

In cases where there is no jury the fact to be inserted in the record.

And whereas additional regulations are at this time found to be expedient and useful, Be it further enacted, by the same authority, That in every instance where the fact is not verified by a verdict of the jury, but by other proof, or the testimony of witnesses, the same shall be inserted in the record of the cause, that in case of appeal the whole proceedings may go up to be adjudged in the superior tribunal, as regularly and as fully as the same was before the court of common-pleas.

If the judgment be upon any law, usage or custom of the province, the same to be stated upon the common pleas record of the exception to be allowed.

And wherever the opinion or judgment of the said court of common-pleas is pronounced upon any law, usage, or custom of the province, the same shall in like manner be stated upon the minutes or record of the court, and referred to, and ascertained, that the real ground of the opinion or judgment may also appear to the court of appeals; and upon all opinions conceived by any party to be to his injury, he shall be allowed his exception to be preserved in the minutes, all which proceedings shall be transmitted under the signatures of the judges or any two of them, and the seal of the court, that all his majesty's subjects, and especially his Canadian subjects, by these means may be protected in the enjoyment of all the benefits secured to them for their property and civil rights, by the statute passed in the fourteenth year of his majesty's reign, intituled, "An act for making more effectual provision for the government of the province of Quebec in North America," and by the ordinance above-mentioned.

The same in the courts of appeals

And be it further enacted by the authority aforesaid, that in all cases adjudged in the provincial court of appeals where the same may be appeal'd to his majesty in his privy council, and where their opinion or judgment is pronounced on any law, custom, or usage of the province, the same shall in like manner and for the same reason as herein before mentioned, be stated upon the record, or refer'd to and ascertained.

Four terms in the year established for the court of common pleas.

And in all causes of which the common-pleas have cognizance above ten pounds sterling, the same shall be proceeded in, heard and determined only in regular terms, consisting of the first fifteen days, (Sundays and holy-days excepted) in the months of January and July, and the last fifteen days of March and September yearly: the first return days whereof, shall always be the first

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