

Fee for taking the same.

de bene esse, before any of the said justices; for the taking of which recognizance or recognizances of bail, or bail-piece, the person or persons so empowered, shall receive only the sum or fee of two shillings, and no more.

Rules to be made for justifying of bail, but by which the cognizors shall not be compellable to personal appearance in court.

XXVIII. *And be it further enacted*, That the justices, respectively, shall make such rules and orders for the justifying of such bails, and making of the same absolute, as to them shall seem meet, so as the cognizor or cognizors of such bail or bails be not compelled to appear in person in the said court, to justify him or themselves; but the same may, and is hereby directed to be determined by affidavit or affidavits, duly taken before the said commissioners, who are hereby empowered and required to take the same, and also to be examined by the justices upon oath, touching the value of their respective estates.

Recognizances of bail before a judge of assize to be valid.

XXIX. *And be it further enacted*, That any judge of assize, in his circuit, shall and may take and receive all and every such recognizance or recognizances of bail or bails, as any person shall be willing and desirous to make and acknowledge before him, which being transmitted in like manner as aforesaid, shall, without oath be received in manner as aforesaid.

Ordinances, constituting the former courts of common pleas, repealed.

XXX. *And be it further enacted*, That the several acts and ordinances of the governor and council, of the province of Quebec, whereby the several courts of common pleas in this province were constituted, and from time to time continued, be, and each and every of them are hereby repealed.

Provision for actions pending in the late courts of common pleas.

XXXI. *And be it further enacted*, That all proceedings upon actions, instituted and pending in any of the late courts of common pleas in this province, shall forthwith be transmitted into the court of king's bench, there to be continued to judgment and execution, as if the same had been commenced in the said court, for which purpose it shall and may be lawful for the governor, lieutenant-governor or person administering the government of this province, to issue a commission for the trial of all issues that may be joined in any of the said courts in their respective districts, and to direct that the records thereof be returned into the said court of king's bench.

The records of the late courts of common pleas to be deposited in the court of king's bench.

XXXII. *And be it further enacted*, That all and singular the records of the several courts of common pleas for the Eastern district, for the Midland district, for the Home district, and for the Western district of this province, respectively, shall be transmitted to, and deposited in the said court of king's bench, and make a part of the records of the said court, for all such purposes as to law and justice may appertain.

Court of appeals.

XXXIII. *And be it further enacted*, That the governor, lieutenant-governor or person administering the government of this province, or the chief justice of the province, together with any two or more members of the executive council of the province, shall compose a court of appeal, for hearing and determining all appeals from such judgments or sentences as may lawfully be brought before them.

The judges below, may assign their reasons, but not give their votes in appeal.

XXXIV. *Provided always, and be it further enacted*, That when any person having given the judgment or sentence appealed from, shall be a member of the court of appeal, it shall and may be lawful for him to assign to the said court his reasons for delivering such judgment, in case he shall be so disposed, but he shall not be at liberty to give his vote in the decision of the question, before the court.

Limitation of appeals.

XXXV. *And be it further enacted*, That an appeal shall lie to the court of the governor and executive council, from all judgments given in the said court of king's bench, in all cases where the matter in controversy shall exceed the sum of one hundred pounds, or shall relate to the taking of any annual or other rent, customary or other duty, fee, or any other such like demand, of a general and public nature, affecting future rights, of what value or amount soever the same may be, upon proper security being given by the appellant that he will effectually prosecute his appeal and answer the condemnation, and also pay such costs and damages as shall

Security to be given.