

C A P. I.

An Ordinance to suspend, for a limited time, part of certain Acts of the Legislature of this Province therein mentioned, and for other purposes.

Preamble.

Act 34, Geo. III., and Act 10 and 11 Geo. IV., suspended for a limited period as regards the criminal term, in the Montreal District, for Feby. and March, 1839.

WHEREAS in and by an Act of the Legislature of this Province, passed in the thirty-fourth year of the Reign of His late Majesty King George the Third, intituled, “ An Act for the division of the Province of Lower Canada, for “ amending the Judicature thereof, and for repealing certain laws therein mention- “ ed ;” it is Enacted, that two Sessions of the Court of King’s Bench for the Dis- trict of Montreal, shall be holden for the cognizance of all crimes and criminal offences, at the City of Montreal, within the District of Montreal, the first ten days in the Months of March and September ; And whereas by a certain other Act of the Legislature of the said Province, passed in the tenth and eleventh years of the Reign of His late Majesty King George the Fourth, intituled, “ An Act to amend “ an Act passed in the thirty-fourth year of the Reign of His late Majesty George “ the Third, intituled, “ An Act for the division of the Province of Lower Canada, “ to amend the Judicature thereof, and to repeal certain laws therein mentioned, “ inasmuch as the same relates to the Criminal Jurisdiction,” it is Enacted, that the said Terms of the said Court of King’s Bench, for the cognizance of crimes and criminal offences in the said District, shall be held at Montreal during the last five days of the month of February, and during the last five days of the month of August, in addition to the said Terms then by Law established, which said last mentioned Act of the said Legislature has been continued, and is now in force under and by virtue of other Act and Acts of the said Legislature ; And whereas a certain Court Martial has been constituted by His Excellency the Governor in Chief, and is now holden at the said City of Montreal, and other Court or Courts Martial may here- after be constituted by His Excellency and be holden at Montreal and elsewhere, in the said District of Montreal, under and by virtue of a certain Ordinance of the Ad- ministrator of the Government of the said Province, authorised to execute the Com- mission of Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said Province, intituled, “ An Ordinance for the sup- “ pression of the Rebellion, which unhappily exists within this Province of Lower- “ Canada, and for the protection of the persons and properties of Her Majesty’s “ faithful

“ faithful subjects within the same,” and it is meet and expedient, by reason of the holding of the said Court or Courts Martial, that no session of the said Court of King’s Bench for the said District of Montreal should be holden in pursuance of the said Act during the last five days of the present month of February, and the first ten days of the month of March now next ensuing :—Be it therefore Ordained and Enacted, by His Excellency the Governor of the Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue of and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her Majesty, intituled, “ *An Act to make temporary provision for the Government of Lower Canada ;*” and it is hereby Ordained and Enacted by the authority of the same, that the said several Acts of the said Legislature above mentioned, shall be, and the same are hereby suspended; in as far only as respects the said Session of the said Court of King’s Bench, for the said District of Montreal, during the last five days of the present month of February, and the said first ten days of the said month of March now next ensuing, and that the said Court of King’s Bench for the said District of Montreal, shall not be holden during the two last mentioned periods of time or series of days ; any law, statute, or usage to the contrary thereof, in anywise notwithstanding.

Bonds and Recognizances for appearance at the aforesaid Criminal Term, to remain in force till the next Term.

II. Provided always, and be it further Ordained and Enacted by the authority aforesaid, that all and every the Bonds and Recognizances, by which persons accused of any crime or offence whatsoever, were, and are bound to appear and answer for the same, before the said Court of King’s Bench for the District of Montreal, to be holden during the last five days of the present month of February, and the first ten days of the month of March now next ensuing, or at any Court of Oyer and Terminer, to be holden in the said District, and all and every the Bonds and Recognizances, by which any person or persons were and are bound to appear and give evidence before the said Court of King’s Bench, during the periods aforesaid, or before any such Court of Oyer and Terminer, as aforesaid, shall, notwithstanding any matter or thing in this present Ordinance contained, continue in full force and effect against all and every the parties who entered into or became bound by any such Bond or Recognizance ; and that all and every the said persons so bound to appear and answer, or to appear and give evidence, shall be, and they are hereby held to appear before the next Court of King’s Bench to be holden for the District of Montreal, on the twenty-seventh day of August now next ensuing, or before any Court of Oyer and Terminer to be constituted in the said Province, for the trial of any of the persons accused of any of the crimes and offences in any of the said

Bonds

Bonds or Recognizance respectively mentioned, under the penalties against the respective obligors in the said Bonds or Recognizances mentioned and contained.

Coroners, Justices of the Peace, &c., to make their returns in the August Term.

III. And be it further Ordained and Enacted by the authority aforesaid, that all Coroners, Justices of the Peace and other officers, shall return into the said Court of King's Bench for the said District of Montreal, to be holden on the twenty-seventh day of August now next ensuing, or into any Court of Oyer and Terminer in and for any District or part of the said Province, into which they shall be required to return the same, all and every their inquisitions and other proceedings had in the execution of their respective offices, which otherwise would have been returnable into the said Court of King's Bench, to be holden in the said last five days of the present month of February and the first ten days of the month of March now next ensuing.

J. COLBORNE.

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the sixteenth day of February, in the second year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the Year of Our Lord, one thousand eight hundred and thirty-nine.

By His Excellency's Command,

W. B. LINDSAY,

Clerk Special Council.