

such fine, and to suffer such imprisonment, as the said court may sentence and decree, and upon enlargement shall find such reasonable security for good behaviour and for such period and time as the said court may direct; and upon a second conviction for the like offence, the said court may adjudge that such person, so found guilty as aforesaid, shall be transported and sent out of this Province for any period or time and under such rule and order, as the offence, whereof such person so convicted, shall deserve.

Persons returning from transportation, without permission from his Majesty, or the Governor, &c. to be deemed guilty of felony.

XXXIII. And be it further enacted by the authority aforesaid, that any person, who under sentence of transportation, and being transported out of this Province as aforesaid, shall return and be found at large within the same, contrary to such sentence of transportation, without permission first had and obtained from his Majesty, his Heirs or Successors, or from the Governor, Lieutenant-Governor, or Person administering the Government of this Province, shall, on conviction thereof in any of his Majesty's courts of King's Bench, or Courts of Oyer and Terminer, and Gaol Delivery, be adjudged guilty of felony, and shall suffer death as a felon without benefit of Clergy.

Application of the fines, forfeitures and penalties.

XXXIV. And be it further enacted by the authority aforesaid, that the fines, forfeitures, and penalties by this Act imposed, except the part granted to informers, shall be paid into the hands of his Majesty's Receiver General for this Province, by the person or persons receiving the same, to be applied by warrant under the hand and seal of the Governor, Lieutenant Governor or Person administering the Government, to the purposes herein limited, and shall be accounted for to the Crown through the Commissioners of his Majesty's treasury for the time being as the Crown shall direct.

An abstract of this Act to be printed, and affixed at places of public resort.

XXXV. And be it further enacted by the authority aforesaid, that an abstract of the several regulations herein contained, relative to Aliens and persons who have resided or purchased property in France, as described in this Act, shall be printed in the English and French languages, and shall be publicly affixed in such places, as strangers usually pass through, on entering in this Province, and shall be notified by the Custom-house Officers, to the master or commander of every ship or vessel, and to all Foreigners who are on board the same, sailors excepted, on their arrival in this Province; but that it shall not be necessary for the conviction of any Alien or other Person offending against this Act, to prove such personal notification.

Continuance of this Act.

XXXVI. And be it further enacted by the authority aforesaid, that this Act shall have continuance, until the first day of January, one thousand seven hundred and ninety-five, and from thence to the end of the then next Session of the Legislature of this Province, and no longer.

C A P. V I.

An Act for the division of the Province of Lower-Canada, for amending the Judicature thereof, and for repealing certain Laws therein mentioned.

MOST GRACIOUS SOVEREIGN,

Preamble.

WE, your Majesty's most dutiful and loyal subjects, the Legislative Council and Representatives of your People of the Province of Lower-Canada, having taken into our most serious consideration the message communicated to us last Session, by his Excellency the Lieutenant Governor, then your Majesty's Commander in Chief of this Province, recommending a plan, for altering and amending the Judicature thereof, and for establishing a due and uniform administration of justice therein, and having maturely deliberated upon the means, recommended in the said message, for securing to your People in this Province the important objects of your Majesty's

Division of the
Province into
three districts.

Majesty's paternal care, we do with profound gratitude for the same, most humbly beseech your Majesty, that it may be enacted: and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act of the Parliament of Great Britain, passed in the thirty-first year of his Majesty's reign, intituled "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign" intituled "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province:" that the said Province of Lower-Canada shall consist of three districts, to be called, the district of Quebec, the district of Montreal and the district of Three-Rivers, which shall be divided by the following lines, to wit, the district of Quebec shall be bounded to the Westward by the Eastern line of the seignory of Dorvilliers, as far as it extends, and thence by a due North-West line to the Northern boundary of this Province, on the North-side of the river Saint Lawrence, and by the Eastern line of the seignory of Saint Pierre les Becquets as far as it extends, and thence by a due South-East line, to the Southern boundary of this Province, on the South-side of the river Saint Lawrence, and the said district of Quebec shall comprehend all that part of this Province, which lies to the Eastward of the before mentioned western boundary lines, of said district. The district of Montreal shall be bounded to the Eastward by the Western line of the seignory of Masquinongé as far as it extends, and thence by a due North-West line to the Northern boundary of this Province, on the North-side of the river Saint Lawrence, and by the Western line of the seignory of Yamaska as far as it extends, and thence by a due South-East line to the Southern boundary of this Province, on the South-side of the river Saint Lawrence, and the said district of Montreal shall comprehend all that part of this Province which lies to the Westward of the before mentioned Eastern boundary lines of said district; and the district of Three-Rivers shall be bounded to the Eastward by the before mentioned Western boundary lines of the district of Quebec, and to the Westward by the before mentioned Eastern boundary lines of the district of Montreal; and shall comprehend all that part of this Province, which lies between the said boundaries; and the said districts shall also respectively comprehend all the islands in the river Saint Lawrence, opposite to the shores thereof, which are included within the respective limits aforesaid.

Establishment of
the courts of
King's Bench for
the district of
Quebec and Mon-
treal.

II. And be it further enacted by the authority aforesaid, that there shall be constituted and erected in each of the said districts of Quebec and Montreal respectively, a court to be called the Court of King's Bench; that the court of King's Bench for the district of Quebec shall consist of his Majesty's Chief Justice for the said Province and three Puisne Justices; and the court of King's Bench for the district of Montreal shall consist of his Majesty's Chief Justice of the said court and three Puisne Justices; and that the said courts, in the respective districts aforesaid shall have original jurisdiction, to take cognizance of, hear, try and determine in the manner herein after enacted, all causes as well civil as criminal, and where the King is a party, except those purely of Admiralty jurisdiction, and such as are herein after excepted and provided for the inferior district of Gaspé, as part of the said district of Quebec.

Terms for tri-
al of crimes and
criminal offences,
at Quebec and
Montreal.

III. And for the administration of Justice, in criminal cases, it is further enacted, by the authority aforesaid, that there shall be held by two or more justices of the said court of King's Bench, one of whom shall always be his Majesty's Chief Justice of the Province, or the Chief Justice of the Court of King's Bench at Montreal, within each of the aforesaid districts of Quebec and Montreal, two Sessions of the said court of King's Bench, in every year, for the cognizance of all crimes and criminal offences, at the

the times and places hereafter mentioned, to wit, at the city of Quebec the last ten days in the months of March and September, and at the city of Montreal the first ten days in the said months of March and September, and that every juridical day during the said Sessions shall be a return day.

Proviso for Commissions of Oyer and Terminer.

IV. Provided always, and it is hereby enacted, that nothing in this Act contained shall extend or be construed to extend, to prevent the Governor, Lieutenant-Governor or Person administering the Government of this Province, for the time being, from issuing at any time or times, other than during the sittings of the said Terms, Commissions of Oyer and Terminer and General Gaol Delivery, for such district and County within this Province, as shall be deemed expedient and necessary.

