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An Ordinance to provide for the erection and establishment of Court Houses and Gaols, in certain Districts in this Province; and to make further provision for the administration of Justice.

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An Ordinance to provide for the erection and establishment of Court Houses and Gaols, in certain Districts in this Province; and to make further provision for the administration of Justice.

WHEREAS the Governor of this Province, by his Proclamation in this behalf issued, with the advice of Her Majesty's Executive Council, under the Great Seal of this Province, and bearing date the _____ day of _____ in pursuance of the authority in him by law vested, hath

And Whereas it has become necessary to erect Court Houses and Gaols, in the Districts herein after mentioned, making part of the Districts in the said Proclamation described, constituted and declared; And Whereas the expense of erecting such buildings, in other parts of the Province, has been defrayed out of the Public Revenue; And Whereas in the present circumstances of the Country, and in consideration of the course which has hitherto been pursued, in such cases, as well as from the urgent necessity there is, that the intended buildings should be erected without delay, it is reasonable and expedient, that local taxation should not be resorted to; on this occasion, and that these buildings should be erected, at the expense of the Province; Be it therefore ordained and enacted, &c.

that a Court House and a Gaol, shall be erected in and for each of the Districts and United Districts hereinafter mentioned, as constituted and declared in and by the said Proclamation, at the places hereinafter also mentioned, that is to say,

II. And be it further ordained and enacted, that it shall be lawful for the Governor of this Province, by warrant or instrument, under his hand and seal at arms, to appoint in the said Districts, and United Districts, respectively, in which Court-Houses and Gaols are to be erected as aforesaid, three persons to be Commissioners for erecting each of the said Court-Houses and Gaols, and to remove from time to time, the said Commissioners, or any of them, and to appoint others in the place of such as shall be removed, or shall die, or resign their trust.

III. And be it further ordained and enacted, that, in the said Districts, and United Districts, in which Court-Houses and Gaols are to be erected as aforesaid, the said Commissioners for such Districts, and United Districts, respectively, or any two of them, as soon as may be after they shall be appointed such Commissioners, shall, with the approbation of the Governor of this Province, in this behalf first had and obtained, select and fix upon some convenient piece or parcel of ground, at each of the places aforesaid, at which Court-Houses and Gaols are to be erected as aforesaid, on which such Court-Houses and Gaols may be erected; and the said Commissioners, or any two of them, shall afterwards contract for the absolute purchase in fee simple of the said pieces or parcels of ground selected as aforesaid, for the purpose of erecting thereon Court-Houses and Gaols, in the manner hereinafter directed; which pieces or parcels of ground shall be conveyed to the District Council of the District, in which, the same, respectively, shall be situated, for and on behalf of the said district, to be held by each of the said Districts respectively, in its corporate capacity, for the uses and purposes of this Ordinance.

IV. And be it further ordained and enacted, that it shall be lawful for all Corporations, aggregate or sole, husbands, tutors or guardians, curators, and all trustees whatsoever, who are or shall be seized or possessed of, or interested in, any piece or pieces, parcel or parcels of ground, selected and fixed upon as aforesaid, not only for themselves, their heirs and successors, but for and on the behalf of all persons whom they represent, or for whom or in trust for whom, they are or shall be seized, possessed, or interested as aforesaid, whether minors, or issue unborn, lunatics, idiots, *femmes couvertes*, or other person or persons, to contract for, sell and convey, such piece or pieces, parcel or parcels of ground, to the District Council of the District, in which the same shall be situated, or and on behalf of the said District, in its corporate capacity; and such contracts, sales, and conveyances shall be valid and effectual in law, to all intents and purposes whatsoever; any law or custom to the contrary notwithstanding. And all corporations and persons whatsoever, so contracting, selling, or conveying as aforesaid, are hereby indemnified for and in respect of any such sale, which he, she, or they shall respectively make, by virtue or in pursuance of this Ordinance.

