

Laws of His Majesty's Province of Upper-Canada in North America. York: Titus G. Simons,
Printer to the King's Most Excellent Majesty, 1801.

41 George III – Chapter 9

An Act the better to adapt the Establishment of the Court of King's Bench to the present situation of this Province.

[July 9th, 1801.]

I. Whereas experience has shewn that under the present circumstances of this province, the benefits intended to arise to the administration of justice by the establishment of the Court of King's Bench have not been, and cannot be obtained unless some expedient be adopted to make the said Court more acceptable: For remedy whereof, 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 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 the Office which the Clerk of the Crown and Pleas now hath in each District be, and the same is hereby declared to be an office from which all original process may issue, and in which actions may be instructed, and all necessary proceedings had before final judgment, in the same manner as the same may now be done in the principal office of the said Clerk.

II. And be it further enacted by the authority aforesaid, That whenever either the plaintiff or defendant in any suit hereafter to be instituted in any District except the Home District, may think it necessary to produce to the Court the writ, declaration, plea, or any other proceeding which may have been filed in such cause it shall and may be lawful for the said plaintiff or defendant to demand and receive from the Deputy Clerk of the Crown and Pleas in the District, a copy of such writ, declaration, plea, or other proceeding in the cause, certified by the said Clerk to be a true copy of the original, which copy shall be received by the Court in all cases in lieu of the original, and as a proof thereof.

III. And be it further enacted by the authority aforesaid, That before final judgment, the record of the several proceedings that have been had in the cause shall be transmitted to the principal office of the said Clerk, and shall remain in his custody.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said Court to make such general rules and regulations as to it shall seem expedient and necessary for the carrying the provisions of this Act into effect, according to the true intent and spirit thereof.

V. Provided nevertheless and be it further enacted by the authority aforesaid, That this Act shall not take effect until the first day of November next.