

REGISTER OF THE PROCEEDINGS had in Her Majesty's Court of Queen's Bench, holding Civil Pleas in and for the District of Montreal, during July Term, 1848.

SATURDAY, the FIRST day of JULY, One thousand eight hundred and forty-eight.

Present:

The Honorable Chief Justice ROLLAND.

" " Mr. Justice DAY.

" " Mr. Justice SMITH.

It is ordered that the following be entered of Record in the Register, and remain upon the files of this Court:

1st JULY, 1848.

IN THE JUDGES' CHAMBERS.

PRESENT:—The Chief Justice and the Three Puisné Judges.

The Judges assembled for the purpose of enquiring into the question of precedence claimed by Mr. Justice Bedard in virtue of his Commission, and it was first proposed that they now decide thereon: whereupon the three Puisné Judges being of opinion, against the Chief Justice, that such is the right course,—it was determined by the majority of the Judges that they now pronounce on the validity of the grant of precedence given by the Crown to Mr. Justice Bedard, over and above Mr. Justice Day and Mr. Justice Smith, his seniors on this Bench. And the majority of the Judges are of opinion, that the rank of a Judge being an incident of his office, it is not in the power of the Crown to deprive him of that rank, and that Mr. Justice Day and Mr. Justice Smith, being the Senior Judges on the Bench, must rank and take precedence accordingly, notwithstanding the clause contained in Mr. Justice Bedard's Commission giving him precedence, which grant, in the Letters Patent, the Judges are of opinion is void and of no effect, as being contrary to law.

Dissentiente, Mr. Justice BEDARD.

(Signed,) J. R. ROLLAND,
Chief Justice.

" CHS. D. DAY,
J. B. R.

" J. SMITH,
J. Q. B.

(Signed,) E. BEDARD,
Dissentiente.

True Copy.

MONK, COFFIN, AND PAPINEAU,
Prothonotary.