

An Act to extend the provisions of Chapter seventy-seven of the Consolidated Statutes for Lower Canada in matters of appeal.

WHEREAS it is expedient to declare the true intent of Preamble.
 certain provisions of *An Act respecting the Court of Queen's Bench*, chapter seventy-seven of the Consolidated Statutes for Lower Canada, and to extend the provisions of the said Act: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows :

1. As respects causes heard by the five Judges,—the true intent and meaning of section seven of the said Act is, that when any cause in appeal or error has been heard by the five Judges of the Court of Queen's Bench, any judgment in such cause concurred in by any three judges of the Court at any sitting thereof at which four judges are present, shall have the same force and effect as if the said five judges were present at such sitting, although one of the five may from any cause whatever have been absent from the *délibéré*, or from any sitting or meeting of the judges at any stage of the proceedings after the hearing.

As to causes heard by five judges.

2. Whenever by reason of leave of absence granted to or the sickness of any Judge of the Court of Queen's Bench, it becomes probable that such judge will be absent for one whole term or more, then if the Chief Justice, or in case of his absence or disability, the *puisné* judge next in precedence who is able to act, certifies to the Governor his opinion that the due administration of justice would be promoted by the appointment of an assistant Judge of the said Court during such absence or sickness,—the Governor may appoint any Judge of the Superior Court to be such assistant Judge of the Court of Queen's Bench, for such time as it appears to the Governor probable that the absence of the judge first mentioned will continue,—and during such time such Assistant Judge shall have all the powers and perform all the duties of a Judge of the Court of Queen's Bench ; provided always, that after the expiration of the time for which he is so appointed, such assistant judge may complete the hearing of, assist at the *délibéré* upon, and render judgment in any cause which before the expiration of the said time he heard or commenced hearing as such assistant judge, and this notwithstanding the return or presence in Court of the judge in whose place he was appointed ; and provided

Assistant judge of Q. B. may be appointed in certain cases.