

4th Session, 3rd Parliament, 14 & 15 Vict., 1851.

BILL.

An Act to amend the Heir and Devisee
Act.

Received and read a first time, Monday, 23rd
June, 1851.

Second reading, Friday, 27th June, 1851.

Mr. Sol. Gen. MACDONALD.

BILL.

An Act to amend the Heir and Devisee Act.

WHEREAS by the second section of the Act of the Preamble.
Parliament of this Province, passed in the eighth
year of Her Majesty's Reign, chaptered 8, and intituled,
"An Act to repeal certain Acts therein mentioned, and to 8 Vict. c. 8.
5 "make better provision for the relief of parties claiming
"lands in Upper Canada for which no patent hath issued, as
"representing the original Nominees of the Crown," it is en-
acted that it shall be lawful for the Governor of this Pro-
10 vince, from time to time to issue such and so many commis-
sions, under the great seal of this Province, to the Chief
Justice of Her Majesty's Court of Queen's Bench
for Upper Canada, the Vice-Chancellor of Upper
Canada and the Puisné Justices of the said Court of
15 Queen's Bench, and to such and so many other per-
sons as he shall see fit; and such Commissioners,
or any three of them, of whom the said Chief Jus-
tice, the said Vice-Chancellor or one of the said Puisné
Justices shall be one, shall form a *quorum* and have full
power and authority for all the purposes of the said Act;
20 and whereas, by a certain Act, passed in the twelfth
year of Her Majesty's Reign, chaptered 63, and intituled,
"An Act to make further provision for the Administration 12 Vict. c. 63.
"of Justice by the establishment of an additional Superior
"Court of Common Law, and also a Court of Error and
25 "Appeal in Upper Canada, and for other purposes," an
additional Court of Common Law, called the "Court of
Common Pleas," consisting of a Chief Justice and two
Puisné Judges, has been constituted and established; and
by a certain other Act, passed in the said twelfth year of
30 Her Majesty's Reign, chaptered 64, and intituled, "An 12 Vict. c. 64.
"Act for the more effectual Administration of Justice in
"the Court of Chancery in the late Province of Upper
"Canada," it is enacted that the said Court of Chancery
shall be presided over by a Chief Judge, to be called the
35 Chancellor of Upper Canada, and two additional Judges,
to be called Vice-Chancellors; and whereas it is expe-
dient that the said second section of the first herein
recited Act should be repealed, and power given to the
Governor or person administering the Government to
40 issue Commissions under the said first recited Act, as
well to the said Chief Justice and Puisné Justices of the
Court of Common Pleas, and the said Chancellor and
Vice-Chancellors, as to the said Chief Justice and
Puisné Justices of the said Court of Queen's Bench:
45 Be it therefore enacted, &c.,

Part of Sect.
2, of 8 Vict. c.
8 repealed:
and other
provisions
substituted.

That that part of the second section of the Act herein first above recited, which designates the persons to whom Commissions may be issued for all the purposes of that Act, be and the same is hereby repealed; and from and after the passing of this Act, it shall be lawful for the Governor or person administering the Government of this Province, from time to time, to issue such and so many Commissions, under the great seal of this Province, to the Chief Justice of Her Majesty's Court of Queen's Bench for Upper Canada, the Chancellor of Upper Canada, the Chief Justice of the said Court of Common Pleas, the Puisné Justices of the said Court of Queen's Bench and Common Pleas, and the Vice-Chancellors, and to such and so many other persons as he shall think fit; and such Commissioners, or any three of them, of whom the said Chief Justice of the Court of Queen's Bench, the Chancellor for Upper Canada, the Chief Justice of the said Court of Common Pleas, or one of the said Puisné Justices of the said Court of Queen's Bench or Common Pleas, or one of the said Vice-Chancellors shall be one, (such three Commissioners to be a *quorum* for all the purposes of that Act,) shall have full power and authority, in the manner and for all the purposes mentioned in the said Act.