

CHAP. I.

AN ACT to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled "An Act for making more effectual provision for the Government of the Province of Quebec, In North America," and to introduce the English Law as the Rule of Decision in all matters of Controversy, relative to Property and Civil Rights.

[Passed 15th October, 1792.]

WHEREAS, by an Act passed in the fourteenth year of His present Majesty, intituled, "An "Act for making more effectual provision for the Government of the Province of Quebec, "in North America," it was, among other things, provided, "that in all matters of controversy "relative to Property and Civil Rights, resort should be had to the laws of Canada, as the "rule for the decision of the same," such provision being manifestly and avowedly intended for the accommodation of His Majesty's Canadian Subjects: **And whereas**, since the passing of the Act aforesaid, that part of the late Province of Quebec now comprehended within the Province of Upper Canada, having become inhabited principally by British Subjects, born and educated in countries where the English Laws were established, and who are unaccustomed to the Laws of Canada, it is inexpedient that the provision aforesaid, contained in the said Act of the fourteenth year of His present Majesty, should be continued in this Province - **Be it enacted** by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act "passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more "effectual provision for the Government of the Province of Quebec, in North America', and "to make further provision for the Government of the said Province," and it is hereby enacted, That from and after the passing of this Act, the said provision contained in the said Act of the fourteenth year of His present Majesty, be, and the same is hereby repealed; and the authority of the said Laws of Canada, and every part thereof, as forming a rule of decision in all matters of controversy relative to property and civil rights, shall be annulled, made void and abolished, throughout this Province, and that the said Laws, nor any part thereof as such, shall be of any force or authority within the said Province, nor binding on any of the inhabitants thereof.

II. Provided always, and be it enacted by the authority aforesaid, That nothing in this Act shall extend to extinguish, release or discharge, or otherwise to affect any existing right, lawful claim or incumbrance, to and upon any lands, tenements or hereditaments, within the said Province, or to rescind or vacate, or otherwise to affect any contract or security, already made and executed conformably to the usages prescribed by the said Laws of Canada.

III. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, in all matters of controversy relative to Property and Civil Rights, resort shall be had to the Laws of England, as the rule for the decision of the same.

IV. Provided always, and be it enacted by the authority aforesaid, That nothing in this Act shall extend, or be construed to extend, to repeal or vary any of the Ordinances made and passed by the Governor and Legislative Council of the Province of Quebec, previous to the division of the same into the Provinces of Upper and Lower Canada, otherwise than as they are necessarily varied by the provisions hereinafter mentioned.

V. And be it further enacted by the authority aforesaid, That all matters relative to testimony and legal proof, in the investigation of fact, and the forms thereof, in the several Courts of Law and Equity within this Province, be regulated by the rules of evidence established in England.

VI. Provided always, and be it enacted by the authority aforesaid, That nothing in this Act contained shall vary or interfere, or be construed to vary or interfere, with any of the subsisting provisions respecting Ecclesiastical rights or dues within this Province, or with the forms of proceedings in civil actions, or the jurisdiction of the Courts already established, or to introduce any of the Laws of England respecting the maintenance of the poor, or respecting bankrupts.