

Court of common pleas established in Upper-Canada; Powers of the Court and Judges.

Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower-Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That there be constituted and established and there is hereby constituted and established a Court of Common Law jurisdiction in that portion of this Province formerly called Upper-Canada, which shall be called "The Court of Common Pleas," and the same Court shall be holden at the City of Toronto, and shall be and constitute a Court of Common Law, and shall together with every Judge thereof, have, use and exercise all the rights, incidents and privileges of a Court of Record, or a Judge of a Court of Record, and all other rights, incidents and privileges, as fully to all intents and purposes as the same are used, exercised and enjoyed by any of Her Majesty's Superior Courts of Common Law or Judges at Westminster.

Court to consist of a Chief Justice and two Puisné Judges. Who may be appointed.

II. And be it enacted, That the said Court shall be presided over by a Chief Justice and two Puisné Justices, any one or more of whom, in the absence of the other or others of them may lawfully hold the said Court: And that it shall and may be lawful for Her Majesty to appoint by Letters Patent under the Great Seal of this Province, one person being a Barrister of at least ten years' standing in Upper-Canada to be Chief Justice of the said Court, and two persons being Barristers of not less than ten years' standing in Upper-Canada to be Puisné Judges thereof, and from time to time to supply any vacancy in the number of the said Judges; and the Chief Justice of the said Court of Common Pleas shall have rank and precedence next to the Chancellor of Upper-Canada, and the Puisné Judges of the Superior Courts of Common Law and Equity in Upper-Canada shall have rank and precedence as between themselves according to seniority of appointment to their respective offices.

Rank and precedence of Judges.

Recital.

III. And whereas in an Act of the Parliament of the late Province of Upper-Canada, passed in the seventh year of the Reign of His late Majesty King William the Fourth, intituled, *An Act to increase the present number of Judges of His Majesty's Court of King's Bench in this Province, to alter the terms of sitting of the said Court, and for other purposes therein mentioned*, it is recited, that an addition to the number of the Judges of the said Court had become indispensable owing to the great increase of population and the formation of new Districts; And whereas two additional Judges were appointed under the said Act: And whereas it appears that the business of the said Court of Queen's Bench may be effectually performed by a Chief Justice and two Puisné Judges, in consequence of the erection of the Court of Common Pleas hereby established and the erection of an efficient Court of Appeal as hereinafter provided: Be it therefore enacted, That notwithstanding any thing in the said last recited Act contained, the said Court of Queen's Bench shall from and after the passing of this Act, be presided over by a Chief Justice and two Puisné Justices; and it shall and may be lawful for Her Majesty to transfer such two of the Puisné Justices of the said Court of Queen's Bench as to Her Majesty may seem meet from the said Court of Queen's Bench to the said Court of Common Pleas, and by Letters Patent under the Great Seal of this Province to appoint such two Puisné Justices of the said Court of Queen's Bench to be Justices of the said Court of Common Pleas, to which appointment such two Justices of the said Court of Queen's Bench are hereby declared entitled.

Act of U. C. 7 W. 4, c. 1.

Court of Q. B. to consist hereafter of a Chief Justice and two Puisné Judges.

Two of the Puisné Judges of Q. B. to be transferred to the Court of C. P.

IV.