

*Laws of Her Majesty's Province of Upper Canada*, passed in the year 1840. York: Robert Stanton, 1840.

3 Victoria – Chapter 5

**An Act to provide for the continuation of Suits and Process, in cases of Formation of New Districts. Passed 10th February, 1840.**

Whereas in cases where New Districts have been erected by Acts of the Provincial Parliament, much inconvenience has been found to arise from the want of legal authority in the respective Sheriffs of the Districts, of which the New Districts formed a part, to continue to execute Legal Process already issued, and to execute Process in Suits already commenced: 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 all Suits commenced in any of the District Courts of this Province, and all Suits commenced in Her Majesty's Court of Queen's Bench at the time of the division of any District of this Province, shall continue to final Judgment and Execution as if no such division had taken place; and all Process, whether Mesne or final, directed to the Sheriff of the District in which the Suit shall have been commenced, shall be considered legal and regular, notwithstanding the erection of any New District; and the Sheriffs of the Districts to which such Process shall have been or shall be addressed, shall have the execution of such Process, and the custody of all Persons and Property taken or seized under the same, and shall be subject to the same liabilities respecting the same as if no such New District had been erected, any thing in the several Acts for the erection of New Districts to the contrary thereof in any wise notwithstanding.

II. Provided always, And be it further enacted by the authority aforesaid, That nothing in this or any other Act contained, shall extend or be construed to extend, to prevent the Court of Queen's Bench or a Judge thereof, from ordering the Trial of any cause pending as aforesaid to be had in such New District: Provided also that the provisions of this Act shall extend to any case arising from any division of Districts which may hereafter take place.