

SCHEDULE A.

Province of Canada, }
Circuit, } IN THE CIRCUIT COURT.

A. B. of &c. Plaintiff;
and
C. D. of &c. Defendant.

[L. S.] VICTORIA, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith :

To C. D., the Defendant above mentioned.

WHEREAS A. B., the Plaintiff aforesaid, demands of you the sum of currency, due by you to him for (*state sufficiently the cause of action*) which said sum you have (as he saith) refused to pay him. (*If the action be to recover a thing wrongfully detained, &c., vary the statement of the cause of action accordingly. If there be a declaration annexed, refer to it; and omitting the words after "the Plaintiff aforesaid," say, "hath, by his declaration hereunto annexed, made complaint against you in the manner therein set forth."*) And the Plaintiff prays judgment, accordingly.

You are therefore required to satisfy the *demande* of the said Plaintiff in this cause, with costs, or to appear in person or by your Attorney before our said Court, at the Court House, at () in the said Circuit, (at o'clock in the forenoon, *omit these words if the case be appealable*), on the day of instant (*or next*), to answer the said *demande*; otherwise judgment may be given against you by default.

In witness whereof, we have caused the Seal of our said Court to be hereunto affixed, at this day of in the year of our Lord, one thousand eight hundred and

E. F.
Clerk of the said Court for the said Circuit.

CAP. XXXIX.

An Act to correct an error in an Act of the present Session relative to the Judicature of Lower-Canada.

[30th May, 1849.]

Preamble.

WHEREAS a clerical error exists in the Act of the present Session hereinafter mentioned: For remedy thereof—Be it 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, and intituled, *An Act to re-unite the Provinces of Upper and Lower-Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that for and notwithstanding any thing in the Act passed in

Notwithstanding any thing in c. 38, no

in this present Session, and intituled, *An Act to amend the Laws relative to the Courts of Original Civil Jurisdiction in Lower-Canada*, no part of the County of Missisquoi shall be in the St. John's Circuit, but the whole of the said County shall be in the Missisquoi Circuit.

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quoi shall be
in the St.
John's Circuit.

CAP. XL.

An Act to amend the Law relative to the administration of Justice in Gaspé.

[30th May, 1849.]

WHEREAS by Acts of this Session, the present Courts of Queen's Bench (or King's Bench) and the Court of Appeals for Lower-Canada, will be abolished after the time when those Acts shall come fully into effect, and a Court of Queen's Bench will be established having jurisdiction in appeal and error in civil cases, and original jurisdiction in Criminal matters, and a Superior Court will be established having original jurisdiction in civil matters, and the several Circuit Courts in Lower-Canada will be united into one Court, the jurisdiction of the said three last mentioned Courts extending throughout all Lower-Canada; and whereas it is necessary so to amend the Act hereinafter mentioned, that its provisions may be consistent with those of the Acts aforesaid: 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, and intituled, *An Act to re-unite the Provinces of Upper and Lower-Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of the Act passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to establish the District of Gaspé, and to provide for the due administration of Justice therein*, as requires that the District Judges (who will be, and be called Circuit Judges under the Act hereinafter secondly mentioned,) shall respectively reside at the place directed in the Letters Patent appointing them, or that any case in which a District or Circuit Judge shall be a party or shall be recused shall be heard or determined by or before any other District or Circuit Judge, or that any Writ be tested in the name of any Judge, or that any Bailiff shall be hereafter appointed by the Circuit Court at any place, or as provides what days shall be return days in the Circuit Court at any place, or gives power to the Judge to close the Court at the end of the third juridicial day of any Term, or establishes a Court of Queen's Bench (or King's Bench) in the said District, or directs by what Judges or Justices the same shall be held, or in what manner Writs issuing out of the said Court shall be tested, or fixes the terms of the said Court or the return days for Suits and Process returnable therein, and so much of the said Act as may be inconsistent with this Act, or with the Act of this Session, intituled, *An Act to establish a Court having jurisdiction in Appeals and Criminal matters for Lower-Canada*, or with the Act of this Session, intituled, *An Act to amend the Laws relative to the Courts of Original Civil Jurisdiction in Lower-Canada*, or with any other Act of this Session, shall be, and so much of the said Act first above cited is hereby repealed.

Preamble.

Parts of the
Act 7 V. c. 17,
inconsistent
with this Act
or other Acts
of this session,
repealed.

Act of this
Session c. 37.
c. 38.

II. And be it enacted, That the Term of the Superior Court shall be holden in the District of Gaspé, at and during the time mentioned in the Act last aforesaid, by such number

By whom the
Terms of the
Superior