Suspension of the execution of sentences of courts of Oyer & Terminer in certain cases.

V. Provided also and it is further enacted by the authority aforesaid, that in every case where any commission of Oyer and Terminer and General Gaol Delivery shall issue, the execution of every sentence or judgment of such court, which shall extend to life or limb or to any penalty, fine or forfeiture, exceeding the sum of twenty-five pounds sterling money of Great Britain, shall be suspended until the approbation of the Governor, Lieutenant-Governor or Person administering the Government of this Province shall be signified thereon, by warrant under his hand and seal at Arms.

Proceedings of the courts of Oyer and Terminer to be reported to the Governor, in certain cases.

VI. And to the end that the Government may have full information of the proceedings of such courts of Oyer and Terminer and General Gaol Delivery, be it also enacted by the same authority, that it shall be the duty of the said courts, with all convenient speed, to transmit to the Governor, Lieutenant-Governor or Person administering the Government of the Province for the time being, not only copies of the indictment, information or charge and of the plea and other proceedings in every such cause before them had, but the scope and substance of the points ruled in evidence, and of their charge to the jury and copy of the verdict and of every material transaction in the cause, together with such observations as they may think proper to make on every such cause and trial, and the whole under the signatures of the majority of the Judges, before whom every such trial was had; provided always and be it nevertheless enacted by the same authority, that it shall not be necessary to make such report of the proceedings in any case where it shall not extend to life or limb or transportation, nor to any greater fine, penalty or forfeiture than the sum of twenty-five pounds sterling money of Great Britain.

Superior Terms for trial of civil causes at Quebec and Montreal.

VII. And for the speedy administration of justice in all suits or actions of a civil nature, cognizable by the aforesaid courts of King's Bench or where the King may be a party, be it further enacted by the authority aforesaid, that two or more Justices of the said courts respectively, shall hold in the city of Quebec for the district of Quebec, and in the city of Montreal for the district of Montreal, four superior Terms of the said courts in every year, that is to say, on the first twenty juridical days of the months of February, April, June and October, and the said courts shall continue to be held every day (Sundays and holy-days excepted) during the said several Terms, and the first and every other juridical day in each Term, within each of the said districts, shall be return days for all writs and process issuing from the said courts respectively; provided always, that the said courts shall only take cognizance in the superior Terms aforesaid of suits or actions wherein the value of the matter in dispute shall exceed the sum of ten pounds sterling, or if relating to the inferior district of Gaspe, herein after erected, shall exceed the sum of twenty pounds sterling, unless the said action shall relate to any fee of office, duty, rent, revenue or any sum or sums of money payable to his Majesty,

titles

titles to lands or tenements, annual rents or such like matters or things where the rights in future may be bound.

Special powers
granted to the Judges
in and out of
Court.

VIII. And be it further enacted by the authority aforesaid, that each of the aforesaid courts of King's Bench shall have authority in the superior terms before established, to grant emancipation of minors, on the counsel of their relations or friends, and to hear and determine all legal matters and causes for the rescision of all contracts and deeds, and to rescind and annul the same in the same manner, as if special letters of emancipation and rescision had been in the first instance obtained, conformable to the usage under the Government, prior to the conquest of this country; and the said courts of King's Bench shall respectively, in the superior terms aforesaid, have full power and jurisdiction, and be competent to hear and determine all complaints, suits and demands of what nature soever, which might have been heard and determined in the courts of *Prevoité, Justice Royale, Intendant* or Superior Council, under the Government of the Province, prior to the year one thousand seven hundred and fifty-nine, touching rights, remedies and actions of a civil nature, and which are not specially provided for by the Laws and Ordinances of this Province, since the said year one thousand seven hundred and fifty-nine; and the said courts of King's Bench shall be respectively competent to award and grant all such remedy, as may be necessary for effectuating and carrying into execution the judgment or judgments thereof, which may be made in the premises aforesaid, and which to law and justice shall appertain; provided always, and it is also enacted, that nothing in the present Act shall extend to grant to the aforesaid courts of King's Bench, any powers of a legislative nature, possessed by any court prior to the conquest, or to render necessary the presence and authority of more than one Justice of the said courts of King's Bench, in all matters which require dispatch, such as the interdiction of insane persons, the election of tutors or guardians, curators and other counsels of relations, closing of inventories, attestation of accounts, insinuations, affixing and taking off seals of safe custody, and other acts of the same nature, which may be done either in or out of court, or out of Term; provided also that nothing in the present Act shall extend to revoke or annul an Ordinance of the province of Quebec of the thirty-first year of his Majesty's reign, chap. 6th, intituled, "*An Act or Ordinance concerning the building and repairing of churches, parsonage-houses and churchyards.*"

Powers of de-
putation by the
Judges in certain
cases.

IX. And whereas great inconveniences may arise by requiring the personal attendance of relations or friends, before one or more of the Justices of the said courts of King's Bench, to counsel and advise upon the appointment of guardians, or tutors, curators to absentees or to vacant estates, and other matters which require such counsel and advice, where the said relations or friends reside at the distance of five leagues and upwards from the towns of Quebec or Montreal, although within the respective districts where such courts may have jurisdiction for remedy thereof; be it further enacted by the authority aforesaid, that the said courts of King's Bench respectively, or any Justice thereof, shall have full power and authority, to authorise upon application of parties some Notary, and for want of a Notary, some other fit person residing near the habitation of such relations or friends, to call them together and administer to them an oath according to law, and to receive their counsel and opinion touching the matter so committed to them in trust, and the same to set down in writing in due form, and transmit to the respective court, from which such power and authority may have been received; and any Justice or Justices thereof shall have full power and authority to proceed hereupon and grant every such act, order or appointment in as ample a manner as if the said relations or friends had been present, and personally given their counsel on the matter in question before him or them; and it shall

be also lawful for all or either of the Judges of the said court of King's Bench respectively to appoint such Notary or other fit person, as aforesaid, for affixing and taking off seals upon petition presented to that effect.

Inferior Terms for civil causes at Quebec and Montreal, and removal therefrom in certain cases to the Superior Terms.

