

C A P . X L I I I .

An Act to provide for the Codification of the Laws of Lower Canada relative to Civil matters and Procedure.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS the Laws of Lower Canada in Civil Matters, are mainly those which at the time of the cession of the country to the British Crown, were in force in that part of France then governed by the Custom of Paris, modified by Provincial Statutes, or by the introduction of portions of the Law of England in peculiar cases; and it therefore happens, that the great body of the Laws in that division of the Province, exist only in a language which is not the mother tongue of the inhabitants thereof of British origin, while other portions are not to be found in the mother tongue of those of French origin; And whereas the Laws and Customs in force in France at the period above mentioned, have there been altered and reduced to one general Code, so that the old laws still in force in Lower Canada are no longer re-printed or commented upon in France, and it is becoming more and more difficult to obtain copies of them, or of the commentaries upon them; And whereas the reasons aforesaid, and the great advantages which have resulted from Codification, as well in France as in the State of Louisiana, and other places, render it manifestly expedient to provide for the Codification of the Civil Laws of Lower Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Governor to appoint three Commissioners—

And two Secretaries.

I. The Governor is hereby authorized to appoint three fit and proper persons, Barristers of Lower Canada, to be Commissioners for Codifying the Laws of that division of the Province in Civil Matters, and two fit and proper persons, being also such Barristers, to be Secretaries to the Commission, one of whom shall be a person whose mother tongue is English but who is well versed in the French language, and the other a person whose mother tongue is French but who is well versed in the English language.

Judges may act as Commissioners

Appointment of Assistant Judges in such case.

II. Any Judge or Judges of the Court of Queen's Bench or of the Superior Court for Lower Canada may be appointed a Commissioner or Commissioners under this Act; and if any such Judge be so appointed, it shall be lawful for the Governor to appoint any Circuit Judge or Barrister of at least ten years standing at the Bar of Lower Canada, to be and act as an Assistant Judge of either of the said Courts,—or any Judge of the Superior Court to be and act as an Assistant Judge of the Court of Queen's Bench, and a Circuit Judge or Barrister as aforesaid to supply his place as Judge of the Superior Court, as an Assistant Judge thereof,—for and during the time that the Judge appointed a Commissioner under this Act shall

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