

Limitation of actions

General issue

Treble costs

XX. And be it further enacted by the authority aforesaid, that if any action or suit shall be brought or commenced against any person or persons for any matter or thing by him or them done or executed by virtue of and in pursuance of this Act, such action or suit shall be commenced within six months after the matter or thing done, and not afterwards, and the defendant or defendants in such action or suit shall and may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereon, and that the same was done in pursuance of and by authority of this Act; and if afterwards judgment shall be given for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or shall discontinue his, her or their action or prosecution after the defendant or defendants shall have appeared; then such defendant or defendants shall and may recover treble costs, and have the like remedy for the same as any defendant or defendants hath or have to recover costs in other cases at law.

C. A. P. X.

An Act to remove any doubts that may arise regarding the validity of certain proceedings in the Superior Terms of the Court of King's Bench at Montreal.

Enactment

Reciting clause 35 Geo. III. chap. 6.

WHEREAS by an Act passed in the last session of the Legislature, intituled: "An Act for the division of the Province of Lower-Canada, for amending the Judicature thereof, and for repealing certain laws therein mentioned," it is amongst other things enacted; that two or more Justices of the Courts of King's Bench 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 judicial days in the months of February, April, June and October; and that the said courts shall continue to be held every day, Sundays and holidays excepted, during the said several terms; and whereas the Superior Term of the said court which by the fore-cited Act ought to have been held at Montreal in February last; was not held; therefore to remove any doubts that may arise respecting the validity of proceedings in the subsequent Superior Terms of said court, on suits and actions remaining undecided in the former court of Common Pleas, and transmitted into the said court of King's bench in pursuance of the aforesaid Act, and which by reason of the aforesaid February Term not having been held, were suspended; 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 passed in the Parliament of Great Britain, intituled: "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign," intituled: "An Act to provide 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," and it is hereby enacted by the authority of the same; that all and every suit and action which shall have been transmitted as aforesaid, shall be and are hereby continued; and all proceedings which shall have been had, or that may hereafter be had thereon in the Superior Terms of the aforesaid court of King's Bench, shall have the same force and effect to all intents and purposes; as if the aforesaid Superior Term of such court had been held at Montreal in February last as by the fore-cited Act directed, any Law, Statute Usage or Custom to the contrary notwithstanding.

Suits, &c. suspended by the act holding the February term of the court of Kings Bench at Montreal continued.