X. And whereas it is expedient that for hearing, trying and determining in a summary manner, all civil suits or actions, wherein the amount claimed shall not exceed the sum of ten pounds sterling, there should be held inferior Terms of the said court of King's Bench at the city of Quebec, for the district of Quebec; excepting that part of it herein after erected into the inferior district of Gaspé; and at the city of Montreal for the district of Montreal; be it further enacted by the authority aforesaid; that there shall be held by one or more Justices of the said courts six inferior Terms thereof in every year, that is to say, at the city of Quebec for the district of Quebec, excepting that part of it herein after erected into the inferior district of Gaspé, from the twenty-first to the last day of January, both days inclusive; from the eleventh to the nineteenth day of March, both days inclusive; from the twenty-first to the last day of May, both days inclusive; from the twenty-fourth to the last day of June, both days inclusive; from the twenty-first to the last day of August, both days inclusive; and from the twenty-first to the last day of November, both days inclusive: and at the city of Montreal for the district of Montreal, during the same periods as aforesaid, in the months of January, March, May, June and November, and from the eleventh to the nineteenth day of September, both days inclusive, (the Sundays and holy days in said periods excepted.) And the first and every juridical day of each of the inferior Terms aforesaid, shall be a return day for all writs and process issuing out of the said courts respectively; and the said courts in the inferior Terms thereof as aforesaid for each district respectively, shall have cognizance of, hear, try and determine in a summary manner, without appeal, every civil suit or action (those purely of Admiralty jurisdiction, and those relating to the inferior district of Gaspé, as hereinafter provided for, excepted,) wherein the amount claimed shall not exceed the sum of ten pounds sterling: provided always, that if such suit or action shall relate to any fee of office, duty or rent, revenue or any sum or sums of money payable to his Majesty, titles to lands or tenements, annual rents, or such like matters or things, where the rights in future may be bound, the defendant or defendants shall be at liberty, before entry of a plea or defence to the merits of such demand, to form an exception to the jurisdiction of the said inferior Terms, and require that the said suit or action may be removed and brought into hearing, trial and judgment in the superior Terms of the said court of King's Bench of the district where such suit or action may have been brought; and all and every such exception so made as aforesaid, shall be entered of record, and the process, suit and demand and all things thereto relating, shall be removed into the superior Terms of said court, which shall proceed to hear and determine in a summary manner, whether the exception is well founded; and if the said court shall sustain the exception, it shall proceed to trial and judgment, according to the rules of proceeding in the superior Term aforesaid; but if the said court shall dismiss the exception, the process, and all things thereto relating, shall be remitted to the next inferior Term thereof, to be there heard, tried and finally determined.

Two Terms of the court of King's Bench for criminal and civil causes at Three Rivers, and powers granted to the Judges thereof.

XI. And whereas it will contribute to the ease and convenience of his Majesty's subjects, residing in the district of Three Rivers, that all causes relating thereto be there decided; be it therefore enacted by the authority aforesaid, that there shall be held at the town of Three Rivers, for the district of Three Rivers, by two of the Justices of the courts of King's Bench for the districts of Quebec and Montreal, and the Provincial Judge to be appointed for the district of Three Rivers, a court of King's Bench to sit in two Terms every year, that is to say, from the thirteenth to the last day

of each of the months of March and September, both days inclusive, (Sundays and holy-days excepted;) and during the four first juridical days of each of said Terms, the said two Justices and Provincial Judge or any two of them, with the Chief Justice of the Province, or the Chief Justice of the court of King's Bench at Montreal, shall have cognizance of all crimes and criminal offences, and during the remainder of each of said Terms, the said two Justices and Provincial Judge, or any two of them, shall have original jurisdiction, take cognizance of, hear, try, and determine, all civil suits or actions, and where the King is a party in said district, those purely of Admiralty jurisdiction, and suits or actions wherein the value of the matter in dispute shall not exceed the sum of ten pounds sterling, excepted, unless the said suits or actions not exceeding ten pounds sterling, shall relate to any fee of office, duty, rent, revenue, or any sum or sums of money, payable to his Majesty, titles to lands or tenements, annual rents or such like matters or things, where the rights in future may be bound; and the first and every juridical day in each part of the said Terms for criminal and civil causes, shall be return days for all writs and process, issuing from the said court for criminal and civil causes respectively, and the said court of King's Bench, to be held as aforesaid at Three Rivers, and the Justices and Provincial Judge composing the same, or any of them, shall have within that district, both in and out of court the same powers and authorities in all cases, as are granted by this Act to the courts of King's Bench of the districts of Quebec and Montreal, and the Justices thereof or any of them, in or out of court, or out of Term.

Terms of the
Provincial court
at Three Rivers.

XII. And whereas it is expedient, that there should be a court in the district of Three Rivers, for hearing, trying and determining in a summary manner, all civil suits or actions wherein the amount claimed shall not exceed the sum of ten pounds sterling; be it further enacted by the authority aforesaid, that there shall be appointed a Provincial Judge for the district of Three Rivers, who shall hold a Provincial court at the town of Three Rivers in six Terms every year, that is to say, from the first to the tenth day, both days inclusive, in each of the months of February, April, June, August, October and December, (the Sundays and holy-days in said Terms excepted,) which shall have cognizance of, hear, try, and determine in a summary manner, without appeal, every civil suit or action, (those purely of Admiralty jurisdiction excepted,) wherein the amount claimed shall not exceed the sum of ten pounds sterling: provided always that if such suit or action shall relate to any fee of office, duty, rent, revenue or any sum or sums of money payable to his Majesty, titles to lands or tenements, annual rents, or such like matters or things, where the rights in future may be bound, the defendant or defendants shall have the same right to form an exception to the jurisdiction of the said Provincial court, and to require a removal of the suit or action into the court of King's Bench to be held at Three Rivers, in the same manner and under the same conditions as are herein before provided for, the removal of suits or actions from the inferior to the superior Terms of the courts of King's Bench at Quebec and Montreal, and every juridical day in each Term shall be a return day for all writs and process issuing from the said Provincial court.

Power of removal from the Provincial court to the court of King's Bench, where an objection may be taken to the Judge.

XIII. And provided also and be it enacted by the authority aforesaid, that in every suit or action, where legal objection shall be made to the Judge of the said Provincial court of the district of Three Rivers, every such objection shall be entered of record, and the process, suit and demand, and all things thereto relating, shall be removed into the next Term of the court of King's Bench to be held at the said town of Three Rivers, which shall proceed to hear and determine in a summary manner, whether the said objection is well founded; and if the said court shall sustain the objection, it shall proceed to trial and judgment of the suit in a summary manner, but if the

said court shall dismiss the objection, the process and all things thereto relating shall be remitted to the said provincial court, to be there heard, tried and finally determined.

Establishment of a provincial court at Gaspé & the terms thereof.

XIV. And considering the remote situation of the county of Gaspé, and for the ease and convenience of his Majesty's subjects resident within the said county, who may have suits to prosecute not exceeding the sum of twenty pounds sterling; be it further enacted by the authority aforesaid, that the said county of Gaspé, shall be erected into an inferior district, to be called the inferior district of Gaspé, and there shall be appointed a Provincial Judge, who shall hold a provincial court for the said district, as herein after mentioned, which shall have cognizance of, hear, try, and determine in a summary manner, without appeal, every writ, suit or action, and where the King is a party, (those purely of Admiralty jurisdiction excepted,) wherein the amount claimed shall not exceed the sum of twenty pounds sterling; and the said court shall be held at the places and during the following terms in every year, that is to say, at Bonaventure, in the Bay of Chaleurs, from the sixteenth to the thirty-first day of May, both days inclusive; at Carleton, in the said Bay, from the sixteenth to the thirty-first day of July, both days inclusive; at Percé, in the entry of the Bay of Gaspé, from the sixteenth to the thirty-first day of August, both days inclusive; and at Douglas-town, within the said Bay of Gaspé, from the fifteenth to the thirtieth day of September, both days inclusive; (the Sundays and holy-days in said Terms excepted,) and the first and every other juridical day of each of the aforesaid Terms in the said inferior district of Gaspé, shall be return days.

