

## SESSIONAL PAPER No. 18

The Governor, Lieutenant Governor, or Chief Justice with any Five Members to constitute a Court.

shall have given the Judgment appealed from excepted) with the Governor, Lieutenant Governor, or Chief Justice, shall constitute a Court for that Purpose, which shall sit the first Monday in every Month throughout the year, and continue sitting each Month as long as the Business before it may require: And the said Court of Appeals shall have Power to revise and examine all the Proceedings in the Court below, and to correct all errors both in Fact and in Law, and to give such Judgment as the Court below ought to have given, and on Judgment to award and issue such Execution as the Law shall direct.

The Judgment of the Said Court to be final in all matters not exceeding the value of £500 Sterling. Appeals allowed in matters above that Value to His Majesty in Council.

Other Cases in which Appeal shall be allowed to His Majesty in Council.

Judgments Sentences and Execution of the Courts of Civil Jurisdiction, established since the 1<sup>st</sup> of May 1775, confirmed; subject to an Appeal.

Appeal from the Judgments of all the Courts heretofore established

Art 5. The Judgment of the said Court of Appeals shall be final in all cases where the matter in Dispute shall not exceed the Value of £500 Sterling ; but in all cases exceeding that Value, an Appeal shall lie to His Majesty in His Privy Council, provided security be first duly given by the Appellant, that he will effectually prosecute his Appeal, and answer the Condemnation, as also pay such Costs and Damages as shall be awarded by His Majesty in His Privy Council, in case the Sentence of the said Court of Appeals shall be affirmed. An Appeal shall likewise lie to His Majesty in His Privy Council from the Judgment of the said Court of Appeals in all cases where the matter in Question shall relate to the taking or demanding any Duty payable to His Majesty, or to any Fee of Office, or Annual Rents, or any such like matter or Thing, where the Rights in future may be bound, though the immediate Sum or Value appealed for be less than £500 Sterling ; and in all cases where Appeal shall be allowed to His Majesty in His Privy Council, Execution shall be suspended until the final determination of such Appeal, provided Security be given as aforesaid.

Art 6. All Judgments, Sentences and Executions of the Courts of Civil Jurisdiction, which it has been found necessary to establish since the 1<sup>st</sup> May 1775, are hereby ratified and confirmed,<sup>1</sup> subject nevertheless to an Appeal to the said Court of Appeals, in matters exceeding the value of Ten Pounds Sterling, and in Cases where Rights in future may be bound.

Art 7. Any Party meaning to Appeal from any Judgment, either of the said last-mentioned Courts, or of the Courts of Civil Jurisdiction subsisting in the Province before the 1<sup>st</sup> of May 1775, shall sue out the Writ of Appeal within Three Months

<sup>1</sup> The Quebec Act coming into force May 1st, 1775, "all and every the Ordinance and Ordinances made by the Governor and Council of Quebec for the time being relative to the Civil Government and Administration of Justice in the said Province, and all Commissions to Judges and other Officers thereof, be, and the same are hereby revoked, annulled, and made void from and after the first day of May, one thousand seven hundred and seventy-five." (Clause 4). But as the invasion of the Province had prevented the Council from proceeding with the framing of new ordinances, the legal system had to be placed upon a provisional basis for the time being. See Carleton to Germain, Aug. 10th, 1776, Q 12, pp. 119, 124, 131.