V. And be it further ordained and enacted, that in all cases where the Commissioners to be appointed as aforesaid, and the persons seized, or possessed of or interested in the said pieces or parcels of ground, or any of them, or any part thereof, shall not, by voluntary agreement, settle and determine the price and prices, compensation and compensations to be paid for the said premises, or any part thereof, such price and prices, compensation and compensations shall be ascertained, fixed and determined by the award of arbitrators, in manner following, that is to say: the said commissioners, or any two of them, shall and may nominate and appoint one arbitrator, being an indifferent and disinterested person, and the said persons seized, possessed or interested as aforesaid, shall and may nominate and appoint one other arbitrator, being also an indifferent and disinterested person: and the said two arbitrators, before proceeding as such arbitrators, shall and may appoint a third arbitrator, being likewise an indifferent and disinterested person, which said three arbitrators, after being previously sworn before one of the Justices of the Court of King's Bench for the district in which such pieces or parcels of ground, respectively, shall be situated, or before one of the Justices of the Court of Common Pleas for this Province, well, truly, and honestly to execute the trust and duty of arbitrators as aforesaid, and after notice to the parties respectively, of the time and place of their meeting, shall proceed to ascertain, fix and determine the price or prices, compensation or compensations to be paid by the said commissioners, for such pieces or parcels of ground, respectively; and the award of any two of the said arbitrators, to be named and appointed as aforesaid, in and respecting the premises, aforesaid, shall be final and conclusive.

VI. And be it further ordained and enacted, that in case the said persons seized or possessed of, or interested in the said pieces or parcels of ground, or any of them, or any part thereof, after due notice in this behalf, from the said commissioners, or any two of them, shall refuse or neglect to name and appoint an arbitrator as aforesaid, being an indifferent and disinterested person as aforesaid, or if the said two arbitrators named and appointed as aforesaid, shall refuse or neglect to name and appoint a third arbitrator as aforesaid, it shall be lawful, in such cases respectively, for one of the Justices of the Court of King's Bench for the district in which such pieces or parcels of ground, respectively, shall be situated, or for any one of the Justices of the Court of Common Pleas for this Province, on application in this behalf, by the said commissioners, or any two of them, to name and appoint, instead of such person or persons, seized, possessed or interested as aforesaid, so refusing or neglecting, a fit and proper person to be an arbitrator, on his or their behalf, and also to appoint such third arbitrator, to supply the place of the third arbitrator, which the said two arbitrators shall refuse or neglect to appoint; and in like manner if the arbitrator named by the person or persons seized, possessed or interested as aforesaid, and the arbitrator named by one of the Justices aforesaid, shall refuse or neglect to name a third arbitrator, for the purpose aforesaid, it shall be lawful for any such Justice as aforesaid, to name a third arbitrator, to supply the place of such nomination, by and on the part of the said two last mentioned arbitrators: and the arbitrator and third arbitrator so as aforesaid, in the cases aforesaid, to be appointed by such Justice as aforesaid, after having been respectively sworn by such Justice well, truly and honestly to execute the trust and duty of arbitrator and third arbitrator as aforesaid, shall have the same power and authority, in the premises, and their award shall have the same force and

effect, as if such arbitrator and third arbitrator, in any or either of the cases aforesaid, had been named and appointed, in the manner in the next preceding section of this Ordinance prescribed as aforesaid.

VII. And be it further ordained and enacted, that on payment of the price or prices, compensation or compensations, to be fixed and determined as aforesaid, or in case of refusal or neglect to accept the same, on the deposit thereof in the hands of the Prothonotary of the Court of King's Bench for the District in which the pieces or parcels of land for which the same shall be payable, shall be situated, or in the hands of the Prothonotary of any of the Divisions of the Court of Common Pleas, for this Province, for the use of the person or persons entitled to the same, the right of property, title, and interest, in and to such pieces or parcels of ground respectively, for which such price or prices, compensation or compensations shall be payable, shall be divested out of the person or persons seized and possessed thereof, or entitled to the same, and shall become and be vested, in the District in which the said pieces or parcels of ground shall be situated, in its corporate capacity, for the purposes of this Ordinance.