Proviso, to restrain the issuing of execution against the person or immoveable property.

XV. Provided always that the said provincial court for the inferior district of Gaspé, shall not have power or authority to issue a writ of execution against the body or immoveable property, although the amount of the judgment should exceed the sum of ten pounds sterling, any law to the contrary notwithstanding.

Restrictions regarding the issuing of summonses in the inferior District of Gaspé.

XVI. Provided also that no defendant or defendants shall be amenable to the courts to be held at Carleton or Bonaventure, unless the summons shall be served on him or them personally, on the West-side of Mackarel-point, in Chaleur Bay, or left at a place at which he or they shall be actually residing or carrying on the fishery or other business, to the Westward of said Mackarel-point; nor shall any defendant or defendants be amenable to the courts to be held at Percé or Douglas-town, unless that the summons shall be served on him or them personally on the East-side of said Mackarel-point, or left at a place, at which he or they shall be actually resident or carrying on the fishery, or other business, Eastward of Mackarel-point aforesaid in the said Bay of Chaleurs, or on the coast of the river Saint Lawrence as far as the county of Gaspé extends.

Power of the Provincial Judge of Gaspé, in things relating to tutors, guardians, &c.

XVII. And be it further enacted by the authority aforesaid, that the Judge of the said Provincial court of Gaspé shall have authority either in or out of Court or out Term, to proceed to the interdiction of insane persons, the election of tutors or guardians, curators and other counsels of relations or friends, closing of inventories, attestations of accounts, insinuations, affixing and taking off seals of safe custody and other acts of the same nature, which ought not to suffer any delay, and he shall have the same power and authority as is given by this Act to all or any of the Judges of the courts of King's Bench of the districts of Quebec or of Montreal, to appoint a Notary or some other fit person, upon application of parties, to receive the counsels and opinions of relations or friends, and he shall proceed on such matters in the manner and form prescribed by the present Act.

Power of issu-

XVIII. And be it further enacted by the authority aforesaid, that every writ of summons

ing summons for
the inferior dis-
trict of Gaspé, in
matters above
£ 20 sterling.

summons that may be granted by any of the Justices of the court of King's Bench of the district of Quebec, for civil suits or actions, wherein the value of the matter in dispute shall exceed the sum of twenty pounds sterling, against any defendant or defendants, residing within the inferior district of Gaspé, shall be made returnable into the said court of King's Bench at Quebec only, in the Terms to be there held in the months of June or October, and there shall be at least two months betwixt the service of the said summons and the day of return into the said court of King's Bench; and the Judge of the said provincial court of Gaspé shall have power and authority, on a declaration presented to him in writing, by any person or persons, setting forth the grounds of his or their complaint against a defendant or defendants residing in said inferior district, and that the amount of the claim against him or them exceeds the sum of twenty pounds sterling, to grant a writ of summons returnable into the court of King's Bench at Quebec, in either of the two Terms thereof as aforesaid: provided always that there shall be the same distance of time betwixt the service of the said summons and the day of return into the said court of King's Bench as above mentioned: and the said declaration and summons, together with the service thereof, certified under the hand of the Judge and seal of the said provincial court of Gaspé, (if the said summons was by him granted,) being returned into the court of King's Bench at Quebec, the said court shall proceed to hear, try, and determine the suit or action in like manner as if the said summons had issued originally therefrom.

Annual circuits
appointed in the
districts of Que-
bec and Montre-
al.

XIX. And be it further enacted by the authority aforesaid, that there shall be held a circuit court annually in each of the districts of Quebec and Montreal, by one at least of the Justices of the aforesaid courts of King's Bench, which said circuit courts shall sit once in every year in each of the counties included in the aforesaid districts of Quebec and Montreal respectively, (except the counties of Quebec, Montreal, Orleans and Gaspé, (and hear and determine all civil suits and actions brought before them, where the amount claimed shall not exceed the sum of ten pounds sterling, and which said circuit courts shall have all the powers and authorities vested in the said courts of King's Bench, sitting by inferior Terms in the cities of Quebec and Montreal, in causes not exceeding the sum of ten pounds sterling; and that the sittings of the said circuit courts in each of the said districts shall be two days in each place, and shall be held at the times and places hereafter mentioned, to wit, for the district of Quebec at Kamouraska, in the county of Cornwallis, the first Friday and Saturday after the twenty-ninth day of June of each year; at l'Islet, in the county of Devon, the Monday and Tuesday of the week following; at Saint-Valier, in the county of Hertford, the Thursday and Friday of the same week; at Saint-Mary's Nouvelle Beauce, in the county of Dorchester, for the said county, (except the parishes of Saint Joseph, of Pointe Levi and Saint Nicholas.) Monday and Tuesday of the week following; at Cape-santé, in the county of Hampshire, Monday and Tuesday of the week following; at Lotbiniere, in that part of Buckinghamshire comprehended in the district of Quebec, Wednesday and Thursday of the same week; and at Saint Joachim, in the county of Northumberland, Monday and Tuesday of the week following; and for the district of Montreal, at Vaudreuil, in the county of York, for said county, (except the Isle Bizarre, and the seigniories of the lake of the Two Mountains and of Saint Eustache,) and for that part of the county of Huntingdon, which is to the Southward of the lake Saint Francis, the first Monday and Tuesday after the twenty-ninth day of June; at Terrebonne, in the county of Essingham, Thursday and Friday of the same week; for the said county and for the seigniories of the lake of the Two Mountains, and of Saint Eustache at the village of l'Assomption in the county of Leinster, Monday and Tuesday of the week following; at Berthier, in the county of Warwick, Thursday and Friday of the same week; at Verchères, in the county of Surry,
Monday

Monday and Tuesday of the week following; at Saint Denis, in the county of Richelieu, Thursday and Friday of the same week; at Chambly, in the county of Kent, Monday and Tuesday of the week following; for the said county and for the lower part of the county of Bedford, and at Dorchester or Saint John's, in the county of Huntingdon, Thursday and Friday of the same week; for the said county, (except the feignories of Sault Saint Louis, Châteauguay and Beauharnois,) and for the upper part of the county of Bedford; and at Châteauguay, Monday and Tuesday of the week following for the said feignories of Sault Saint Louis, Châteauguay and Beauharnois.

Annual circuit appointed in the district of Three Rivers.

