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No. 122.

4th Session, 6th Parliament, 24 Vic., 1861.

BILL.

An Act to amend Chapter Seventy-Seven
of the Consolidated Statutes for Lower
Canada, in matters of Appeal.

Received and read, first time, Tuesday 9th
April, 1861.

Second reading, Friday, 12th April, 1861.

Hon. Mr. Attorney-General CARTIER.

QUEBEC:

PRINTED BY THOMPSON, HUNTER & CO.,
ST. URSULE STREET.

An Act to amend Chapter Seventy-Seven of the Consolidated Statutes for Lower Canada, in matters of Appeal.

WHEREAS it is expedient to limit as hereinafter provided, the cases in which appeals to Her Majesty in Her Privy Council, from judgments rendered by the Court of Queen's Bench for Lower Canada, in civil cases, shall be allowed by the said Court: Therefore Her Majesty, &c., enacts as follows:

Preamble.

I. Except only in cases to which the Crown is a party, and in which appeals shall be allowed in all respects as before the passing of this Act,—No appeal to Her Majesty in Her Privy Council shall be allowed by the Court of Queen's Bench for Lower Canada, from any judgment of the said Court on its appeal side, confirming the judgment of the Court appealed from, in any civil case,—nor from any judgment of the said Court on its appeal side, reversing or modifying the judgment of the Court appealed from, in any civil case, unless two judges dissent from such judgment of the Court of Queen's Bench at the time it is rendered:

In what cases only appeals to her Majesty in Privy Council shall be allowed.

But the foregoing provisions shall not apply to any judgment rendered by the said Court of Queen's Bench before this section shall come into force.

Proviso.

II. And whereas by the thirty-ninth section of chapter seventy-seven of the Consolidated Statutes for Lower Canada, it is in effect enacted, that from any judgment rendered by the Circuit Court in an appealable case the appeal shall be to the said Court of Queen's Bench,—but under the fifteenth section of the Act respecting Lessors or Lessees (chapter 40 of the Consolidated Statutes of Lower Canada,) an appeal is also given in certain cases from the Circuit Court to the Superior Court,—and by section seven of the Act respecting redress for the illegal detention of soccage lands, (chapter forty-five of the said Consolidated Statutes) an appeal is given from a judgment rendered by a Judge in vacation, to the Superior Court, in cases where such judgment is to be recorded in the Circuit Court, by a Judge of which it is rendered,—so that in the said cases under the said Acts, an appeal now lies either to the Superior Court or to the Court of Queen's Bench at the option of the appellant, and it is expedient that hereafter all appeals from the Circuit Court should be to the Court of Queen's Bench only,—therefore in every case in which an appeal shall lie from any judgment rendered after the passing of this Act under either of the Acts last cited, such appeal shall be to the said Court of Queen's Bench only, whether the judgment be rendered by the Circuit Court or by a Judge of the Superior Court in vacation.

Appeals under cap. 40 & cap. 45 of the Con. Stat. for L. C. to lie to the Court of Q. B. only, from judgments hereafter rendered.

III. So much of either of the said last Acts, or of the Act respecting the Court of Queen's Bench (chapter seventy-seven of the Consolidated Statutes for Lower Canada) as is inconsistent with this Act, is hereby repealed.

Repeal of inconsistent enactments.