

XVIII. The third section of the Act of 1851, chapter 88, is hereby so amended as to read as follows :

Section 3 of
14, 15 V. c.
88, amended.

“ And whenever any cause in Appeal or Error shall have been heard by four Judges only of the said Court, and taken *en délibéré* by them, and three of the said Judges shall not concur in opinion as to the judgment which ought to be given in such cause, the Court may discharge the *délibéré*, and order that the cause be re-heard ; and if at the time when such cause shall come up for re-hearing, the other Judge, shall be lawfully recused or disqualified or rendered incompetent either by reason of interest or otherwise to sit in such cause, or shall be absent, any Judge of the Superior Court may act as a Judge of the Court of Queen’s Bench as regards such cause, and shall have the same power and authority with respect to the same, and to all judicial acts required therein, either before or after the determination thereof, as a Judge of the said last named Court not disqualified or rendered incompetent.”

Judges of Superior Court to act in certain cases as Judges of Q. B. Appeal side.

And the said section so amended shall be read as part of the said Act of 1851, which shall apply to the Court of Queen’s Bench, as hereby constituted, and to the five Judges thereof.

Act of 1851 to apply.

XIX. The salary of the Clerk of Appeals shall hereafter be such sum not exceeding per annum, as the Governor in Council shall from time to time direct ; and so much of the Act of 1855, chapter 98, as fixes his salary, is hereby repealed.

Salary of Clerk of Appeals.

XX. The said Court sitting in Appeal and Error shall be a Court of Error in criminal as well as in civil cases, and shall have jurisdiction in Error in all criminal cases before the said Court on the Crown side thereof, or before any Court of Oyer and Terminer, or Court of Quarter Sessions ; And the Writ of Error shall operate a stay of execution of the judgment of the Court below.

Court to be a Court of Error in criminal cases.

And in order to provide means of deciding any difficult question of law which may arise at Criminal Trials—

Provision for reserving difficult questions of law at Criminal Trials.

XXI. When any person shall have been convicted of any treason, felony or misdemeanor, at any criminal term of the said Court of Queen’s Bench, or before any Court of Oyer and Terminer, Gaol Delivery, or Quarter Sessions, the Court before which the case shall have been tried, may, in its discretion, reserve any question of law which shall have arisen on the trial, for the consideration of the said Court of Queen’s Bench on the Appeal side thereof, and may thereupon respite execution of the judgment on such conviction, or postpone the judgment until such question shall have been considered and decided by the said Court of Queen’s Bench ; and in either case the Court before which the case trial was had, in its discretion, shall commit the person convicted to prison, or shall take a recogni-

In what cases questions may be reserved.