XX. And be it also further enacted by the authority aforesaid, that there shall be held in like manner, once in every year, by the Judge of the provincial court of the district of Three Rivers, a circuit court in the said district, at the times and places herein after mentioned; to determine all civil suits and actions that are within the competency of the said provincial court of the district of Three Rivers, and that the sittings of the said circuit court shall be two days in each place, and shall be held, to wit, at Rivière du Loup for that part of the said district which lies to the Westward of the town and banlieue of Three Rivers, on the North-side of the river Saint Lawrence, on the first Monday and Tuesday after the twenty-ninth day of June; at Batiscan, for that part of the said district which lies to the Eastward of the town and banlieue of Three Rivers, on the said side of the river Saint Lawrence, the Friday and Saturday of the same week; at Gentilly, for that part of the aforesaid district which lies to the Eastward of the river Becancour, on the South-side of the river Saint Lawrence, on Tuesday and Wednesday of the following week; and at Baye du Fèvre, for that part of the said district which lies to the Westward of the said river Becancour, on the said side of the river Saint Lawrence, on Friday and Saturday of the same week.

Removal of causes from the circuit courts in certain cases.

XXI. Provided always and be it further enacted by the authority aforesaid, that if any suit or action in such circuit courts shall relate to any fee of office, duty, rent, revenue or any sum or sums of money payable to his Majesty, titles to lands or tenements, annual rents or such like matters or things where the rights in future may be bound, the defendant or defendants shall have the same right to form an exception to the jurisdiction of the said circuit courts, and to require a removal of the suit or action into the superior Terms of the court of King's Bench to be held at Quebec or Montreal, or into the Terms of the court of King's Bench to be held at Three Rivers, each for their district respectively, in the same manner and under the same condition as are herein before provided for the removal of like suits or actions, from the inferior to the superior Terms of the courts of King's Bench at Quebec or Montreal, and from the provincial court at Three Rivers, to the court of King's Bench to be there held; and as often as it shall happen, that an objection may be legally taken to the Judge upon the said circuit courts in any suit or action, every such suit or action shall be reserved to be heard, tried, and determined in a summary manner at the next inferior Terms of the courts of King's Bench at Quebec or Montreal, or Terms of said court to be held at Three Rivers respectively.

Transmission of Records, &c, from certain courts.

XXII. And be it further enacted by the authority aforesaid that all records, registers and proceedings, in custody of, or belonging to the present court of King's Bench, shall be taken and considered to belong to, and be in custody of the court of King's Bench, to be established under the present Act, for the district of Quebec; and all the proceedings, records and registers in actions instituted and pending in any of the courts of Common-Pleas of the districts of Quebec and Montreal, for whatsoever amount

amount, and in that of the county of Gaspé in actions wherein the amount claimed is above the sum of twenty pounds sterling, shall be transmitted to the court of King's Bench for the district in which such suits may have been instituted, to be proceeded upon therein, as if they had commenced in the same, and that the custody of all records, registers, papers and minutes of what nature soever; in the possession of or considered as belonging to the courts of Common-Pleas of the districts of Quebec and Montreal, shall be taken and considered to belong to the courts of King's Bench of the said districts respectively, and the proceedings, records and registers and all papers and minutes of what nature soever as aforesaid, in the custody of, or belonging to the court of Common-Pleas of the district of Three Rivers, if relating to actions or suits for sums not exceeding ten pounds sterling, shall be taken and considered to belong to the provincial court of the said district; and if relating to actions or suits for sums exceeding ten pounds sterling, shall be taken and considered to belong to the court of King's Bench, to be held at Three Rivers, for the said district, and the proceedings, records and registers and all papers and minutes of what nature soever, in the custody of or belonging to the court of Common-Pleas of the county of Gaspé, relating to suits or actions for sums not exceeding twenty pounds sterling, shall be taken and considered to belong to the provincial court of the inferior district of Gaspé, and that all and every the records, registers, papers and minutes aforesaid shall be transmitted to the respective Clerks of the said courts of King's Bench and provincial courts to be established under the present Act, which courts respectively shall have authority, from time to time, to order and compel the surrender of the said records, registers, papers and minutes, by such persons, who are or may be in possession thereof; and the refusal to surrender and deliver the same shall be deemed and considered to be a contempt of the said courts, and the person or persons so refusing may be proceeded against as in cases of contempt accordingly.

Provincial courts of appeals constituted:

XXIII. And be it further enacted by the authority aforesaid, that the Governor, Lieutenant Governor or Person administering the Government, the members of the Executive Council of this Province, the Chief Justice thereof, and the Chief Justice to be appointed for the court of King's Bench at Montreal, or any five of them (the Judges of the court of the district wherein the judgment appealed from was given, excepted) shall be constituted and are hereby erected and constituted, a superior court of civil jurisdiction or provincial court of appeals, and shall take cognizance of, hear, try and determine all causes, matters and things appealed from all civil jurisdictions and courts; wherein an appeal by law is allowed; provided always that no member of the court of appeals, shall be considered disqualified from sitting on appeals, from the district of Three Rivers, excepting the Judges who may have given the judgment appealed from.

Power of the Governor to appoint a President of the court of appeals.

XXIV. And be it also enacted by the authority aforesaid, that the Governor, Lieutenant Governor or Person administering the Government, when present in the said provincial court of appeals, shall preside therein, and shall have and hereby hath full power and authority to appoint any member of the said court to be President thereof, during the absence of the said Governor, Lieutenant Governor or Person administering the Government for the said court, any law to the contrary notwithstanding.

Four Terms appointed for holding the court of appeals at Quebec.

XXV. And be it further enacted by the authority aforesaid, that the said court of appeals shall be held at the city of Quebec in four Terms during every year, that is to say; from the tenth to the twentieth day, both days inclusive, of each of the months of January and November, and from the twentieth to the thirtieth day, both days inclusive, of each of the months of April and July, the Sundays and holy-days in each Term excepted.

Transmission of records, &c. from the present courts of appeals.

XXVI. And be it further enacted by the authority aforesaid, that all and every the records, registers and judicial proceedings thereto relating, of the court of appeals of the Governor and Council, before the passing of this Act, shall be forthwith transmitted into, and make part of the records of the court of appeals by this Act constituted and established; and the said court shall and may hear, try, and determine, and upon judgment made, shall issue execution in all causes which remained in the former court of appeals unheard and not determined, and shall and may issue all such process and writs of execution upon any judgment made by the former court of appeals of the Governor and Council, with full cognizance of every matter thereupon, which may be lawfully moved, touching any execution aforesaid; and the said court of appeals shall have full power and authority, from time to time, to order and compel such persons as are in possession of any of the records, registers and proceedings aforesaid, to transmit the same as before ordered; and every neglect or refusal shall be deemed a contempt, and the party offending may be proceeded against in the same manner as for a contempt of the said court.

What causes may be appealed from the court of King's Bench, and on what conditions.

