

the reigning Sovereign being male or female: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, '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 by the authority of the same, That from and after the passing of this Act the name and style of the said Court shall be, His Majesty's Court of King's Bench in and for the Province of Upper Canada, during the reign of any male Sovereign; and that the said name and style shall be, Her Majesty's Court of Queen's Bench in and for the Province of Upper Canada, during the reign of any female Sovereign, as the case may be, any thing in the above mentioned Act to the contrary thereof in anywise notwithstanding.

Style of Court to be "King's," or "Queen's Bench," according to the reign of a male or female Sovereign.

Past suits, &c., not affected by this Act.

II. *Provided always, and be it further enacted by the authority aforesaid*, That nothing in this Act contained shall extend, or be construed to extend, to affect any suit or action that may have been brought in any of the Courts of Law or Equity in this Province, previous to the passing of this Act.

## CHAP. II.

*AN ACT to alter and amend the law relating to the Appointment of Commissioners of the Court of King's Bench, in the several Districts of this Province.*

[Passed 11th May, 1839.]

Preamble.

**WHEREAS** it is expedient to alter and amend the law relating to the appointment of Commissioners for taking Recognizances of Bail, and Affidavits, in the several Districts of this Province, so as to authorise the Justices of Her Majesty's Court of King's Bench, in certain cases, to make such appointments without the intervention of the Chief Justice: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the

fourteenth year of His Majesty's reign, entitled '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 by the authority of the same, That in the event of the death of the Chief Justice, for the time being, or his absence from the Province, it shall and may be lawful for any two or more of the Puisne Justices of the said Court, to appoint Commissioners for taking Recognizances of Bail, and Affidavits in the several Districts of this Province, in like manner as the said Chief Justice, and other the Justices of the said Court are now by law authorised to do, any thing contained in any former Act or Acts notwithstanding.

Puisne Judges empowered to appoint Commissioners, in the absence of the Chief Justice.

### CHAP. III.

*AN ACT to provide for the payment of Costs, in certain cases of informations, at the suit of the Crown, and for other purposes therein mentioned.*

[Passed 11th May, 1839.]

**WHEREAS** it is expedient to make provision for the payment and recovery of Costs, in certain cases of Information, for intrusion upon lands of the Crown, for penalties, and for condemnation of Vessels, Carriages, and other conveyances and articles, seized for alleged infraction of the Revenue Laws, where there are claimants for the same, and in suits brought for debt due to the Crown: *And whereas*, great injustice frequently arises, from the want of authority to order the payment of Costs, in any cases of a like description: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, '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 by the authority of the same, That it shall and may be lawful for the Judge before whom any such Information shall be tried, in case of a verdict for the Crown, to certify, on the back of the Record thereof, that it is a proper case for the allowance of Costs to be paid by the Defendant in such Information; and in every such case, the Clerk of the Crown shall, on the entry of the Judgment, tax Costs, as in ordinary cases under the orders and rules of the Court of King's Bench, now or hereafter to be in force; and such Costs shall form part of the Judgment.

Preamble.

Costs may be allowed by the Judge, in case of verdict for the Crown.

To be taxed as in ordinary cases.