

under his hand and seal to nominate and appoint any one or more of the Justices of the said Court of Common Pleas, hereby constituted to sit in the said Court of King's Bench in the place and stead of the Justice or Justices of the said Court of King's Bench who shall be so disqualified from or rendered incapable of sitting as aforesaid, and such Justice or Justices, so nominated and appointed, shall have the same powers and authorities to hear, try and determine such Appeal or Appeals, or cause or causes of error as the Justice or Justices of the said Court of King's Bench, so disqualified from or rendered incapable of sitting thereon, would otherwise have had, and no more. Provided always, that nothing herein-contained shall give power or authority, or be construed to give power and authority to any Justice or Justices of the said Court of Common Pleas, to sit in or to hear, try and determine any Appeal or Appeals, or cause or causes in error in which he or they shall have sat in the Court below.

Proviso.

Court of King's Bench to have the same superintending powers over inferior Courts as the Court of King's Bench existing at the time of passing this Bill.

XXIII. And be it further enacted by the authority aforesaid, that the said Court of King's Bench, hereby constituted, shall exclusively have, hold and exercise the legal superintending power of the several Courts of King's Bench in this Province, which existed at the passing of this Act, and of each and every of them, and of the Justices thereof, severally and respectively, in term and in vacation, over each and every Court of Law which is or shall be erected, constituted or established within this Province, and over all persons, and bodies politic and corporate, and in all causes and matters whatsoever, and shall have, hold and exercise in this respect, and with respect to the prerogative writs of the crown the same jurisdiction, power and authority in every respect as the said Court of King's Bench, and each and every of them, and the Justices thereof, severally and collectively, in term and in vacation, by Law had, held and exercised before the passing of this Act, and no more. Provided nevertheless that nothing in this Act contained shall extend, or be construed to extend, to prevent the issuing of His Majesty's writ of *Habeas Corpus*, in any case whatever, by the Court of Common or Civil Pleas, hereby constituted, or by any one or more of the Justices thereof, as hereinafter is directed.

Proviso.

XXIV.