

Court of King's Bench.

CANADA.

Your Committee, after having carefully examined this part of the Judicature Bill already cited, is of opinion, that the greatest part of the same may be preserved, with the essential difference already recommended in the first part of this Report; namely, that the judges of this court should have no connexion whatever, either with the court of appeals or the criminal court.

Your Committee, while it approves of the establishment of circuit courts, is of opinion, that some advantageous changes may be made in the places where the same are, by this Bill, appointed to be held. By the Bill in question, the judges in circuit are authorized to take and receive verdicts of juries. This is an important part of the Bill; but the Act of the Provincial Parliament 2 Will. 4, c. 22, which fixed the mode of summoning jurors having expired, and there being now no other law in force on this subject than the old Ordinances of the Legislative Council, your Committee deems it of the highest importance to regulate this matter by an express law, without which there would be great risk of losing the advantages expected from a new Judicature Bill.

Certified,
G. H. Ryland.

Enclosure 2, in No. 4.

TO His Excellency Lieutenant-general Sir John Colborne, G.C.B., G.C.H.,
Governor General, &c. &c. &c.

Encl. 2, in No. 4.

REPORT of a Committee of the whole Council.—Present: The Hon. Mr. Stewart,
Mr. Cochran, Mr. Daly, Mr. McGill, and Mr. De Rocheblave.

May it please your Excellency,

THE Hon. Mr. Stewart, the chairman of the sub-committee, to whom was referred that part of your Excellency's Reference in Council of the 28th January 1839, "whether it may not be desirable to propose a compulsory arrangement respecting a commutation for lods et ventes," having laid before the board their report on the subject, the same being read, it was approved and adopted as the report of the committee of the whole Council, and it is hereunto accordingly annexed.

All which is respectfully submitted to your Excellency's wisdom.

By order,

Council Chamber,
Government House, Montreal,
1 March 1839.

(signed) J. Stewart, Chairman.

Executive Council Chamber, Government House, Montreal, 27th February 1839.—

Present in Sub-committee: The Hon. Mr. Stewart, Mr. Cochran, Mr. Pothier,
Mr. McGill, and Mr. De Rocheblave.

THE special committee of the Executive Council appointed to report upon his Excellency's reference of the question, "whether it may not be desirable to propose a compulsory arrangement respecting a commutation for lods et ventes, particularly in towns," have at different meetings deliberated on this important and extensive subject, and have now to report their opinion:

Firstly, That it would not be expedient to compel the inhabitants of this province holding real property in the censive of seigniories to submit to a commutation of tenure; but that it should be made compulsory upon the seigniors of such property throughout the province to grant a commutation and release of all feudal and seigniorial dues, duties, and burthens to any censitaire who shall at any time hereafter apply for the same, such seigniors receiving a compensation for such commutation and release in the manner hereinafter mentioned.

Secondly, That, as a part of the indemnity or compensation to the seignior, it would be advisable that the Crown should, by proclamation, declare its intention to surrender the future quints which might otherwise accrue to it upon all those portions of any seignior of which a change of tenure shall have been obtained from the seignior by the censitaire.

Thirdly, That the amount of the commutation or indemnity to be paid or given to the seignior by the censitaire upon such change of tenure should be settled by experts, to be appointed one by each of the parties, and a third, being a disinterested person, to be named by such experts in case of difference between them; or if they cannot agree in such nomination, or shall neglect to make it, then such third expert or umpire shall be named by a judge of the Court of King's Bench, or other superior court of civil jurisdiction.

Fourthly, That the rate of commutation should not in any case exceed two mutation fines, where the real property is situated without the city or banlieue of Quebec, or the city of Montreal, or the town or banlieue of Three Rivers; or one-tenth of the estimated value of the property, if situated within those limits.

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Fifthly,