XXVII. And be it also enacted by the authority aforesaid, that an appeal shall lie to the court of appeals of this Province, herein before mentioned and constituted, from every judgment of the present court of Common-Pleas, in all cases wherein by law, an appeal may now be brought therefrom to the present court of appeals, and from every judgment which may be given in the civil superior Terms of the said courts of King's Bench for the districts of Quebec and Montreal, or civil Terms thereof, to be held at Three Rivers, in all cases where the matter in dispute shall exceed the sum of twenty pounds sterling, or shall relate to any fee of office, duty, rent, revenue or any sum or sums of money payable to his Majesty, titles to lands or tenements, annual rents or such like matters or things where the rights in future may be bound, although the immediate value or sum in appeal be less than twenty pounds sterling: provided that security be first duly given by the appellant, that he will effectually prosecute the said appeal and answer the condemnation, and also pay such costs and damages as shall be adjudged in case the judgment or sentence of the court of King's Bench be affirmed, or that the appellant agrees and declares in writing at the Clerk's office of the court appealed from, that he does not object to the judgment given against him being carried into effect according to law; on which condition, he shall give security only for the costs of appeal, in case the appeal is dismissed; and on condition also, that the appellee shall not be obliged to render and return to the appellant more than the net proceeds of the execution, with the legal interest on the sum recovered, or the restitution of the real property, and of the net value of the produce and revenues of the real property, whereof the appellee has been put in possession by virtue of the execution, to take place from the day he recovered the sum or possessed the real property, until perfect restitution is made, without any damages against the appellee by reason of the said execution in case the judgment is reversed, any law, custom or usage to the contrary notwithstanding.

Appeals in error on the verdict of a jury.

XXVIII. And be it further enacted, that wherever the judgment appealed from, shall be founded on the verdict of a jury, no other appeal shall lie than an appeal in error, that the law only and not the fact may be drawn into question.

Rules of practice in the courts.

XXIX. And be it further enacted by the authority aforesaid, that all and singular the laws of this Province which before the passing of this Act were in force to govern and direct the practice of the respective courts of criminal and civil jurisdiction, or which gave authority to the said courts to make and establish rules of practice, and which are not expressly repealed or varied by this Act, shall continue to be in force and

and be observed respectively by the courts of criminal and civil jurisdiction, constituted by, or to be constituted in pursuance of this Act; that is to say, that the laws which concern and direct the present courts of Common-Pleas, in causes exceeding ten pounds sterling, shall continue to be observed by the courts of King's Bench for the districts of Quebec and Montreal, in the superior Terms thereof, and by the court of King's Bench in the Terms which it shall hold in the town of Three-Rivers; that those which concern and direct the present courts of Common-Pleas in causes not exceeding ten pounds sterling, shall continue to be observed by the courts of King's Bench for the districts of Quebec and Montreal, in the inferior Terms thereof, and by the provincial courts of Gaspé and Three Rivers; and lastly, that the laws which concern and direct the present court of appeals and the present courts of criminal jurisdiction, and the Sessions of the Peace respectively, shall continue to be respectively observed, by the provincial court of appeals, and by the courts of criminal jurisdiction and Sessions of the Peace constituted by or to be constituted in pursuance of this Act.

Appeals in certain cases to his Majesty in council.

XXX. And be it further enacted by the authority aforesaid, that the judgment of the said court of appeals of this Province, shall be final in all cases where the matter in dispute shall not exceed the sum or value of five hundred pounds sterling; but in cases exceeding that sum or value, as well as in all cases where the matter in question shall relate to any fee of office, duty, rent, revenue, or any sum or sums of money payable to his Majesty, titles to lands or tenements, annual rents or such like matters or things where the rights in future may be bound, an appeal shall lie to his Majesty in his Privy-Council, though the immediate sum or value appealed for, be less than five hundred pounds sterling, provided security be first duly given by the appellant, that he will effectually prosecute his appeal, and answer the condemnation, and also, pay such costs and damages as shall be awarded by his Majesty in his Privy-Council, in case the judgment of the said court of appeals of this Province be affirmed, or provided that the appellant agrees and declares in writing at the Clerks office of the court appealed from, that he does not object to the judgment given against him, being carried into effect according to law, on which condition he shall give sureties for the costs of appeal, only, in case the appeal is dismissed, and on condition also that the appellee shall not be obliged to render and return to the appellant, more than the net proceeds of the execution, with legal interest on the sum recovered, or the restitution of the real property; and of the net value of the produce and revenues of the real property, whereof the appellee has been put in possession, by virtue of the execution, to take place from the day he recovered the sum or possessed the real property until perfect restitution is made, but without any damage against the appellee, by reason of such execution, in case that the judgment be reversed, any law, custom or usage, to the contrary notwithstanding.

Suspension of execution on Appeals to his Majesty in council for a limited time.

XXXI. And be it also enacted by the authority aforesaid that in all cases, where appeal shall be allowed to his Majesty in his Privy-Council, execution shall be suspended, for fifteen Calendar months from the day on which such appeal is allowed; and from the expiration of that period, to the final determination of the said appeal, if before the expiration of the said fifteen months, a certificate shall be filed in the court of appeals of this Province, signed by the Clerk of his Majesty's Privy-Council, or his Deputy, or any other person, duly authorized by him, that such appeal has been lodged and that proceedings have been had thereon before his Majesty in his Privy-Council, and if no such certificate be produced and filed in the provincial court of appeals, within the said fifteen months, the said appeal shall not longer operate a stay of judgment and execution, but the party, who obtained judgment in the said provincial court of appeals may sue out execution as if no such appeal had been made or allowed, any law, usage or custom to the contrary notwithstanding.

XXXII.

Limitations of
appeals in certain
cases.

XXXII. And be it further enacted by the authority aforesaid, that in all cases, where an appeal is by law allowed, from the court of King's Bench, to be constituted in pursuance of this Act, to the provincial court of appeals herein before mentioned and constituted, as also where an appeal is by law allowed, from the said provincial court of appeals, to his Majesty in his Privy-Council, no appeal shall be granted or allowed, after the expiration of one year, from the date of the final judgment of the said courts respectively; any law, usage or custom to the contrary notwithstanding, saving always and excepting every such judgment, whereby the rights of persons under age, *femes covert*, or persons *non compos mentis* or otherwise *interdit* may be bound; who may appeal from any such judgment, within one year after the disability, under which they have respectively so laboured, shall have ceased, and in case of the death of any person labouring under any of the said disabilities, his or her heir or heirs, if present in the Province, may appeal from such judgment, within one year after such death or if absent therefrom, within five years; and also saving and excepting every judgment which shall be given against any person absent from this Province, who may appeal from any such judgment, within one year after such death, or if absent therefrom, within five years; and also saving and excepting every judgment which shall be given against any person absent from this Province, who may appeal from any such judgment, within five years from the date thereof, if he or she does not sooner return to this Province, in which case no appeal shall be admitted after the expiration of one year from the date of such return, and in case of the death of any person within one year after any judgment given against him or her, his or her heir or heirs, if present in this Province, may appeal from such judgment, at any time before the expiration of a year from the death of such person, and if absent, before the expiration of five years from the date of such judgment.