VIII. And be it further ordained and enacted, that after the said pieces or parcels of ground shall have been conveyed, or become vested in the said Districts and United Districts, respectively, as aforesaid, it shall be lawful for the said Commissioners, or any two of them, in the said Districts and United Districts respectively, and they are hereby required, to cause to be erected, on each of the said pieces or parcels of ground, a good and substantial Court House and Gaol, with proper offices and appertenances. Provided always, that the sum to be expended by virtue of this Ordinance, in and about the purchase of a piece or parcel of ground, and the erection of a Court House and Gaol thereon as aforesaid, in any of the districts and united districts aforesaid, shall not exceed the sum of

IX. And be it further ordained and enacted, that before the erection of the said Court-Houses and Gaols shall be commenced, the said commissioners, or any two of them, in the said Districts, and United Districts respectively, shall and they are hereby required to cause a Plan of the said Court-Houses and Gaols, with an estimate of the expense of erecting the same, to be made, which plan and estimate shall by the said Commissioners, or any two of them, be laid before the Governor of this Province, for his approval; and, after his approval, it shall and may be lawful for the said Commissioners, or any two of them, in the said districts and united districts, respectively, from time to time, to agree by contract or contracts in writing, or otherwise in their discretion, with any person or persons, as well for providing materials, and hiring workmen and labourers, as for the building of the said Court-Houses and Gaols, or for the building of such part or parts thereof, as to the said Commissioners, or any two of them, may appear expedient. Provided always, that before making any contract or contracts, in writing, for the purposes aforesaid, or any of them, days notice

at the least shall be given in one or more of the public newspapers printed or circulated within such districts and united districts, respectively, expressing the object and intention of such contracts, and the time and place of receiving proposals for the same.

X. And be it further ordained and enacted, that for defraying the expense of erecting the Court-Houses and Gaols, to be erected as aforesaid, as well as for the purchase of the pieces or parcels of ground on which the same are to be erected, it shall

be lawful for the Governor of this Province, from time to time, from and out of any unappropriated monies, in the hands of the Receiver General of this Province, to advance to the said Commissioners, in the said Districts and United Districts, respectively, any sum and sums of money, which shall not altogether exceed the sum of
for each of the said Court-Houses and Gaols.

XI. And be it further ordained and enacted, that the Commissioners, to be appointed for the erection of the said Court-Houses and Gaols as hereinbefore mentioned, shall from time to time, when thereunto required by the Governor of this Province, well and faithfully account to the said Governor, for the due application and expenditure of all and every the sums of money, which shall or may come into the hands of said Commissioners, or of any of them, in pursuance of the provisions of this Ordinance, in such manner and form as the said Governor shall appoint and direct.

XII. And be it further ordained and enacted, that when and so soon as the said Court-Houses, to be built under the authority of this Ordinance, shall have been erected and completed, in the said Districts and United Districts respectively, from thenceforth all Courts of Justice, appointed to be held at the places where the same shall be erected, in the said Districts and United Districts, respectively, shall be held in the said Court Houses, respectively. And when and so soon as the Gaols, to be built under the authority of this Ordinance shall respectively have been erected and completed, from thenceforth the said Gaols shall be, and shall be deemed and taken to be, the Common Gaols, in and for the said Districts and United Districts, and shall be appropriated and made use of, as and for such Common Gaols, to all and every the intents and purposes for which Common Gaols may be and are lawfully established and used.

XIII. And be it further ordained and enacted, that the said Court-Houses and Gaols, and the buildings thereunto belonging, and the furniture thereof, respectively, when the same shall have been erected, and completed, and furnished, shall thenceforth be repaired and maintained, by and out of the rates and assessments, to be imposed and levied, in the said Districts and United Districts, respectively, under the authority of the District Councils thereof, and also the expense of maintaining and supporting the prisoners to be confined in the said Gaols, as well as the salaries to be paid to the keepers of the said Court-Houses and Gaols, respectively, and all other salaries and expenses attending the same, shall be paid out of the rates aforesaid; and the said Court Houses and Gaols, buildings and furniture shall, from time to time, be insured, in the name of the Treasurer of the District in which the same shall be situated, for and on behalf of the District, in its corporate capacity, from loss or damage by fire, in such sum or sums of money as the District Council of such District shall, from time to time, appoint, and the premium and premiums upon, and other expenses, attending such insurance, shall be paid and defrayed by and out of the rates aforesaid.

