

"1. The following section is added after Section 9 of Chapter 78 of the Consolidated Statutes for Lower Canada, as amended by the Act 46 Victoria, Chapter 13, Section 1:

"9a. Whenever the chief justice shall reside in the city of Quebec, the senior of the judges residing in the city of Montreal shall perform the duties of the chief justice of the said superior court in the district of Montreal as it is comprised and defined for the purposes of the court of review; and

"Whenever the chief justice shall reside in the city of Montreal, the senior of the judges residing in the city of Quebec shall perform the duties of the chief justice of the said superior court in the district of Quebec as it is comprised and defined for the purposes of the court of review;

"Provided always that nothing in this section shall be interpreted so as in any manner to diminish the rights and powers now possessed by the chief justice of the superior court, or so as to interfere therewith."

"2. This Act shall come into force on the day of its sanction."

As a matter of fact this Act was assented to on the 10th June 1884.

Three years later, on the 18th May, 1887, the Lieutenant Governor of the Province of Quebec assented to the following Bill, which is chapter 12 of 50 Victoria, and reads as follows:—

"CAP. XII.

"An Act to amend the Law respecting the Constitution of the Superior Court.

(Assented to 18th May, 1887.)

"Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:—

"1. Section 9a, added by the Act, Victoria, chapter 7 after section 9 of chapter 78 of the Consolidated Statutes for Lower Canada, is replaced by the following:—

"9a. Whenever the chief justice shall reside in the city of Quebec, the judge, appointed by competent authority to perform the duties of the chief justice of the said superior court, shall perform such duties in the district of Montreal, as it is comprised and defined for the court of review, and he shall reside in the city of Montreal.

"Whenever the chief justice shall reside in the city of Montreal, the judge, appointed by competent authority to perform the duties of the chief justice of the said superior court, shall perform such duties in the district of Quebec, as is comprised and defined for the court of review, and he shall reside in the city of Quebec.

"Nothing, however, in the preceding provisions shall be interpreted so as to diminish or affect in any manner the present rights of the chief justice of the superior court.

"2. This Act shall not affect the rights and powers, under the Act 47 Victoria, chapter 7, of the senior judge now in office and shall apply only to his successor in that office.

"3. This Act shall come into force upon proclamation of the Lieutenant Governor in Council."

The legislation of 1884 (47 Vic., chap. 7) limited the choice which the Federal Government might make in the matter of the *senior* only of the judges of Quebec or of Montreal, according to the case; the legislation of 1887 (50 Vic. chap. 12) left the executive power perfectly free in its choice.

But the latter legislation according to its tenor, could only come into force by proclamation of the Lieutenant Governor in Council.