Transmission of
records, &c. of
the courts of re-
quest.

XXXIII. And be it further enacted by the authority aforesaid, that all proceedings, records and registers in actions instituted and depending in any of the courts of request, within the different districts of this Province, as established by this Act, shall be transmitted into the courts of King's Bench, in the inferior Terms thereof, or into the provincial courts of the respective districts, in which such actions may have been instituted, to be there proceeded upon, as if they had been commenced in the said courts, and that the keeping of all records, registers, papers and minutes of what nature soever, in the possession and considered as belonging to, the said courts of request, shall be taken and considered as belonging to the said Courts of King's Bench in the inferior Terms thereof or to the said provincial courts of the respective districts, in which such courts of request are comprehended, which courts shall respectively have authority to order and compel the delivery of the aforesaid records, registers papers and minutes, by all such persons as are or may be in possession thereof, and the refusal to surrender and deliver them up, shall be considered as a contempt of the said courts respectively.

Terms for hold-
ing the General
Sessions of the
Peace.

XXXIV. And be it further enacted by the authority aforesaid, that there shall be held four times in every year, in each of the districts of Quebec, Montreal and Three Rivers, and in the inferior district of Gaspé, a General Session of the Peace, by the Justices of the Peace of each respective district, or any three of them, whereof one shall be of the quorum, who shall hear and determine all matters relating to the conservation of the peace, and whatsoever is or may be by them cognizable, according to the criminal laws of that part of Great Britain called England, and the Ordinances or Acts in force in this Province; and the said Sessions for the districts of Quebec, Montreal and the Town of Three Rivers shall be held respectively at the cities of Quebec and Montreal and the Town of Three Rivers, that is to say, from the tenth to the nineteenth

nineteenth day of each of the months of January and July, both days inclusive; and from the twenty-first to the thirtieth days of each of the months of April and October, both days inclusive, (Sundays and holy-days excepted) and the said Sessions for the inferior district of Gaspé shall be held at Bonaventure and Carleton, in the Bay of Chaleurs; at Percé, in the entrance of the Bay of Gaspé and at Douglas-town, within the said Bay of Gaspé; for eight days immediately following the Terms of the provincial court of the said inferior district, (Sunday and holy-days excepted,) and two of the said Justices of the Peace shall sit weekly, in rotation in the cities of Quebec and Montreal, and in the Town of Three Rivers, for the better regulation of the Police, and other matters, and things belonging to their office, and the names of the Justices who are to sit in each week, shall be posted, upon the door of the Session-house, by the Clerk of the Peace; provided always, that nothing herein contained shall be construed to prevent the holding of Special Sessions of the Peace, for the purposes and in the manner by law allowed.

Estreating of
recognizances in-
to the courts of
King's Bench.

XXXV. And be it further enacted by the authority aforesaid, that all recognizances which may hereafter become forfeited in his Majesty's courts of General or Special Sessions of the Peace for the districts of Quebec or Montreal, shall be certified and estreated in and into his Majesty's courts of King's Bench of the respective districts twice in every year that is to say; all recognizances which may become forfeited, in the said courts of General or Special Sessions of the Peace, from the beginning of every Session to be held in the month of January in every year to the end of every Session to be held in the month of April in every year, shall be and are hereby ordained to be certified and estreated in and into the said courts of King's Bench, the last day of every Term to be held in the month of June yearly, and all recognizances which may become forfeited in the said courts of General or Special Sessions of the Peace, from the beginning of every Session to be held in the month of July in every year, to the end of every Session to be held in the month of October in every year, shall in like manner be certified and estreated in and into the said courts of King's Bench the last day of every Term to be held in the month of February yearly, and all recognizances which may hereafter become forfeited in the General or Special Sessions of the Peace for the district of Three Rivers, shall be certified and estreated in and into the court of King's Bench of that district, that is to say, all recognizances forfeited in said sessions of January and April shall be certified and estreated in and into the court of King's Bench, to be held at Three Rivers aforesaid in the month of September, and all recognizances forfeited in said Sessions of July and October, shall be certified and estreated in and into the court of King's Bench to be held at Three Rivers aforesaid in the month of March, and all recognizances which may hereafter become forfeited in the General or Special Sessions of the Peace for the inferior district of Gaspé, shall be certified and estreated once in every year, in and into the court of King's Bench, to be held for the district of Quebec, in the month of February, and all recognizances which shall become forfeited in any court of Oyer and Terminer, and General Gaol Delivery, shall be certified and estreated in and into the court of King's Bench of the district respectively where such recognizance shall have been entered into, on the last day of the next Term, after the same shall have become forfeited; on pain, that every Officer of or belonging to the said courts of General Quarter or special Sessions of the peace, to whom it doth, ought or shall appertain to make certificate or estreat of any of the said recognizances, making default or offending therein, shall forfeit an pay twenty pounds sterling, for every such default or failure that shall be made in certifying and estreating as aforesaid; the one moiety to the Receiver General for the use of the Crown to be applied for the public uses of this Province, and for the support of the Government thereof, and shall be accounted for to the crown through

through the Commissioners of his Majesty's Treasury for the time being, as the Crown shall direct, and the other moiety to such person or persons that shall or will sue for the same, in any court of record, by action of debt, plaint, bill or information, and which said several courts of King's Bench are hereby authorized to cause to be levied in the whole, or to moderate and remit in the whole, or in part, such forfeitures, where it may appear just and reasonable to be done.

Captains or Senior Officers of Militia authorized to Act as Coroners.

XXXVI. And whereas the great extent of this Province, may render it often impracticable for the Coroner of the district to give his attendance at the different places where it might be necessary; be it further enacted by the authority aforesaid, that the Captains or senior Officer of Militia shall be, and hereby are empowered, in their respective parishes, when any marks of violence appear on any dead body, to summon together six reputable house-holders of his parish to inspect the same, and he shall, according to their opinion, report the manner and cause of such death, in writing, to the nearest Justice of the Peace, that a further examination may be made therein, if necessary.

Powers granted to the Justices of the courts of King's Bench, to grant writs of habeas corpus.

