

XXXVIII. And be it further enacted by the authority aforesaid, that all and every the Records, Registers and Judicial proceedings thereto relating of the several Courts of King's Bench existing at the passing of this Act, in civil matters, shall be forthwith transmitted into and make part of the Records of the Court of Common or Civil Pleas hereby constituted, and the said Court of Common or Civil Pleas hereby constituted, shall and may hear, try and determine all such matters, causes and pleas of a Civil nature as shall be pending and remain unheard and undetermined in the said Courts of King's Bench existing at the passing of this Act in this Province, or in either of them in the same manner and form in which they would have been proceeded upon in the Court from which such causes shall be so removed, and the said Court of King's Bench hereby constituted shall have full power and authority, from time to time, to order and compel such person or persons as may have in their possession, power or custody any of the said last-mentioned Records, Registers and proceedings, to transmit the same as hereinbefore directed, and every wilful neglect and refusal so to do, shall be deemed a contempt, and the party offending shall and may be proceeded against in the same manner as for a contempt of the said Court of Common or Civil Pleas hereby constituted.

XXXIX. And be it further enacted by the authority aforesaid, that every Writ or Process which is or shall be returnable into any of the said Courts of King's Bench existing at the passing of this Act, or into the said Court of Appeals at any day posterior to the passing of this Act, shall be returned into that Court into which the Records, Registers and proceedings of the Court from whence such Writ or Process may have issued, are by Act directed to be transmitted, and every such Writ or Process shall be held and considered to be returnable on the first day of the Term of the Court hereby constituted, and to which Court it is hereby made returnable next following the day on which such Writ or Process shall have been made originally returnable.

XL. And be it further enacted by the authority aforesaid, that nothing in this Act contained shall extend or be construed to extend to prevent the Governor, Lieutenant-Governor or person administering the Government of this Province, for the time being, from issuing in due course of Law, at any time or times, Commissions of Oyer and Terminer and General Gaol Delivery for any District or any County or Counties within the limits of this Province, as shall and may be deemed expedient and necessary, or to derogate in any manner from the right of the Crown, to erect, constitute and appoint Courts of Civil or Criminal Jurisdiction within this Province, as His Majesty, His Heirs and Successors shall think