
the said creditor may  
institute his action  
against such unknown  
person, the same requiring  
no service and no delay for  
the



the return thereof into court; and the Plaintiff shall then be intitled to proceed to his judgment as in a case by default, if the owner of the property does not appear either by himself or attorney on the day of return.

24 And be it enacted that an appeal shall lie from all judgments rendered in the Superior Term of the Court of Queen's Bench of the District of Byline, to the court of Appeals for Lower Canada when sitting in the District of Montreal, in all actions wherein the demand exceeded the sum of £300. currency.

25 And be it enacted that,



so soon as the organisation of the several courts by this act established in the said District of Bylmer shall have been completed, all and singular the Courts of civil jurisdiction now existing within the limits of the County of Ottawa and having jurisdiction over the County of Ottawa shall cease and determine as far as the said District of Bylmer may be therein concerned, and all the clerks of the several courts shall forthwith send and deliver to the Prothonotary of the Court of Queen's Bench of the District of Bylmer, all and singular the papers, registers, records

and



and documents of or  
belonging to the several  
Courts whereof they were  
clerk; and the Prothono-  
tary of the Court of Queen's  
Bench of the District of  
Bylmer shall distribute  
the several suits, actions,  
records, registers and  
documents according  
to the amount claimed  
in and among the  
records of the different  
Terms of said Court  
of Queen's Bench.

26 And be it enacted that,  
the salary of the President  
Judge of the District of  
Bylmer shall be £  
of the Judge of the Bankrupt  
law court £  
of the sheriff £  
of the coroner £  
of the Gaoler £



27 And be it enacted that  
all the sums of money  
necessary for the purchase  
of lots and erection of  
buildings and other  
things necessary to the  
fulfillment of the in-  
tentions of this act  
shall be paid out of  
the revenues of the  
Province not otherwise  
provided for, and his  
Excellency the Governor  
of Canada is hereby  
authorised to grant  
his warrant to that  
effect.

28 And be it enacted that  
the word "Governor or  
Governor of Canada" when  
ever they occur in this  
act, shall mean com-  
prehend the Governor  
or the person authorised  
to



to execute the commission  
of Governor, within this  
Province, for the time  
being; and that the  
words "Lower Canada"  
shall mean and com-  
prehend that part of  
the Province of Canada  
which formerly constituted  
the Province of Lower  
Canada.

29 And be it enacted that,  
this act shall commence  
and have ~~power~~ force  
and effect from and  
after the  
in the year of our Lord  
one thousand eight  
hundred and forty  
eight, and not before.



Ottawa Jurisdiction.  
Jm