XIV. And be it further ordained and enacted, that the District Council of each and every of the Districts, in which Gaols shall be erected as aforesaid, shall and they are hereby required, from time to time, to appoint a licensed Surgeon, or Physician, to be and act as Surgeon or Physician to the said Gaols, respectively, and to fix and establish a reasonable salary to be paid to such Surgeon or Physician, from and out of the District Rates.

XV. And be it further ordained and enacted, that it shall be lawful for each of the District Councils, in

the said Districts and United Districts, respectively, and they are hereby authorised and required, to appoint a reasonable yearly salary to be paid to the Gaoler of the Gaol within such Districts and United Districts respectively, which salary shall be in stead of all fees, perquisites, or emoluments of any sort or kind whatsoever ; and it shall not be lawful for any such Gaoler, or any officer belonging to any such Gaol, to demand or receive any fee, perquisite or profit of any kind, from any Prisoner, who may be confined within any of the said Gaols, to be built as aforesaid.

XVI. And be it further ordained enacted, that, in each and every of the said Districts and United Districts, the Sheriff of and in the same shall have power and authority, from time to time, to nominate and appoint such person as he shall judge most proper, to the office of Gaoler and keeper of the Gaol, to be built therein as aforesaid, and to discharge such Gaoler and Keeper, and appoint another person in his place, when he may deem it expedient.

XVII. And be it further ordained and enacted, that no spirituous liquors or strong waters, shall be sold, supplied, afforded, or given, to any persons confined in any Gaol to be erected as aforesaid, or in any other Gaol already erected, or hereafter to be erected in this Province, unless the same be prescribed or given, by or under the direction of a licensed Physician, Surgeon, or Apothecary. And if any Gaoler, Keeper, or officer of any of the said Gaols, shall sell, lend, supply or give away, or knowingly furnish or suffer any spirituous liquors, or strong waters, to be sold, lent, supplied, or given away, in any such Gaol, or brought into the same, for the use of any prisoner or prisoners confined in the said Gaols, except such spirituous liquors, or strong waters, as shall be prescribed or given as aforesaid, every such Gaoler, Keeper, or other officer, shall for every such offence, forfeit and lose the sum of £ current money of this Province, and for a second like offence, shall over and above such penalty incur the forfeiture of his office ; which said penalty shall and may be recovered with full costs in any Court of Record in this Province, and one moiety thereof shall go to Her Majesty, Her Heirs and Successors, for the public uses of this Province, and the other moiety thereof shall go and be paid to such person as shall sue for the same ; and if any person shall carry, bring, or attempt or endeavour to carry or bring into any of the said Gaols, any spirituous liquors or strong waters, except such as shall be prescribed as aforesaid, it shall be lawful for the keeper, or officer, of any such Gaol, to apprehend, or cause to be apprehended, such offender, and to bring such offender before a Justice of the Peace for the District in which such Gaol shall be situated, who is hereby empowered to hear and determine on such offence, in a summary manner, and, on conviction of the offender, to commit him or her, forthwith to the Common Gaol or House of Correction, there to be kept in custody, for any time not exceeding three months.

XVIII. And be it further ordained and enacted, that whenever any of the Gaols, to be built in the said Districts, and United Districts, respectively, shall be made fit for the reception and safe keeping of such persons, as may be lawfully confined and imprisoned therein, and the said Commissioners, for building the said Gaols, respectively, or any two of them, shall give notice thereof in writing, to the Sheriff of any such district, or United Districts, it shall be lawful for the said Sheriff to remove to such Gaol, all such prisoners as shall be then in custody, who may be lawfully confined and imprisoned therein.

XIX. And be it further ordained and enacted, that the Gaols now erected and being at the cities of Quebec and Montreal, and at the town of Three-

Rivers, shall, from and after the commencement of this Ordinance, be and be deemed and taken to be the common gaols and House of correction of the Districts of Quebec, Montreal, and Three Rivers, respectively, as constituted and declared by the Proclamation aforesaid, to all intents and purposes, and in like manner as the same are now the common gaols and houses of correction, for the districts of Quebec, Montreal, and Three Rivers, respectively, as now constituted.

