

it is hereby enacted by the authority of the same, that from and after the first day of January next, the Courts of General Quarter Sessions of the Peace, in and for the several Districts of that part of this Province called Upper Canada, be and are hereby directed to be held on the first Tuesdays in the months of January, April and July, and on the third Tuesday in the month of November, in each and every year, respectively ; any law, usage or custom to the contrary thereof in any wise notwithstanding.

At what periods the Courts of General Quarter Sessions shall be held in Upper Canada.

II. And whereas, from the alteration of the periods for holding the several Courts of General Quarter Sessions of the Peace as aforesaid, the several periods for holding the District Courts in and for the Districts of that part of this Province heretofore Upper Canada, will, under the provisions of the Law, be changed : And whereas writs and processes may have been or may yet issue returnable on a day on which no such District Court under the provisions of this Act will be held, for remedy whereof : Be it enacted, that any writ or process, which hath been or shall be issued, before the first day of January next, from any District Court in that part of the Province heretofore called Upper Canada, and the return day mentioned in any such writ or process be deemed and taken to be as valid and effectual in law to all intents and purposes, as if this Act had not been passed ; and every such writ or process (being a mesne process) shall be taken and considered to be returnable, on the third day of the Term next ensuing the first day of January next, although another and different return day may be stated, in such writ or process which hath been or shall be issued as aforesaid.

Writs or process issued before the 1st January next, to be deemed good and valid, and made returnable in the next term thereafter.

C A P. XXXIII.

An Act to render more summary the means of enforcing the returns of process by Sheriffs and Coroners, in that part of this Province called Upper Canada.

[9th December, 1843.]

WHEREAS it is expedient to facilitate and render more summary the means of enforcing the returns of process by Sheriffs and Coroners in that part of this Province called Upper Canada ; Be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Govern-*
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Preamble.

When a Sheriff or Coroner shall neglect to return process, any Judge of the Court may issue a summons calling on him to shew cause why a writ of attachment should not issue against him.

Proceedings on such summons.

ment of Canada, and it is hereby enacted by the authority of the same, that when any Sheriff or Coroner shall, at any time after the passing of this Act, fail to return any writ to him directed and delivered for execution, which shall have been issued out of Her Majesty's Court of Queen's Bench, or any of the District Courts, within the time when he shall be ordered to return the same by any rule or order of the Court out of which such writ shall have been issued, then, and in every such case it shall and may be lawful to and for a Judge of such Court to grant to the Plaintiff or Plaintiffs, Defendant or Defendants, in the cause in which such writ shall have been issued, a Summons calling upon such Sheriff or Coroner to shew cause why a writ of attachment should not be issued against him; and that the same or any other Judge of the said Court shall have power at the return of such summons, to discharge the said summons, or order a writ of attachment to be issued against such Sheriff or Coroner, or to limit a further period after which such writ of attachment shall be issued unless a return be made in the mean time, or otherwise to order, as to such Judge shall seem proper under the circumstances.

' On failure of the Sheriff or Coroner to comply with the order made after such summons, attachment to issue against him.

II. And be it enacted, that if at the expiration of any further time which such Judge may limit by any order made at the return of such summons, such writ shall not have been returned, it shall and may be lawful to and for any Judge of the Court out of which such writ issued, in vacation, or for the Court in term, upon proof of the service of such order and of the failure of such Sheriff or Coroner to return such writ, to order a writ of attachment to be forthwith issued against such Sheriff or Coroner.

Any Judge to have the same powers as the Court, under *habeas corpus* issued with regard to such Sheriff or Coroner.

III. And be it enacted, that writs of Habeas Corpus may in like manner be issued out of any of the said Courts under the order of a Judge, who shall have the same powers, authority and discretion in issuing any such writ of Habeas Corpus, or in committing any such Sheriff or Coroner to close custody when brought before him upon such writ, or in admitting him to bail, and in all other proceedings which may be had or taken thereupon, as are now possessed by the said Court of Queen's Bench, or any of the said District Courts.

Such writs of *habeas corpus* may be made returnable in vacation—and before whom.

IV. And be it enacted, that all writs of attachment and Habeas Corpus issued against any Sheriff or Coroner, may be returnable on a day certain in vacation, which day shall be fixed by the order of the Judge or the Court under which the same shall be issued, and shall not be more than thirty days from the time of issuing such writ of attachment or Habeas Corpus; and that when any such writ shall be returnable in vacation, it shall be made returnable before the presiding Judge in Chambers when the same is issued out of the said Court of Queen's Bench, and

and when the same is issued out of any of the said District Courts, then before the Judge of the District Court out of which the same is issued.

V. And be it enacted, that any Sheriff or Coroner who shall not return any writ issued out of the said Court of Queen's Bench or any of the said District Courts, within the period of three Calendar months after a writ of attachment for not returning the same shall be executed against him, shall forfeit his office ; and if any Sheriff or Coroner, who shall not have returned any such writ within such period, shall continue after the expiration of such period to exercise the duties of his office without having been duly re-appointed to the same, he shall forfeit and pay the sum of one hundred pounds of lawful money of this Province, to any person who shall sue for the same in any of Her Majesty's Courts of Record, having competent jurisdiction : Provided always, that such action shall be brought within the period of twelve Calendar months after such forfeiture shall have been incurred.

Sheriff or Coroner not returning the process within a certain time after being so attached to forfeit his office.

Penalty if he shall continue to exercise it without being re-appointed.

Proviso.

VI. And be it enacted, that the cost of any proceedings under the authority of this Act to enforce the return of process, shall be in the discretion of the presiding Judge or of the Court, as the case may be, who may order them to be paid by the Sheriff or Coroner against whom the proceedings are had, or by either of the parties in the cause.

Costs under this Act to be in the discretion of the Judge.

VII. And be it enacted, that this Act shall not be construed to interfere with or take away any remedy which existed before the passing thereof.

Act not to interfere with existing remedies.

C A P . XXXIV.

An Act to Repeal a certain Act therein mentioned, and to make further provision for enabling the Provincial Government to purchase the Stock held by private parties in the Welland Canal.

[9th December, 1843.]

WHEREAS, in and by a certain Act of the Parliament of this Province, passed in the fourth and fifth years of the Reign of Her present Majesty, intituled, *An Act to authorize the Stock, held by private parties in the Welland Canal, to be purchased on behalf of the Province*, after reciting that it was desirable to place the Welland Canal under the exclusive control of the Government of this Province, and for that purpose to provide for the purchase from the private Stockholders

Preamble.

Act 4 & 5 V. c. 48, cited.