

Laws of His Majesty's Province of Upper Canada, passed in the year 1831. York: Robert Stanton, 1831.

1 William IV – Chapter 2

An Act to prevent a failure of Justice by reason of Immaterial variances in certain Law Proceedings, and to require all Courts to take Judicial notice of Private Acts of Parliament. Passed 16th March, 1831.

Whereas great expense is often incurred, and delay or failure of Justice takes place at trials, by reason of Variances between Writings produced in evidence, and the recital or setting forth thereof upon the Record on which the trial is had, in matters not material to the merits of the case, and such Record cannot now in any case be amended at the trial, and in some cases cannot be amended at any time; and whereas great additional expense is often incurred by reason of the necessity of pleading Specially Private Acts of Parliament, which the several Courts of Justice cannot judicially notice unless they be so pleaded or given in evidence: 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 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 every Court of Record holding Plea in Civil Actions; any Judge sitting at Nisi Prius, and any Court of Oyer and Terminer, and General Gaol Delivery in this Province, if such Court or Judge shall see fit so to do, to cause the record on which any trial may be pending before any such Court or Judge in any Civil Action, or in any indictment or information for any Misdemeanor, when any variance shall appear between any matter in writing or in print produced in evidence, and the recital or setting forth thereof upon the record whereon the trial is pending, to be forthwith amended in such particular by some Officer of the Court, on payment of such costs (if any,) to the other party as such Court or Judge shall think reasonable, and thereupon the trial shall proceed as if no such variance had appeared; and in case such trial shall be had at Nisi Prius, the order for the amendment shall be endorsed on the Postea and returned together with the Record, and thereupon the Papers, Rolls, and other Records of the Court from which such Record issued, shall be amended accordingly.

II. And be it further enacted by the authority aforesaid, That all Acts of the Provincial Parliament of this Province, whether the same shall be deemed public or private Acts, shall equally be taken notice of judicially, by all Courts, Judges, Justices and other persons whomsoever, without being specially pleaded; and that a copy of any such Act, printed by proper authority in this Province, shall be taken as sufficient evidence thereof, any Law to the contrary notwithstanding.