

Minors may bind themselves to labour in certain cases.

XIV. And be it enacted, That any Minor over the age of sixteen years having no parent or legal guardian, or who shall not reside with his parent or guardian, who shall, after the passing of this Act, enter into any engagement written or verbal to perform any service or work, shall be subject to the same legal provisions, and have the same benefit as if such Minor had been of legal age at the time of making such agreement.

Extent of Act.

XV. And be it enacted, That this Act shall extend only to Upper Canada.

C A P. X I I .

An Act to amend the Heir and Devisee Act.

[2d August, 1851.]

Preamble

8 Vict. c. 8.

12 Vict. c. 63.

13 Vict. c. 61.

Part of Sect. 2, of 8 Vict. c. 8 repealed: and other provisions substituted.

WHEREAS by the second section of the Act of the Parliament of this Province, passed in the eighth year of Her Majesty's Reign, chaptered eight, and intituled, *An Act to repeal certain Acts therein mentioned, and to make better provision for the relief of parties claiming lands in Upper Canada for which no patent hath issued, as representing the original Nominees of the Crown*, it is enacted, that it shall be lawful for the Governor of this Province, from time to time, to issue such and so many Commissions, under the Great Seal of this Province, to the Chief Justice of Her Majesty's Court of Queen's Bench for Upper Canada, the Vice-Chancellor of Upper Canada, and the Puisné Justices of the said Court of Queen's Bench, and to such and so many other persons as he shall see fit; and such Commissioners, or any three of them, of whom the said Chief Justice, the said Vice-Chancellor, or one of the said Puisné Justices shall be one, shall form a quorum, and have full power and authority for all the purposes of the said Act: And whereas, by a certain Act, passed in the twelfth year of Her Majesty's Reign, chaptered sixty-three, and intituled, *An Act to make further provision for the Administration of Justice by the establishment of an additional Superior Court of Common Law, and also a Court of Error and Appeal in Upper Canada, and for other purposes*, an additional Court of Common Law, called the Court of Common Pleas, consisting of a Chief Justice and two Puisné Judges, has been constituted and established; and by a certain other Act, passed in the said twelfth year of Her Majesty's Reign, chaptered sixty-four, and intituled, *An Act for the more effectual Administration of Justice in the Court of Chancery of the late Province of Upper Canada*, it is enacted, that the said Court of Chancery shall be presided over by a Chief Judge, to be called the Chancellor of Upper Canada, and two additional Judges, to be called Vice-Chancellors; and whereas it is expedient that the said second section of the first herein recited Act should be repealed, and power given to the Governor or person administering the Government to issue Commissions under the said first recited Act, as well to the said Chief Justice and Puisné Justices of the Court of Common Pleas, and the said Chancellor and Vice-Chancellors, as to the said Chief Justice and Puisné Justices of the said Court of Queen's Bench: 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 that part of the second section of the Act herein first above recited, which designates the persons to whom Commissions may be issued for all the purposes of that Act, be and the same is hereby repealed; and from and after the passing of this Act, it shall be lawful for the Governor, or person administering the Government of this Province, from time to time, to issue such and so many Commissions, under the Great Seal of this Province, to the Chief Justice of Her Majesty's Court of Queen's Bench for Upper Canada, the Chancellor of Upper Canada, the Chief Justice of the said Court of Common Pleas,

Pleas, the Puisné Justices of the said Court of Queen's Bench and Common Pleas, and the Vice-Chancellors, and to such and so many other persons as he shall think fit; and such Commissioners, or any three of them, of whom the said Chief Justice of the Court of Queen's Bench, the Chancellor for Upper Canada, the Chief Justice of the said Court of Common Pleas, or one of the said Puisné Justices of the said Court of Queen's Bench or Common Pleas, or one of the said Vice-Chancellors shall be one, (such three Commissioners to be a quorum for all the purposes of that Act,) shall have full power and authority, in the manner and for all the purposes mentioned in the said Act.

C A P. X I I I .

An Act for the further amendment of the Administration of the Criminal Law.

[2d August, 1851.]

WHEREAS it is expedient to provide a better mode than that now in use of deciding any difficult question of law which may arise in Criminal trials in any Court of Oyer and Terminer and Gaol Delivery, and to make further amendments in the Administration of the Criminal Law: 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 when any person shall have been convicted of any treason, felony or misdemeanor before any Court of Oyer and Terminer or Gaol Delivery, or Quarter Sessions, the Judge, Recorder or Justices of the Peace before whom the case shall have been tried, may, in his or their discretion, reserve any question of law which shall have arisen on the trial, for the consideration of the Justices of either of Her Majesty's Superior Courts of Common Law, and thereupon shall have authority to respite execution of the judgment on such conviction, or postpone the judgment, until such question shall have been considered and decided, as he or they may think fit; and in either case the Court, in its discretion, shall commit the person convicted to prison, or shall take a recognizance of bail, with one or two sufficient sureties, and in such sum as the Court shall think fit, conditioned to appear at such time or times as the Court shall direct, and receive judgment, or to render himself in execution, as the case may be.

II. And be it enacted, That the Judge, Recorder, or Court of Quarter Sessions, shall thereupon state in a case to be signed by such Judge, Recorder or the Chairman of such Court, the question or questions of law which shall have been so reserved, with the special circumstances upon which the same shall have arisen; and such case shall be transmitted by such Judge, Recorder or Court of Quarter Sessions to one or other of the said Superior Courts on or before the last day of the first week of the Term of such Superior Court next after the time when such trial shall have been had; and the Justices of either of the said Superior Courts shall thereupon have full power and authority to hear and finally determine the said questions, and thereupon to reverse, affirm or amend any judgment which shall have been given on the indictment or inquisition on the trial whereof such question or questions have arisen, or to avoid such judgment, and to order an entry to be made on the record, that in the judgment of the said Justices the party convicted ought not to have been convicted, or to arrest the judgment, or order judgment to be given thereon at some other Session of Oyer and Terminer or Gaol Delivery, or other Sessions of the Peace, if no judgment shall have been before that time given, as they shall be advised, or to make such other order as justice may require; and such judgment and order, if any, of the said Justices shall be certified under the hand of the Chief Justice or Senior Judge of such Court to the

Preamble.

Any question of law may be reserved by certain courts for the opinion of one of the superior courts of law, &c.

Case to be stated and certified to such superior court.

Powers of the Judges of such superior court.

Judgment to be certified to the court