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*ABSTRACT of the Judicature Bill, to which His Majesty
has granted the Royal Assent, as declared by His Excel-
lency the Governor's Proclamation, on the 11th Dec. 1794.*

THE general object and Scope of the Act is,

SECTION 1. I. **T**O divide the Province of Lower Canada into three Districts, viz. Québec, Montreal and Three Rivers, and also to establish an inferior Jurisdiction in the County or District of Gaspé in the Bay of Chaleurs.

SECT. 2 & 7. II. To create two principal Courts of King's Bench for the administration of Justice in all Causes, Civil and Criminal (not purely of admiralty Jurisdiction) throughout the Province, by original Jurisdiction, in Causes above £10 sterling, and without appeal for sums under £20 sterling, except in Prosecutions for Crown debts, Rents, Fees, or where future Rights, may be bound.

The Judges of these Courts to be,

For the District of Québec,——The Chief Justice of the Province, and three Puisné Justices.

For the District of Montreal,——A Chief Justice of that Court and District, and three Puisné Justices.

And on the Trial of Criminal Causes, at either of the said Courts, one of His Majesty's Chief Justices shall be one; and two or more Justices shall sit in all Civil Causes, and Criminal.

SECT. 10. III. That one or more of the Judges of the above Courts shall in their respective Districts, have cognizance of all Civil Causes under £10 sterling, arising in the said Districts (of Québec or Montreal) and shall sit by Terms, Ten days every two Months, in the respective Towns of the said Counties of Québec and Montreal, for hearing such Causes. The Judgments of those Courts to be conclusive except in *Cases of future rights and revenue causes*. That in all Causes of the last-mentioned description, the Defendant shall have a right (before pleading to the merits) to except to the Jurisdiction of such Court (or as expressed by the French Law, possess *le droit d'évocation*) and appeal to the superior Court of King's Bench of the District, and there have such cause tried in Term.

SECT. 11. IV. That for the third or intermediate Jurisdiction of Three Rivers, two or more of the Judges at either of the said Courts of King's Bench, and the Provincial Judge to be appointed at Three Rivers, shall hold a Court of King's Bench at the Town of Three Rivers, *twice* in every year for the trial of all Causes Civil and Criminal, arising within the said District, as before stated, for the other Districts. That in all Trials for *Criminal offences* in such Court one of the above Chief Justices shall be one of the Judges.

SECT. 12. V. That the Provincial Judge to be appointed at Three Rivers, shall have power to hear and try Causes arising within that District under £10 sterling; to hold the said Court every two months, at the Town of Three Rivers for the space of Ten Days each Term. The same right of evocation and restraints as above stated (3) for the inferior branch of the Courts of King's Bench.

- SECT. 14. VI. That a Provincial Judge shall be appointed for, and a Court be held in the Inferior District, or County of Gaspé, with power to hear and try Causes to the value of £ 20 sterling. The Judgments to be final and without appeal. That this Judge may issue summonses for appearance, &c. (in Causes above £ 20) returnable at the superior Term of the Court of King's Bench of the District of Quebec. And certain periods of service and due notice, &c. are appointed by the Act.
- SECT. 4. VII. Courts of Oyer and Terminer and general Gaol Delivery may be appointed by His Majesty's Special Commission in each District, at such times as the Courts of King's Bench may not be sitting.
- SECT. 19. VIII. That one or more Judges of the respective Courts of King's Bench in the Districts of Quebec and Montreal, shall *once* in every year perform a Circuit or Tournée, and hold a Court in the several Counties in each District (except in the Counties of Orleans and Gaspé in the District of Quebec) for trial of Civil Causes of the amount of £ 10 sterling, with writs of evocation and appeal, &c. as before. (3)
- SECT. 20. IX. That the Provincial Judge of Three Rivers shall *once* every year perform a like Circuit or Tournée, and hold a Court for trial of Civil Causes, under the value limited as above of £ 10 sterling, in certain and convenient places, of the District, by the Act appointed.
- SECT. 8. X. Special Powers are granted to the Courts of King's Bench in the superior Terms to emancipate Minors, and rescind and annul contracts without special letters (such as were formerly issued by the Intendant, &c. and by the French Law called *Lettres de Chancellerie.*) Also to hear try, and adjudge *all matters that were cognizable by the Prévôté or Royal Courts or the Intendant and Council of the former Government of Canada prior to the year 1759, and not special provided for by the present Laws of this Province; and to grant all such remedy as may be necessary for effectuating Judgment thereon made.*
- And provision is made by the Act, that one Judge in any of the several before mentioned Districts, may grant Letters of *Tutelle*, appoint Curators, Guardians, &c. affix Seals of safe Custody on the effects of persons deceased, and the same remove, and also may delegate powers to be exercised in places fifteen leagues distant from the Towns where the above Courts are to be held, for assembling Parents, receiving Council, &c. for appointing Guardians, Curators, &c.
- SECT. 22
26-33. XI. The Act directs that the several Records, Registers, &c. of the present Courts of Common Pleas, King's Bench and Court of Appeal, and Courts of Request shall be transmitted into the several Courts to be appointed under this Act in the respective Jurisdictions where such Records, &c. shall be held.
- SECT. 44. And that every writ returnable into any Court of Common Pleas, posterior to the passing of this Act, shall be returned into the Court of such District as may be appointed under this Act, to receive the Records of the Court of Common Pleas of such District.
- SECT. 35. XII. That all recognizances returned into the Courts of Quarter Sessions of the Peace, or special Courts of Oyer and Terminer and Gaol Delivery, and that may become forfeited (*shall be created at certain limited times appointed*) into the Court of King's Bench of the District where so forfeited, and that the said Courts respectively shall have power to levy the whole sum of such forfeiture, or the same to moderate, &c.
- SECT. 29 XIII. That the Rules of practice and modes of proceedings in original Causes

