

amount adjudged by the said order, and to pay such costs as may be awarded; and shall, if necessary, issue process for enforcing the judgment of the court; and in any case where, after any such deposit has been made as aforesaid, the conviction or order is affirmed, the Court may order the sum thereby adjudged to be paid, together with the costs of the conviction or order, and the costs of the appeal, to be paid out of the money deposited, and the residue, if any, to be repaid to the Defendant; and in any case where, after any such deposit, the conviction or order is quashed, the Court shall order the money to be repaid to the Defendant; and the said court shall have power, if necessary, from time to time, by order endorsed on the conviction or order, to adjourn the hearing of the appeal from one sittings to another, or others, of the said court;

"In every case where any conviction or order is quashed on appeal as aforesaid, the Clerk of the Peace or other proper officer shall forthwith endorse on the conviction or order a memorandum that the same has been quashed; and whenever any copy or certificate of such conviction or order is made, a copy of such memorandum shall be added thereto, and shall, when certified under the hand of the Clerk of the Peace, or of the proper officer having the custody of the same, be sufficient evidence in all Courts and for all purposes, that the conviction or order has been quashed."

2. Section seventy-one of the said Act is repealed, and the following substituted therefor:

"71. No conviction or order affirmed, or affirmed and amended in appeal, shall be quashed for want of form, or be removed by certiorari into any of Her Majesty's Superior Courts of Record; and no warrant or commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same."

3. And whereas, in some of the Provinces of Canada, the terms or sittings of the General Sessions of the Peace or other Courts to which, under section seventy-six of the said Act, Justices of the Peace are required to make Returns of convictions had before them, may not be held as often as once in every three months; and it is desirable that such Returns should not be made less frequently: Therefore it is further enacted, that the Returns required by the said seventy-sixth section of the Act hereinbefore cited shall be made by every Justice of the Peace quarterly, on or before the second Tuesday in each of the months of March, June, September and December in each year, to the Clerk of the Peace or other proper officer for receiving the same under the said Act, notwithstanding the General or Quarter Sessions of the Peace of the County in which such conviction was had may not be held in the months or at the times aforesaid; and every such Return shall include all con-

victions and other matters mentioned in the said section seventy-six, and not included in some previous Return, and shall, by the Clerk of the Peace or other proper officer receiving it, be fixed up and published; and a copy thereof shall be transmitted to the Minister of Finance in the manner required by the eighthieth and eighty-first sections of the said Act; and the penalties thereby imposed, and all the other provisions of the said Act, shall hereafter apply to the Returns hereby required, and to any offence or neglect committed with respect to the making thereof, as if the periods hereby appointed for making the said Returns had been mentioned in the said Act instead of the periods thereby appointed for the same.

4. The Form following shall be substituted for the form of Notice of Appeal against a conviction or order contained in the Schedule to the said Act.

GENERAL FORM OF NOTICE OF APPEAL AGAINST  
A CONVICTION OR ORDER.

To C. D. of, &c., and—— (the names and additions of the parties to whom the notice of appeal is required to be given).

Take notice, that I, the undersigned A. B., of—— do intend to enter and prosecute an appeal at the next General Quarter Sessions of the Peace (or other Court, as the case may be), to be holden at——, in and for the District (or County, United Counties, or as the case may be) of——, against a certain conviction (or order) bearing date on or about the——day of——instant, and made by (you) C. D., Esquire, (one) of Her Majesty's Justices of the Peace for the said District (or County, United Counties, or as the case may be) of——, whereby the said A. B. was convicted of having or was ordered to pay——, (here state the offence as in the conviction, information, or summons, or the amount adjudged to be paid, as in the order, as correctly as possible).

Dated this——day of——, one thousand eight hundred and——.

A. B.

MEMORANDUM.—If this notice be given by several Defendants, or by an Attorney, it can easily be adapted.

SELECTIONS.

RIGHT OF LANDLORD TO REGAIN  
POSSESSION BY FORCE.

(Continued from page 70.)

It is apparent therefore, as the clear result of English authority, that an entry by force by the landlord, or his forcible expulsion of the tenant, are illegal only to the extent of the penalties expressly annexed to the act by the statute, and no further, and that no color of authority exists for holding the possession so gained generally unlawful, or for founding thereon any common-law action by inference from the statutory prohibition. Still less can the special *qui tam* action of trespass be transmuted into a general action of trespass. The