

# STATUTES,

OF

## Upper Canada,

PASSED IN THE FOURTH SESSION OF THE THIRTEENTH PROVINCIAL PARLIAMENT:  
MET AT TORONTO, ON THE TWENTY-SEVENTH DAY OF FEBRUARY, 1839, AND PROROGUED  
ON THE ELEVENTH DAY OF MAY, 1839, IN THE SECOND YEAR  
OF THE REIGN OF VICTORIA.

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SIR GEORGE ARTHUR, K. C. H.  
LIEUTENANT GOVERNOR.

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ANNO DOMINI 1839.



### CHAP. I.

*AN ACT to regulate the name and style of the Court established under the authority of an Act of the Provincial Parliament, passed in the thirty-fourth year of the reign of King George the Third, entitled, "An Act to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal."*

[Passed 11th May, 1839.]

**WHEREAS** it is expedient and right, that the name and style of the Court established in this Province under the authority of an Act of the Provincial Parliament, passed in the thirty-fourth year of the reign of His late Majesty King George the Third, entitled, "An Act to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal," should alter and vary according to the existing fact of

Preamble.

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