Causes, of Civil and Criminal Jurisdiction, heretofore used in the several Courts of original Jurisdiction or in Civil Causes in appeal, shall continue to be observed in the several Courts by this Act to be established.

Coroners. }
SECT. 36. } XIV. Captains and Senior Officers of Militia are (as formerly by Ordinance of 17 Geo. III. Chap. 3.) constituted Coroners, and may hold an inquest by *six* Free-holders, to certify a death and circumstances, &c. to the nearest Magistrate for further proceedings.

Hab. Corpus. }
SECT. 37. } XV. That the Habeas Corpus Act (24 Geo. III. Chap. 3.) shall be binding upon all the Judges and Justices of the Courts of King's Bench. But that every writ returnable in vacation shall be returned before one of His Majesty's Chief Justices of the District wherein such writ may issue (or before two Puisne Justices in case of sickness or absence of such Chief Justice) and writs of Habeas Corpus may issue from either of the said Courts of King's Bench.

COURT OF APPEALS.

SECT. 23. XVI. **T**HAT this Court be formed by the Governor, Lieut. Governor or Person administering the Government.

The Chief Justice of the Province ;
The Chief Justice of the Court of King's Bench at Montreal ;
And the Members of His Majesty's Executive Council.

SECT. 23. XVII. That any five of the Members of this Court shall make a Quorum. The Judges of the Court from which the Cause may be appealed always excepted. But that the Judges only who shall have given Judgment on any Cause appealed from *Three Rivers*, shall be disqualified from sitting on the Cause appealed.

SECT. 24. XVIII. That the Governor, Lieut. Governor or Person administering the Government when present, shall preside in this Court, and when absent, shall have power to appoint any Member of the Court to preside therein.

SECT. 27. XIX. This Court shall have cognizance of all Civil Pleas, upon appeals from Judgments of the Courts of Common Pleas and King's Bench, for sums above £20 sterling, or from Judgments under that sum, where the suit may be for annual rents, fees, revenues, &c. or where future rights may be bound. Provided security be first given to prosecute the appeal to effect. Or provided the debtor consents that execution shall issue upon the Judgment, and in such case security shall be required only for costs of the appeal, &c.

SECT. 28. XX. That on appeals from Judgments founded on the Verdict of a Jury the matter of law only shall be inquired into, on such appeal.

SECT. 30. XXI. Judgments in this Court shall be final (except in cases of rents revenue, &c. And where future rights may be bound) for all sums under £500 sterling. Appeals shall be admitted from all Judgments upon future rights for rents, revenues, fees of office, titles to lands or where future rights may be bound, and for sums above £500 sterling provided security be first given to prosecute to effect. Or provided the debtor consents that execution shall issue upon the Judgment, and in such case security shall only be required for costs of Appeal, &c.

SECT. 31. XXII. That Appeals allowed, shall suspend execution for fifteen Months only; unless the Appellant shall produce and file in the Provincial Court of Appeals,

peal, a certificate from the Clerk of the Privy Council, or his Deputy, or proper Officer, that such Appeal is lodged, and Proceedings had thereon, and failing which certificate, execution shall issue as if no Appeal had been allowed.

