

*The Provincial Statutes of Lower-Canada, Being the first session of the eleventh Provincial Parliament of Lower-Canada.* Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1821.

1 George IV – Chapter 8

**An Act to repeal and amend certain parts of an Act passed in the thirty-fourth year of His late Majesty's Reign, intituled, "An Act for the Division of the Province of Lower-Canada, for amending the Judicature thereof, and for repealing certain Laws therein-mentioned." (17th March, 1821.)**

Whereas it is expedient that the power of granting, issuing, and determining upon Writs of Habeas Corpus, in vacation time and out of the term, in pursuance of 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 late Majesty's Reign, intituled, "An Ordinance for securing the liberty of the subject, and for the prevention of imprisonments out of this Province," should be vested in the Puisné Justices of the Courts of King's Bench for the Districts of Quebec and Montreal, and in the Provincial Judge for the District of Three Rivers [Trois-Rivières], as well as in the Chief Justices of the said Courts respectively – Be it therefore 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 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," and it is hereby enacted by the authority of the same, that so much of the thirty-seventh section of an Act passed in the thirty-fourth year of His late Majesty's Reign, intituled, "An Act for the division of the Province of Lower-Canada, for amending the Judicature thereof, and for repealing certain Laws therein-mentioned," as requires, that any Writ of Habeas Corpus, returnable in vacation time, 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or at Montreal before the Chief Justice of the Court of King's Bench at Montreal, shall be at the same is hereby repealed; and that from and after the passing of this Act, when any Writ of Habeas Corpus shall be made returnable in vacation time, and such Writ shall be made returnable in the District of Quebec before the Chief Justice of this Province, or any one of the Puisné Justices of the Court of King's Bench for the said District of Quebec; and in the District of Montreal before the Chief Justice of the Court of King's Bench for the said District of Montreal, with full power to the said Chief Justices and Puisné Justices, jointly or severally, to proceed to hear the parties, and determine on such Writ of Habeas Corpus, under and subject to the penalty for the denial of the said Writ, provided in respect of the Chief Justice, or Commissioners for executing the office of Chief Justice, or Judges of the Court of King's Bench, in and by the said Ordinance, and in the manner therein-mentioned; any law, usage or custom to the contrary notwithstanding.

II. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, in the case and cases of any person or persons imprisoned, committed, or detained in the District of Three-Rivers, for criminal, or supposed criminal matters, the powers and authority granted by the said thirty-seventh section of said Act, passed in the thirty-fourth year of His late Majesty's Reign, to the Chief Justice of the Province, and to the Chief Justice of the Court of King's Bench for the District of

Montreal respectively, in vacation time, in respect of Writs of Habeas Corpus, directed and running into the District of Three-Rivers, shall and may not only be exercised by the said Chief Justices, respectively, but shall also be vested in, and exercised by the Puisné Justices of the said Courts of King's Bench, and by the said Provincial Judge of the said District of Three-Rivers, jointly or severally; and that in all such case and cases, as well the said Puisné Justices and Provincial Judges and the said Chief Justices, shall and may, in vacation time, exercise all the powers and authorities granted by the said Ordinance to the Chief Justice of the Court of King's Bench for the late Province of Quebec, or the Commissioners for executing the office of Chief Justice, or to any Judge or Judges of the said Court of King's Bench, in respect of the Writ of Habeas Corpus, under and subject to the penalty provided in respect of the said Chief Justice, or Commissioners for executing the office of Chief Justice, or Judges of the Court of King's Bench in and by the said Ordinance; any law, usage or custom to the contrary notwithstanding.