XX. And be it further ordained and enacted, that the Gaol now erected, and being at the town of Sherbrooke, in the Territorial Division of Sherbrooke, shall, from and after the commencement of this Ordinance, be and be deemed and taken to be the common Gaol of and for the District of Sherbrooke, as constituted and declared by the Proclamation aforesaid, to all intents and purposes, whatsoever: and the Gaol now erected and being at _____, in the Territorial Division of _____, shall, from and after the commencement of this Ordinance be, and be deemed and taken to be, the common Gaol for the District of _____, as constituted and declared by the said Proclamation to all intents and purposes whatsoever: and the Gaol now erected and being at _____, in the Territorial Division of _____ shall from and after the commencement of this Ordinance be, and be deemed and taken to be the common Gaol of and for the _____ as constituted and declared by the said Proclamation, to all intent and purposes whatsoever.

XXI. And be it further ordained and enacted, that the said Gaols in the said Districts and United Districts, respectively, to be erected as aforesaid, under the authority of this Ordinance, when and so soon as the same shall be completed, and also the said Gaols already erected and being in the said District of Sherbrooke,

until houses of correction shall be erected in the said Districts and United Districts, shall be, and be deemed and taken to be houses of correction in and for the said Districts and United Districts, respectively, and as such shall be appropriated to all and every the uses and purposes for which houses of correction, in and by the statutes and laws of this Province, are established or authorized, and shall also become and be houses of correction within the intent and meaning of a certain Act of the Legislature of this Province, made and passed in the fifty-seventh year of the reign of His late Majesty, King George the Third, intituled, "An Act to provide temporary houses of correction in the several Districts of this Province," which said Act hath been revived and is now in force, in virtue of two certain Ordinances of the Legislature of this Province, in this behalf provided; and all and every the provisions in the said Act passed in the fifty-seventh year aforesaid, shall, when and so soon as the said Gaols, to be built as aforesaid, shall be completed, in what respects the said Gaols, and from after the commencement of this Ordinance, in what respects the said Gaols in the said District of Sherbrooke,

become and be applicable to, and receive execution in respect of the said Gaols, as fully and effectually, to all intents and purposes, as if the same were re-enacted and incorporated in this Ordinance, and in like manner as the same were and are applicable, and might and may receive execu-

tion, to and in respect of the temporary Houses of correction and Gaols in the said last mentioned Act specified.

XXII. And be it further ordained and enacted, that the Gaol now erected and being at the City of Quebec, in the territorial division of Quebec, shall, to all intents and purposes, constitute and be a Common Gaol of and for each and every of the respective Districts and United Districts comprehended within the said territorial division, in which a Gaol is not now erected, and until a Gaol shall be erected and made fit for the reception of prisoners, in the said Districts and United Districts respectively: and in like manner the Gaol now erected and being at the City of Montreal, in the territorial division of Montreal, shall, to all intents and purposes, constitute and be the Common Gaol of and for each and every of the respective Districts and United Districts comprehended within the said last mentioned territorial division, in which a Gaol is not now erected, and until a Gaol shall be erected, and made fit for the reception of prisoners in the said Districts and United Districts, respectively: and in like manner the Gaol now erected and being at the Town of Sherbrooke, in the territorial division of Sherbrooke, shall, to all intents and purposes, constitute and be the Common Gaol of and for each and every of the respective Districts and United Districts, comprehended within the said last mentioned territorial division, in which a Gaol is not now erected, and until a Gaol shall be erected and made fit for the reception of prisoners, in the said last mentioned Districts and United Districts, respectively: and the Sheriffs of the Districts in which the said Gaols, at the said Cities of Quebec and Montreal, and at the said Town of Sherbrooke, respectively, are situated, shall receive into the said Gaols, and there safely keep all persons who may be therein imprisoned, or required to be imprisoned, in pursuance of the provision hereinbefore contained: and the said Sheriffs of the said last mentioned Districts, respectively, shall be answerable for the safe keeping of the persons committed to the said Common Gaols, in pursuance of the said provision herein before contained, in the same manner as if they were Sheriffs of the Districts for and in respect of which the Gaols at the Cities of Quebec and Montreal, and the Town of Sherbrooke are constituted Common Gaols as aforesaid, and, with respect to the persons so committed, shall be deemed and held to be Sheriffs of the said last mentioned Districts respectively.

