

King's Bench, hereby constituted, for the cognizance of all causes, matters and things appealed, or to be appealed or removed, or to be removed by Writ of Error, as aforesaid; and such last-mentioned Terms or Sessions shall be held at such times and places, and during such periods respectively, as by Law were appointed, directed and required, for the Terms or Sessions of the Provincial Court of Appeals, before the passing of this Act; and the four Justices of the said Court of King's Bench hereby constituted, and not less than three, shall then and there proceed in the like manner, in every respect, as the Justices of the said Provincial Court of Appeals by Law were authorised and empowered, directed and required then and there to proceed, before the passing of this Act, and in each and every such last-mentioned Term or Session shall have, hold and exercise the like and the same jurisdiction, powers and authorities in every respect as the Justices of the said Provincial Court of Appeals, or any five or more of them, in the Terms of the said Provincial Court of Appeals, by Law held and exercised, before the passing of this Act, and no more. Provided always, and it is hereby declared and enacted, that in all cases of Appeal or Error in which the said Court of King's Bench shall be equally divided upon the question, whether the Judgement of the Court below from which the Appellant hath appealed, or the Plaintiff in Error hath sued out a Writ of Error, shall be affirmed, such Judgement shall stand and be affirmed.

XXXI. And be it further enacted by the authority aforesaid, that whensoever any one or more of the Justices of the said Court of King's Bench shall be disqualified from, or rendered incapable of sitting in the said Court of King's Bench, for the hearing and determining of Appeal or Appeals, or Cause or Causes in Error by interest, consanguinity, recusation, sickness, absence or other cause, it shall and may be lawful to and for the Governor, Lieutenant-Governor, or person administering the Government of this Province for the time being, by an Instrument under his hand and seal, to nominate and appoint any one or more of the Justices of the said Court of Common Pleas, hereby constituted, to sit in the said Court of King's Bench in the place and stead of the Justice or Justices of the said Court of King's Bench, who shall be so disqualified from or rendered incapable of sitting as aforesaid; and such Justice or Justices so nominated and appointed, shall have the same powers and authorities to hear, try and determine such Appeal or Appeals, or Cause or Causes of Error as the Justice or Justices of the said Court of King's Bench, so disqualified from or rendered incapable of sitting thereon, would otherwise have had, and no more. Provided always, that nothing herein-contained, shall give power or authority, or be construed to give power and au-