

costs of defence, if the conduct of the Judge complained against (whether he be found guilty or not guilty) be adjudged to be censurable and unbecoming, the complainant shall be entitled to his costs of prosecution.

XIII. In case of the illness or unavoidable absence of any one of the said Judges of the said Court, the Senior Puisne Judge of the Superior Courts of Common Law, at Toronto, may act instead of such Judge so ill or absent, and with the like powers as aforesaid.

In such Court Senior Puisne Judge may sit in absence of Chief Justice.

XIV. In and for each of the several Counties in Upper Canada, where there shall be only one Judge in discharge of the functions of Judge in the County Court, and it shall not be deemed necessary to appoint a second or junior Judge for such County, it shall be lawful for the Governor of this Province, from time to time, to appoint during pleasure some Barrister at Law of at least three years' standing at the Bar of Upper Canada, as Deputy Judge to execute and perform the duties of Judge of the County Court in and for the County to which he is appointed at any time or times during such appointment when it may be necessary so to do by reason of the illness, unavoidable absence, or absence on leave of such Judge (or upon his demise until his successor shall be appointed,) and such Deputy Judge during such illness or absence (or vacancy by death) as aforesaid, shall and may perform and discharge all the ordinary duties and functions of the Judge so ill, absent or deceased as aforesaid, and all other acts and duties incident to the office of County Judge, as fully and effectually as the Judge of the County Court in whose place he may act might or could do; and such Deputy Judge shall have all the powers of the Judge so ill or absent as aforesaid; and such Junior Judge and Deputy Judge need not be Justices of the Peace to entitle them respectively to preside as Chairman at the General Quarter Sessions of the Peace during the illness or absence of the Senior Judge of the County Court as aforesaid, and in case the Judge of the County Court so ill or absent as aforesaid, shall also be the Judge of the Surrogate Court for the County, such Deputy Judge shall likewise during such illness or absence as aforesaid, have all the powers and privileges and perform all the duties of such Judge, as Judge of the Surrogate Court.

In Counties where there is no Junior County Judge, a Barrister may be appointed to act for the Judge in certain cases.

His powers as Deputy Judge.

To be Judge of Surrogate Court.

XV. And every Deputy Judge so to be appointed as aforesaid, before he shall act as such, shall take an oath before some one authorized to administer the same, to the effect that he will as occasion may require, truly and faithfully according to his skill and knowledge, execute the several duties, power and trusts of the office without fear or favor; but no such Deputy Judge shall be held to be disabled from practising or carrying on the profession of the Law, whilst holding such appointment as Deputy Judge.

Deputy Judge to be sworn.

Not to be debarred from practising.