XXIII. And be it further ordained and enacted, that so much of the thirtieth section of an Ordinance of the Legislature of this Province, passed in the fourth year of Her Majesty's reign intituled, "An Ordinance to establish new Territorial Divisions of Lower Canada, and to alter and amend the jurisdiction, and provide for the better and more efficient administration of Justice, throughout this Province," as provides for the holding of a General Session of the Peace, in each of the Territorial Divisions of Quebec, Montreal, and Sherbrooke, shall be, and the same is hereby repealed.

XXIV. And be it further ordained and enacted, that there shall be held four times, in every year, in each of the Districts of Quebec, Montreal, Sherbrooke, Three-Rivers

as constituted and declared in and by the Proclamation aforesaid, a General Session of the Peace, by the Justices of the Peace of the said Districts, and United Districts, respectively, or any three of them, one of whom shall be of the Quorum, who shall hear, try and determine all

matters relating to the conservation of the Peace, and all crimes and criminal offences, causes and matters, which are or may be cognizable in and by a General or Quarter Sessions of the Peace, according to the Laws in force in this Province; and the said Sessions of the Peace, for the said last mentioned respective Districts, and United Districts, shall respectively be held as follows, that is to say, at the Cities of Quebec, and Montreal, and at the Towns of Sherbrooke, and Three-Rivers, and at

from the tenth to nineteenth day of each of the months of January and July, and from the twenty first to the thirtieth day of each of the months of April and October, the first and last days of each of the said periods being included, and Sundays and holidays excepted. And the said Justices of the Peace, in the said General Sessions of the Peace, to be held as aforesaid, shall be vested with, and shall and may exercise, within the said last mentioned Districts, and United Districts respectively, all and every the powers, authorities, and jurisdictions which, at the time herein after appointed for the commencement of this Ordinance, shall by Law be vested in, and required to be exercised by, the General Sessions of the Peace, in the several Districts of Quebec, Montreal, and St. Francis, as they now subsist.

XXV. And be it further ordained and enacted, that all and every the records, registers, muniments and judicial and other proceedings of the several Courts of Quarter Sessions of the Peace, in the several Districts of Quebec, Montreal, Three-Rivers and St. Francis, as now constituted, shall forthwith, after the period hereinafter appointed for the commencement of this Ordinance, be transmitted into and make part of the records, registers, muniments, and judicial and other proceedings of the Courts of Quarter Sessions of the Peace, which are hereby substituted to and for the said Courts, in the said Districts of Quebec, Montreal, Three-Rivers, and Sherbrooke, as constituted and declared in and by the Proclamation aforesaid: and all and every the records, registers, muniments, and judicial and other proceedings of the Provincial Court of the said District of St. Francis, shall, in like manner, forthwith after the commencement of this Ordinance, be transmitted into, and make part of the records, registers, muniments and judicial and other proceedings of the Court of Common Pleas for this Province, in the third division thereof.

XXVI. And be it further ordained and enacted, that no judgment, rule, or order of the said Courts of quarter sessions, in the said Districts of Quebec, Montreal, Three-Rivers, and St. Francis, as now constituted, or in the said Provincial Court of the said District of St. Francis, which have been or may be legally pronounced, given, had, or done, before the period hereinafter appointed for the commencement of this Ordinance, shall hereby, or by any other Ordinance or Law, be avoided, but shall remain in full force and virtue, as if this Ordinance, or any other Ordinance or Law, relating to the jurisdiction of the said courts, enacted by this Legislature, had not been passed; nor shall any indictment, information, suit, appeal or proceeding, depending in the said courts of quarter sessions, or any action, suit, cause, or proceeding depending in the said Provincial Court, be abated, discontinued, or annulled, but the same shall be transferred, in their then present condition, respectively, to and subsist and depend in the said Courts of quarter sessions, hereby established in the said Districts of Quebec, Montreal, Three-Rivers, and Sherbrooke, and in the said Court of Common Pleas in the third Division thereof, respectively, to all intents and purposes, as if they had been

respectively commenced, brought, found, prosecuted, or reward in the said Courts respectively, to which they are to be transferred as aforesaid: And the said Courts of quarter sessions, hereby established in the said Districts of Quebec, Montreal, Three-Rivers, and Sherbrooke, and the said Provincial Court, shall have full power and authority to proceed accordingly, to judgment and execution, and to make such rules and orders in the Premises, as the said Courts of quarter sessions hereby established, and the said Court of Common Pleas, in the third division thereof, might lawfully make in causes, appeals, actions, suits and proceedings commenced, or depending before the said last mentioned Courts respectively.

