

Laws of His Majesty's Province of Upper Canada, passed in the year 1825. Kingston: James MacFarlane, 1825.

6 George IV – Chapter 1

An Act to remove certain doubts with respect to the commencement of the Terms of Michaelmas in the last year, and of Hilary in this present year, and to appoint the periods for holding the several Law Terms. (Passed 17th Jan. 1825)

Whereas, doubts have arisen respecting the commencement of Hilary Term in this present year, and it is expedient to explain the same, and to repeal the Laws now in force respecting the commencement and duration of the several Terms, and to make other provisions in respect thereof: 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 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 Rein, 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 second clause of a certain Act of the Parliament of this Province, passed in the Second Year of His present Majesty's Reign, entitled "An Act to repeal part of, and amend, the Laws now in force, respecting the practice of His Majesty's Court of King's Bench," And, also, a certain other Act passed in the Fourth Year of His present Majesty's Reign, entitled "An Act to alter the times of holding the Terms of Hilary and Michaelmas," shall be, and the same are hereby repealed.

II. And be it further enacted by the authority aforesaid, That four Terms or periods of Session of the Court of King's Bench, in this Province, be appointed in each Year, successively; and that the Term of Hilary shall commence on the first Monday after the Twenty Fifth Day of December, and end on the Saturday of the ensuing Week; and the Term of Easter shall commence on the Monday next, after the Sixteenth Day of April, and end on the Saturday of the Week ensuing; and the Term of Trinity shall commence on the third Monday in the Month of June, and end on the Saturday of the Week ensuing; and the Term of Michaelmas shall commence on the first Monday of November, and end on the Saturday of the Week ensuing; and that the first and last Days of every Term, and every alternate Day from the first, not including Sunday, be Return Days.

III. And be it further enacted by the authority aforesaid, That in this present Year the Term of Hilary shall commence on Monday the Seventeenth Day of January, and end on the Saturday of the Week ensuing, any Law to the contrary, in any wise, notwithstanding; and that any Writ, Process, Entry, or Proceeding, which hath been, or shall be, Issued, had, or made before the said Seventeenth Day of January, in which the Term of Hilary, during this present Year, or any Return Day thereof, is described and set forth otherwise than according to the provision in this clause contained, shall, nevertheless, be valid and effectual, and the commencement and end of such Term of Hilary and other Return Day, therein mentioned, in any such Writ, Process, Entry, or Proceeding, shall, with respect to such Writ, Process, Entry, or Proceeding, and all subsequent proceeding thereon, be deemed and taken to be as it

should and ought to have been, according to the periods in this clause, appointed for the commencement and duration of the said Term of Hilary.

IV. And, whereas, doubts have been entertained with respect to the authority under which the Term of Michaelmas in the last Year was holden: Be it therefore enacted by the authority aforesaid, That the said Term of Michaelmas shall be held, and taken to have been legally begun, and holden, at and for the period in and for which the said Term of Michaelmas was actually begun and holden, any Law to the contrary, in any wise, notwithstanding.