- SECT. 32. XXIII. That all Appeals shall be made within *one* year from the date of the Judgment by *persons present* and competent to appeal, also within one year after the removal of disability by persons who had not been able to appeal that is to say infants, femmes covert, non compos mentis or interdicts; and within *five* year by *absentees*. In cases of persons *present* laboring under disability, &c. the Heir may appeal within one year after the death of such person so disabled, &c. Heirs *absent*, may appeal within five years from the date of the Judgment, &c.
- SECT. 29. XXIV. The same rules of practice and the like proceedings in all Causes on appeal as heretofore directed in the several Courts, and power reserved to the present Court to make additional rules of practice, &c.
- SECT. 25. XXV. This Court to be held by *four* Terms annually, in the City of Québec, viz. from the Tenth to the Twentieth of January and November, and from the Twentieth to the Thirtieth of April and July, both days inclusive, the Sundays and Holy days in each Term excepted.

SECT. 38to42.

ORDINANCES REPEALED BY THIS ACT.

- 17 GEO. III. }
Chp. 1st. } XXVI: **O**RDINANCE establishing Courts of Civil Judicature, 25 February, 1777.
- Idem. 5. Ord. ditto. Courts of Criminal Judicature, 4 March, 1777.
- 25 do. 5. Ord. Granting limited Jurisdiction to the Justices of Peace, 30 April, 1785:
- 28 do. 7. Ord. Which grants power to Courts of Request, 30 April, 1788.
- 33 do. 5. Ord. Which forms the District of Three Rivers, 12 April, 1790:
- ALSO a Repeal of parts of the following Ordinances.
- 27 do. 4. SO far as that Act fixes the Terms of Courts of Common Pleas, and the part concerning appeals by executors, administrators, &c. and that part which concerns the dispensation of Justice by granting to the Governor, &c. power to create Circles and appoint Courts of Request for trial of small Causes, 30 April, 1787.
- 28 do. 6. So much of that Ordinance as gives power to two Magistrates in the District of Gaspé to try Causes respecting Fish-rooms and like disputes, at the Fisheries in the Bay of Chaleurs, to the value of £50, 30 April, 1788.
- 31 do. 2. So much of that Ordinance as gives power to the Governor, &c. to make regulation respecting the Court of Request, 11 April, 1791.
- 33 do. 3. So much of an Act by the Governor and Executive Council (and continued by the present Legislature) as respects the Quorum of the Court of Appeals, 24 February, 1792.

Terms or Sittings appointed to the several Courts of Original Jurisdiction.

COURTS OF KING'S BENCH.

Pleas of the Crown. } **T**HE Court of King's Bench for Pleas of the Crown or Criminal Causes, shall be held at the City of Quebec, for that District, two Terms annually, the last Ten law days of March and September.

SECT. 3.

And the King's Bench at Montreal for like Causes, also two terms, annually, the first Ten law days of March and September.

§ 11.

And at Three Rivers the first four law days after the 13 of March and September annually.

SECT. 11

Civil Causes. }

The King's Bench for trial of Civil Pleas or Causes, to be held at four superior Terms in the Cities of Quebec and Montreal for each District respectively, viz.

SECT. 7.

The first twenty law days in the Months of February, April, June and October, annually.

SECT. 11:

The Court of King's Bench for the District of Three Rivers (4) to sit two Terms in every year at the Town of Three Rivers, for the trial of all Causes Criminal and Civil, viz: all the law-days in the Months of March and September from the thirteenth. The first four days of each Term to be occupied in the Criminal Causes, and the remaining days for trial of Civil Causes.

That six INFERIOR Terms shall be held by one or more of the Judges of the said Courts of King's Bench annually, for the trial of Causes under £ 10 sterling, to wit.

Inferior terms }

Quebec.
SECT. 10.

In the City of Quebec, for the District of Québec, from the 21st to the last day in the Months of January, May, August and November, and from the eleventh to the nineteenth day of March, and from the 24th to the last day of June. Sundays and Holy days excepted.

Inferior terms }

Montreal.
SECT. 10.

In the City of Montreal, and for the District of Montreal, during the same periods as aforesaid in the Months of January, March, May, June and November, and from the eleventh to the nineteenth day of September.

PROVINCIAL COURTS.

Provin. court }

at 3 Rivers.
SECT. 12.

THAT the Provincial Judge of the District of Three Rivers shall hold a Court for Civil Pleas, of six Inferior Terms annually, in the Town of Three Rivers; the first ten law days in the Months of February, April, June, August, October and December.

Provin. court }

at Gaspé.
SECT. 14.

That the Provincial Judge, in the District of Gaspé, shall hold a Court for Civil Pleas of three Terms annually, viz.

At Bonaventure in the Bay of Chaleurs from the sixteenth to the thirty first day of May.

At Carleton, in the same Bay, from the 16th to the 31st of July.

At Percé, in the entry of the Bay of Gaspé from the 16th to the 31st of August.

