

or her last will and testament, any law, usage, or custom, heretofore or now prevailing in the province, to the contrary hereof in any wise notwithstanding; such will being executed, either according to the laws of Canada, or according to the forms prescribed by the laws of England. (*But see now, the Provincial Statutes in force in Upper and Lower Canada on this subject.*)

**11.** And whereas the certainty and lenity of the criminal law of England, and the benefits and advantages resulting from the use of it, have been sensibly felt by the inhabitants, from an experience of more than nine years, during which it has been uniformly administered; be it therefore further enacted by the authority aforesaid, That the same shall continue to be administered, and shall be observed as law in the province of Quebec, as well in the description and quality of the offence as in the method of prosecution and trial, and the punishments and forfeitures thereby inflicted, to the exclusion of every other rule of criminal law, or mode of proceeding thereon, which did or might prevail in the said province before the year of our Lord one thousand seven hundred and sixty-four, any thing in this Act to the contrary thereof in any respect notwithstanding; subject nevertheless to such alterations and amendments as the governor, lieutenant governor, or commander in chief for the time being, by and with the advice and consent of the legislative council of the said province, hereafter to be appointed, shall, from time to time, cause to be made therein, in manner hereinafter directed.

Criminal Law of England to be continued in the Province.

(*See, as to Upper Canada, the Act of that Province, 40 G. 3, c. 1, s. 1, adopting the Criminal Law of England as it stood on 7th Sept. 1792, subject to any alteration to be made by the Provincial Legislature. This section still applies to Lower Canada, subject to the alterations made in the English Criminal Law, by subsequent provincial enactments.*)

*Sections 12, 13, 14, 15 and 16, related to the constitution and powers of the Legislative Council for the Province, and were repealed by 31 G. 3, c. 31, s. 1.*

**17.** Nothing herein contained shall extend, or be construed to extend, to prevent or hinder His Majesty, His Heirs and Successors, by his or their letters patent under the great seal of Great Britain, from erecting, constituting, and appointing, such courts of criminal, civil, and ecclesiastical jurisdiction within and for the said province of Quebec, and appointing, from time to time, the judges and officers thereof, as His Majesty, His Heirs and Successors, shall think necessary and proper for the circumstances of the said province.

Nothing herein to prevent His Majesty from appointing Courts, &c., and their Officers, under the Great Seal.

**18.** Provided always, that nothing in this Act contained shall extend, or be construed to extend, to repeal or make void, within the said province of Quebec, any Act or Acts of the Parliament

All Acts formerly made for regulating trade, &c., to