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2D SESSION, 3D PARLIAMENT, 12 VICTORIA, 1849.

BILL.

An Act to amend the Law relative to the
administration of Justice in Gaspé.

Received and read first time,

Second reading,

[500 Copies.]

Honble. Mr.

S. Derbishire and G. Desbarats, Queen's Printer.

B I L L.

An Act to amend the Law relative to the administration of Justice in Gaspé.

WHEREAS by Acts of this Session, Preamble.
 2 the present Courts of Queen's
 4 Bench (or King's Bench) and the Court
 6 of Appeals for Lower Canada, will be
 8 abolished after the time when those Acts
 10 shall come fully into effect, and a Court of
 12 Queen's Bench will be established having
 14 jurisdiction in appeal and error in civil
 16 cases, and original jurisdiction in Criminal
 18 matters, and a Superior Court will be
 20 established having original jurisdiction in
 civil matters, and the several Circuit Courts
 in Lower Canada will be united into one
 Court, the jurisdiction of the said three last
 mentioned Courts extending throughout all
 Lower Canada; and whereas it is necessary
 so to amend the Act hereinafter mentioned,
 that its provisions may be consistent with
 those of the Acts aforesaid: Be it there-
 fore enacted, &c.

And it is hereby enacted by the authority
 22 of the same, That so much of the Act pas-
 24 sed in the seventh year of Her Majesty's
 26 Reign, and intituled, *An Act to establish
 the District of Gaspé, and to provide for
 the due administration of Justice therein,*
 as requires that the District Judges (who
 28 will be and be called Circuit Judges under
 the Act hereinafter secondly mentioned,)
 30 shall respectively reside at the place di-
 32 rected in the Letters Patent appointing
 34 them, or that any case in which a District
 or Circuit Judge shall be a party or shall
 be recused shall be heard or determined
 by or before any other District or Circuit
 36 Judge, or that any Writ be tested in the
 name of any Judge, or that any Bailiff shall
 38 be hereafter appointed by the Circuit Court

Parts of the
 act 7 Vict. c.
 17. inconsis-
 tent with this
 act or other
 acts of this
 session re-
 pealed.

at any place, or as provides what days shall be return days in the Circuit Court at any place, or gives power to the Judge to close the Court at the end of the third juridical day of any Term, or establishes a Court of Queen's Bench (or King's Bench) in the said District, or directs by what Judges or Justices the same shall be held or in what manner Writs issuing out of the said Court shall be tested, or fixes the terms of the said Court or the return days for Suits and Process returnable therein, and so much of the said Act as may be inconsistent with this Act, or with the Act of this Session, intituled, *An Act to establish a Court having jurisdiction in Appeals and Criminal matters for Lower Canada*, or with the Act of this Session, intituled, *An Act to amend the Laws relative to the Courts of Original Civil Jurisdiction in Lower Canada*, or with any other Act of this Session, shall be and so much of the said Act first above cited is hereby repealed.

By whom the Terms of the Superior Court in Gaspé shall be holden.

II. And be it enacted, That the Terms of 24 the Superior Court shall be holden in the District of Gaspé, at and during the times 26 mentioned in the Act last aforesaid, by such number of Judges of the Superior Court or of 28 the Circuit Court as shall be requisite to form a *Quorum* of the Superior Court, provided 30 that not more than two of the Judges sitting in the said Court at any one time shall be 32 Circuit Judges; and it shall be the duty of the Circuit Judges resident in the said 34 District to assist in holding the said Terms, if not prevented by sickness or other cause 36 beyond their control, and it shall not be the duty of any other than a Circuit Judge 38 to assist in holding any Term of the Superior Court in the said District except 40 the Term appointed to be holden in the month of 42

Superior Court in Gaspé to have the powers of the same Court in other Districts and

III. And be it enacted, That the Superior Court and the Judges thereof shall, in 44 the District of Gaspé, have and exercise not only the jurisdiction, powers and au- 46

2 thority of the Superior Court and of the
 4 judges thereof in other Districts, but also,
 and subject to the like provisions of law in
 6 the exercise thereof, the jurisdiction, powers
 and authority of the Court of Queen's Bench
 8 (established by an Act of this Session)
 and of the Judges thereof, in Criminal
 10 matters or on the "Crown side" of
 the said Court; and the joint Prothono-
 12 taries of the Superior Court in the said
 District, shall be the joint Clerks of the
 14 Crown for the same, and shall as such be
 the Clerks as well of the Superior Court
 16 in the exercise of its jurisdiction, powers
 and authority last aforesaid, as of the said
 18 Court of Queen's Bench on the Crown
 side thereof, whenever any Term or Terms
 20 of the said last mentioned Court shall be
 holden in the said District under any Act
 22 of the Legislature, or any extraordinary
 Term of the said Court shall be holden in
 the said District, under the provisions of
 24 the Act secondly above cited; the provi-
 sions of which said Act relative to the con-
 26 tinuance in the Court of Queen's Bench
 thereby established of proceedings of a
 criminal nature pending in any of the present
 28 Courts of Queen's Bench, when the said
 Act shall come into effect, and to the return
 30 of process in such cases, are hereby declared
 to apply to like proceedings pending in the
 32 Court of Queen's Bench in the District of
 Gaspé, when this Act shall come into effect,
 34 and to process in such cases, except
 only that such proceedings shall be con-
 36 tinued in, and such process shall be return-
 able into the Superior Court in the District
 38 of Gaspé.

also the pow-
 ers of the
 Court of
 Queen's
 Bench on the
 Crown side:
 who shall be
 Clerks of the
 Court.

Certain pro-
 visions for con-
 tinuance of
 proceedings
 and return of
 process in cri-
 minal cases ex-
 tend to the S.
 Court in
 Gaspé.

IV. And be it enacted, That in so far as
 40 they may not be inconsistent with the pro-
 visions of this Act or of any Act of the
 42 present Session, the provisions of the Act
 first above cited and in part repealed,
 44 relative to the Court of Queen's Bench (or
 of King's Bench) therein mentioned, or to
 46 the Judges or Officers thereof, or to the Sum-
 moning of Jurors to attend the same, shall

Provisions of
 7 V. c. 17. to
 apply to the S.
 Court and
 Circuit Court
 in Gaspé when
 not inconsis-
 tent with this
 act, &c.

apply and extend to the Superior Court and
to the Judges and Officers thereof, in the 2
District of Gaspé, and the provisions of the
said Act relative to Circuit Courts or to the 4
Judges or Officers thereof, shall apply to the
Circuit Court and to the Judges or Officers 6
thereof in the said District.

Commence-
ment of this
Act.

V. And be it enacted, That the forego- 8
ing provisions of this Act shall have force,
and effect, upon, from and after the 10
day of next, and not before ; and
that the Interpretation Act shall apply to 12
this Act.