At Douglas-town within the said Bay, from the 16th to the 30th of September. All the above days inclusive, Sundays and Holy days excepted; The

Circuit or
Tournécourts
SECT. 19. }

The Bill appropriates the whole of the Month of July for holding Circuit, or Tourné Courts in the Three several Districts of Quebec, Montreal and Three Rivers.

COURT OF QUARTER SESSIONS OF THE PEACE.

Quarter Ses-
sions of the
Peace.
SECT. 34. }

THAT there shall be held four Terms annually of the Quarter Sessions of the Peace, in each of the Districts, of Quebec, Montreal, and Three Rivers, and at the Capital Towns of the respective Districts, by three or more Justices of (whom one shall be of the Quorum,) from the Tenth to the Nineteenth days of January and July; and the Twenty first to the Thirtieth days of April and October, both days inclusive, Sundays and Holy Days excepted. |

That two Justices shall sit weekly in rotation in the Towns of Quebec, Montreal and Three Rivers, for transacting business of the Peace, and the preservation and regulation of Police in those Towns.

That there shall be held a Court of Quarter Sessions of the Peace at Gaspé, three Terms annually at the several places above mentioned, for the Courts of Civil Jurisdiction, and which Courts of Sessions shall immediately follow and be held for *Eight* days after the sitting of the Court of Civil Jurisdiction above stated, Sundays and Holy days excepted.

T A B L E,

Of Court days to be held annually by the several Courts, established under this ACT.

DISTRICT OF } QUEBEC. }	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	
Court of Appeals.	10 to the 20	. . . . .	. . . . .	20 - - 30	. . . . .	. . . . .	20 - - 30	. . . . .	. . . . .	. . . . .	10 - - 20	
Court of King's Bench. } Criminal Jurisdictions. }	. . . . .	. . . . .	20 - - 31	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	19 - - 30	. . . . .	. . . . .	. . . . .
Idem, the Civil Jurisdiction.	. . . . .	1 - - 24	. . . . .	1 - - 23	. . . . .	1 - - 24	. . . . .	. . . . .	. . . . .	1 - - 23	. . . . .	. . . . .
Idem, Inferior Court for small causes.	21 - - 31	. . . . .	11 - - 19	. . . . .	21 - - 31	24 - - 30	. . . . .	21 - - 31	. . . . .	. . . . .	21 - - 30	
<i>The Tournée or Circuit of the King's Bench, during all the month of July.</i>													
DISTRICT OF } MONTREAL. }	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
Court of King's Bench, Criminal Jurisdiction.	. . . . .	. . . . .	1 - - 12	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	1 - - 12	. . . . .	. . . . .	. . . . .
Idem, the Civil Jurisdiction.	. . . . .	1 - - 24	. . . . .	1 - - 23	. . . . .	1 - - 24	. . . . .	. . . . .	. . . . .	1 - - 23	. . . . .	. . . . .
Idem, Inferior Court for small Causes.	21 - - 31	. . . . .	11 - - 19	. . . . .	21 - - 31	24 - - 30	. . . . .	. . . . .	11 - - 19	. . . . .	21 - - 30	
<i>The Tournée or Circuit Court of the King's Bench to occupy all the month of July.</i>													
DISTRICT OF } THREE RIVERS. }	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
Court of King's Bench, Criminal and Civil Jurisdictions.	13 - - 31	<i>The 4 first of which to be occupied in the Criminal business.</i>						13 - - 30
Provincial Judges, Court for small Causes.	. . . . .	1 - - 10	. . . . .	1 - - 10	. . . . .	1 - - 10	. . . . .	1 - - 10	. . . . .	1 - - 10	. . . . .	1 - - 10
Courts of Quarter Sessions of the Peace, in the several districts.	10 - - 19	. . . . .	. . . . .	21 - - 30	. . . . .	. . . . .	10 - - 19	. . . . .	. . . . .	21 - - 30	. . . . .	. . . . .
<i>The Tournée or Circuit Court of the Provincial Judge during July.</i>													
DISTRICT OF } GASPE' }	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .
Provincial Judges, Court for Causes under £20.	. . . . .	. . . . .	. . . . .	. . . . .	At Bonaventure. . . . .	. . . . .	At Carleton.	At Percé.	At Douglas. . . . .	. . . . .	. . . . .	. . . . .
Court of Quarter Sessions, of the Peace.	. . . . .	. . . . .	. . . . .	. . . . .	16 - - 31	. . . . .	16 - - 31	16 - - 31	15 - - 30	. . . . .	. . . . .	. . . . .
<i>At the same Places, as the Provincial Courts.</i>													
. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	1 - - 9	. . . . .	1 - - 10	1 - - 9	1 - - 9	. . . . .	. . . . .	. . . . .

NOTE. The above TABLE is formed to include the first and last days stated.