



RULES
AND
MANNER OF PROCEEDING,
OF THE
SUPREME COURT OF CIVIL JUSTICE, FOR VANCOUVER'S ISLAND.

WHEREAS, By an Order of the QUEEN'S MOST EXCELLENT MAJESTY in Council, dated at the Court of Buckingham Palace, London, the 4th day of April, 1856, Her Majesty was graciously pleased to order by and with the advice of Her Privy Council, that there shall be within Her Colony of Vancouver's Island, a Court, which shall be called the Supreme Court of Civil Justice, of the Colony of Vancouver's Island, and that the said Supreme Court shall be a Court of Record.

And Her Majesty, amongst other things, was graciously pleased to order, direct, and appoint, that the said Supreme Court shall have cognizance of all pleas, and jurisdiction in all civil causes arising within the said Colony; with jurisdiction over Her Subjects, and all other persons whomsoever residing and being within the said Colony, and shall have all such equitable jurisdiction, and all such powers for enforcing and giving effect to the same, as the High Court of Chancery hath in England, and shall have power to appoint, and control, guardians of infants, and of their estates, and committees of the persons and estates of idiots, lunatics, and such as being of unsound mind are unable to govern themselves and their estates; and to institute all such examinations, as the said Court shall deem necessary to ascertain such idiotcy, lunacy, or unsoundness of mind; and shall have exclusive jurisdiction, in all questions relating to testacy, or intestacy, and to the validity of wills of personal property, as fully as any ecclesiastical Court hath in England, and shall have power to grant probates of wills, and letters of administration of the estates and effects of deceased persons being in the said Colony of Vancouver's Island, and to take order for the due passing of the accounts of the Executors, and Administrators of such deceased persons, and for the proper custody of the estates and effects of such deceased persons, and for the delivery of the same to the person entitled thereto.

And Her Majesty was further graciously pleased to give and grant to the said Supreme Court full power, authority and jurisdiction to apply, judge and determine upon, and according to the laws now or hereafter in force, within Her Majesty's said Colony.

And Her Majesty was further graciously pleased, to order and declare, that it shall and may be lawful for the said Supreme Court, by any rules or orders of Court, to be by them from time to time for that purpose made and published, to frame, constitute, and establish such rules, orders, and regulations, as shall seem meet touching and concerning the time and place of holding the said Court, and touching the forms and manner of proceeding, to be observed in the said Court, and the practice and pleadings upon all actions, suits, and other matters, indictments and informations, to be therein brought, the appointing of Commissioners to take bail and examine witnesses *de bene esse*, and allowing the same as evidence, the proceedings of the Sheriff, and other ministerial officers