XXVII. And be it further ordained and enacted, that every writ or process, which is or shall be returnable into the said Provincial Court for the said District of St. Francis, at any day subsequent to the period hereinafter appointed for the commencement of this Ordinance, shall be returned into the said third division of the said Court of Common Pleas, in the inferior term thereof; and every such writ and process shall be held and considered to be returnable on the first day of the inferior term of such division, next following the day on which such writ or process shall have been issued.

XXVIII. And whereas, it is necessary, to make further provision for the administration of Justice, in Criminal Cases, until Court-Houses and Gaols shall be erected in the aforesaid several Districts and United Districts as aforesaid; Be it therefore further ordained and enacted, that all treasons, murders, felonies, and misdemeanors, crimes and criminal offences, which have been or may be committed in the aforesaid districts of

and in the aforesaid United Districts of

or any of them, or at any place or places included in the same, shall and may, until Court-Houses and Gaols shall have been erected and completed, in the said Districts and United Districts respectively, be enquired of, examined, tried, determined and adjudged, and punishment thereupon be awarded and executed, in the said District of Quebec, as constituted and declared in and by the Proclamation aforesaid, in like manner and form as if the said treasons, murders, felonies, misdemeanors, crimes and criminal offences, had been done, committed, or perpetrated, within the said District of Quebec: and all treasons, murders, felonies, misdemeanors, crimes and criminal offences, which have been or may be committed in the said Districts and United Districts of

or any of them, or at any place or places included in the same, shall and may, until Court-Houses and Gaols shall be erected and completed in the said last mentioned Districts and United Districts, respectively, be enquired of, examined, tried, determined, and adjudged, and punishment thereupon be awarded and executed, in the said District of Montreal, in like manner and form as if the said last mentioned treasons, murders, felonies, misdemeanors, crimes and criminal offences, had been done, committed, or perpetrated, within the said District of Montreal; and all treasons, murders, felonies, misdemeanors, crimes and criminal offences, which have been or may be committed in the said Districts and United Districts of

or any of them, or at any place or places inclosed in the same, shall and may, until Court Houses, and Gaols shall be erected and completed in the said last mentioned districts, and United Districts respectively, be enquired of, examined, tried, determined, adjudged, and punishment thereupon be awarded and executed, in the said district

of Sherbrooke, in like manner and form, as if the said last mentioned treasons, murders, felonies, misdemeanors, crimes and criminal offences had been done, committed, or perpetrated, within the said district of Sherbrooke. Provided always, that nothing therein contained shall in any manner abridge, alter, or affect the jurisdiction, power, and authority of the General Sessions of the Peace to be held in the said districts and United Districts of respectively or any of them, in pursuance of the provisions hereinbefore contained, which jurisdiction, power and authority shall and may be exercised, in the manner hereinbefore provided; any thing to the contrary thereof herein contained notwithstanding.

XXIX. And be it further ordained and enacted, that this Ordinance, and the several provisions herein contained, shall commence, and have execution and effect, at from and after such time, not later than the fifteenth day of May now next ensuing, as the Governor of this Province, by his Proclamation under the Great Seal thereof, shall appoint.

XXX. And be it further ordained and enacted, that the words "Governor of this Province," wherever the same occur in the foregoing enactments, shall be understood, as comprehending the Governor, or person authorised to execute the commission of Governor, within this Province, for the time being.

XXXI. And be it further ordained and enacted, that this Ordinance, and the provisions herein contained, shall not cease or expire on the first day of November, which will be in the year of our Lord, one thousand eight hundred and forty two, but shall be and remain a permanent and public law, and in force in this Province, until the same shall be repealed or altered by competent Legislative authority; and all Judges, Justices, and other persons therein concerned, shall take notice thereof, though the same be not specially pleaded.

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