

Laws of His Majesty's Province of Upper Canada, passed in the year 1832. York: Robert Stanton, 1832.

2 William IV – Chapter 8

An Act respecting the Time and Place of Sitting of the Court of King's Bench. Passed 23rd December, 1831.

Whereas by an Act of the Parliament of this Province, passed in the Thirty-fourth year of the Reign of His late Majesty King George the Third, intituled, "*An Act to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal*," it is provided, "that His Majesty's Court of King's Bench in this Province shall be holden in a place certain, that is, in the City, Town or Place, where the Governor, or Lieutenant Governor shall usually reside, and until such place be fixed the said Court shall be holden at the last place of meeting of the Legislative Council and Assembly;" And whereas no Public Building has yet been erected for the accommodation of the Court of King's Bench, and it may be found convenient to allow the said Court to be holden at some eligible place in the immediate vicinity of the Seat of Government, although not within the actual limits of the City, Town or Place, in which the Governor or Lieutenant Governor shall usually reside. 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 such part of the said Act, hereinbefore recited, as appoints the place at which the Court of King's Bench shall be holden, shall be and the same is hereby repealed.

II. And be it further enacted by the authority aforesaid, That His Majesty's Court of King's Bench in this Province shall be holden at a place certain, that is, in the City, Town or Place which shall be for the time the Seat of the Civil Government of this Province, or within one mile of such City, Town or Place, and that the place in which the said Court shall be holden under the authority of this Act, shall be deemed and taken, with reference to the Sitting of such Court, to form part and parcel of the City, Town or Place, which shall be for the time the Seat of the Civil Government of this Province, notwithstanding it may be without the Geographical limits thereof.

III. And whereas, it is expedient to alter the period of holding the Term of Hilary;—Be it therefore enacted by the authority aforesaid, That the Term of Hilary shall henceforth commence on the First Monday in February, and end on the Saturday of the week following, any law or usage to the contrary notwithstanding.

IV. Provided always nevertheless, and be it further enacted by the authority aforesaid, That any Writs, Process, Entry or Proceeding, which hath been, or shall be issued, had or made, 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 Act 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 Act appointed for the commencement and duration of the said Term of Hilary.

V. And be it further enacted by the authority aforesaid, That this Act shall continue and be in force for two years, and from thence to the end of the then next ensuing Session of Parliament, and no longer.