

*Laws of Her Majesty's Province of United Canada*, passed in the year 1851. York: Stewart Derbyshire and George Desbarts, 1851.

14 & 15 Victoria – Chapter 12

**An Act to amend the Heir and Devisee Act. 2d August, 1851.**

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 hotter 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Vice-Chancellors; and whereas it is expedient that the said second section of the first herein recited Act should be repealed, and power given to the Governor or person administering the Government to issue Commissions under the said first recited Act, as well to the said Chief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, 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.