XXXVII. And be it further enacted by the authority aforesaid, that all the Powers and authorities granted by an Ordinance, passed by the Governor and Legislative Council of the late Province of Quebec, on the twenty-ninth day of April, in the twenty-fourth year of his Majesty's reign, intituled " *An Ordinance for securing the liberty of the subject, and for preventing of imprisonments out of this Province,*" to the courts of King's Bench of the said late province of Quebec, or to the Chief Justice thereof, or to the Commissioners for executing the office of Chief Justice, or to any Judge or Judges of the said Court of King's Bench, regarding the writ of Habeas Corpus, shall be vested in each of the courts of King's Bench, to be constituted in virtue of this Act for the districts of Quebec and Montreal, and in all and singular the Justices thereof, who shall be subject to the penalty provided by the said Ordinance against any of the Judges of the court of King's Bench, provided always, and be it further enacted, that when any writ of Habeas Corpus shall be returnable in vacation time, such writ shall be made returnable at Quebec, before the Chief Justice of this Province or at Montreal before the Chief Justice of the Court of King's Bench at Montreal; and in case of the absence or indisposition of either of them respectively, two or more Puisne Justices of the said courts of King's Bench respectively, shall be necessary to proceed, hear and determine on; any law or usage to the contrary notwithstanding; provided also and be it further enacted, by the authority aforesaid, that a writ of Habeas Corpus, according to the true intent and meaning of the aforesaid Ordinance, may be directed and run into the district of Three Rivers, from either of the courts of King's Bench, aforesaid, or from any of the Justices thereof, and shall be made returnable, at the option of the person applying for or demanding the same, either into the Terms of the court of King's Bench to be held at the Town of Three Rivers, or in vacation time before either of the Chief Justices aforesaid, at Quebec or Montreal, to be proceeded on as if such writs had been applied for or demanded by or on behalf of any person confined or imprisoned in either of the districts of Quebec or Montreal.

Acts or Ordinances repealed.

XXXVIII. And be it further enacted by the authority aforesaid, that the Acts or Ordinances passed by the Governor and Legislative Council of the late province of Quebec hereafter mentioned, to wit, An Ordinance, intituled, " *An Ordinance for establishing courts of civil judicature in the Province of Quebec,*" passed the twenty-fifth day of February, in the seventeenth year of his Majesty's reign; also an Ordinance, intituled, " *An Ordinance for establishing courts of criminal jurisdiction in the Province of Quebec,*" passed the fourth day of March, also in the seventeenth year of his Majesty's reign; also an Ordinance,

Ordinance, intituled, "An Ordinance for granting a limited civil power and jurisdiction to his Majesty's Justices of the Peace, in the remote parts of this Province," passed the thirtieth day of April, in the twenty-fifth year of his Majesty's reign; also an Act or Ordinance, intituled, "An Act or Ordinance to alter the Ordinance herein after mentioned," passed the thirtieth day of April, in the twenty-eighth year of his Majesty's reign; also an Act or Ordinance, intituled, "An Act or Ordinance to form a new district between the districts of Quebec and Montreal, and for regulating the same districts," passed the twelfth day of April, in the thirtieth year of his Majesty's reign, be, and the said Acts or Ordinances and every part thereof are hereby repealed.

Ordinance of 27th Geo: III. passed 30th April, 1787, repealed in part.

XXXIX. And be it further enacted by the authority aforesaid, that such part of an Ordinance, passed by the Governor and Legislative Council of the late province of Quebec, on the thirtieth day of April, in the twenty-seventh year of his Majesty's reign, intituled, "An ordinance to continue in force, for a limited time, an Ordinance made in the twenty-fifth year of his Majesty's reign, intituled, "An Ordinance to regulate the proceedings in the courts of civil judicature, and to establish trials by juries in actions of a commercial nature, and personal wrongs to be compensated in damages," with such additional regulations as are expedient and necessary: and which parts are, to wit, the clause which fixes the Terms of the court of Common-Pleas, the clause concerning appeals to be lodged by executors, administrators, tutors or curators, and the part which concerns the dispensation of justice in small matters, and which gives power to the Governor or to the Commander in Chief, for the time being, with the advice and consent of the Council, to erect new districts by letters patent in the distant parts of this Province, be, and the said parts or clauses of the said Ordinance are hereby repealed; and all power and authority vested in any court, or the Judge or Judges of any court constituted in virtue of the said Ordinance, shall from and after the passing of this Act cease and determine.

Act or Ordinance of 28th Geo. III passed 30th April 1788, repealed in part.

XL. And be it further enacted by the authority aforesaid, that so much of an Act or Ordinance passed by the Governor and Legislative Council of the late Province of Quebec, on the thirtieth day of April, in the twenty-eighth year of his Majesty's reign, intituled, "An Act or Ordinance for regulating the fisheries in the river of Saint Lawrence, in the Bays of Gaspé and Chaleurs, on the island of Bonaventure and the opposite shore of Percé," as gives power to two Justices of the Peace to hear of determine any difference or controversy which might arise betwixt the masters of fishing-ships, shallops, boats or other vessels, for and concerning the right and property of fishing rooms, stages, flakes, or any other conveniency or building for carrying on their fishery, or for curing their fish, between Cap Cat and the rapids of Ristigouche in the bay of Chaleurs aforesaid, at Percé and on the island of Bonaventure, be and such part of the said Act or Ordinance is hereby repealed.

Act of 31st Geo. III, passed 11th April, 1791, repealed in part.

XLI. And be it further enacted by the authority aforesaid, that so much of an Act passed by the Governor and Legislative Council of the late province of Quebec, on the eleventh day of April, in the thirty-first year of his Majesty's reign, intituled, "An Act to continue and amend the Acts or Ordinances therein mentioned, respecting the practice of the law in civil causes," as concerns the regulations hitherto established respecting the conduct of the business of the courts of request, and gives power and authority to the Governor or Commander in Chief, with the advice of the Council to make, from time to time, such alterations therein as he shall think necessary, by letters patent under the great seal, be, and such part of the said Act or Ordinance is hereby repealed.

Act of 33d. Geo. III. Chap.

XLII. And be it further enacted by the authority aforesaid, that so much of an Act

3d. repealed in part.

Act passed by the Legislature of this Province, in the thirty-third year of his Majesty's reign, intituled, "*An Act to prevent the inconveniences that may arise by the discontinuance of certain temporary Ordinances,*" passed by the Lieutenant-Governor and Executive Council, as continues a temporary Ordinance, intituled, "*An Ordinance relating to causes in appeal to the court of the Governor and Executive Council,*" passed the twenty-fourth day of February, in the thirty-second year of his Majesty's reign, be, and such part of the said Act as continues the said Ordinance in force, is hereby repealed.

Reservation of the rights and prerogatives of the Crown.

XLIII. Provided always, and it is declared and enacted by the authority aforesaid, that nothing herein contained shall be construed in any manner to derogate from the rights of the Crown, to erect, constitute and appoint courts of civil or criminal jurisdiction within this Province, and to appoint, from time to time, the Judges and Officers thereof, as his Majesty, his Heirs or Successors shall think necessary or proper for the circumstances of this Province, or to derogate from any other right or prerogative of the Crown whatsoever.

Prolongation of the returns of writs in certain cases.

XLIV. And be it further enacted by the authority aforesaid, that every writ or process, which is or shall be returnable into any of the present courts of Common-Pleas, at any day posterior to the passing of this Act, shall be returned into that court, into which the records, registers and proceedings of the court from whence such writ or process may have issued, are by this Act directed to be transmitted; and every such writ or process shall be held and considered to be returnable on the first day of the Term, as by this Act established, next following the day on which such writ or process is or shall be returnable into any of the courts of Common-Pleas.

