

of King's Bench at Quebec, Three Rivers, and St. Francis, next immediately after Mr. Justice Panet, his senior on the Quebec Bench, and before Messieurs Justices Mondelet, Day, and Smith, whose Commissions as Judges of the Queen's Bench are posterior in date to the 22d February, 1836.

That when required to act under the 7th Viet. chap. 16, sec. 15, (authorizing in certain cases the Governor, by special instrument under his hand and seal, to appoint and empower any one of the Justices of one Court to sit *ad hoc* in another District,) the Judges have invariably taken their rank and precedence according to the date of their former Commissions as Judges in their own Districts, and not according to the date of the Commission appointing them Judges, *ad hoc*, in the other Districts in which they could claim no jurisdiction by virtue of their original appointment.

That on the 26th day of April last, at the City of Montreal, Letters Patent and a Commission under the Great Seal of the Province were issued, appointing your Petitioner one of the Justices of the Court of Queen's Bench for the District of Montreal; the said Letters Patent containing among others the following clause, to wit:—

“AND WHEREAS, on the twenty-second day of February, in the year of our Lord one thousand eight hundred and thirty-six, our Royal Uncle and Predecessor, the late King William the Fourth, did by certain Letters Patent and Commission under the Great Seal of our late Province of Lower Canada aforesaid, appoint you, the said *Elzéar Bedard*, one of the Justices of the Court of King's Bench for our District of Quebec, in our said Province, which office you held and enjoyed up to this day, with all its rights and privileges, it is our Royal will and pleasure, and *We* do hereby grant and declare, that you, the said *Elzéar Bedard*, shall have and take rank and precedence in our said Court of Queen's Bench for our District of Montreal, next after our Chief Justice thereof, and before the Honourable Charles Dewey Day, one of the Justices of the same, and in all and every our other Courts within the said part of our Province of Canada which formerly constituted our Province of Lower Canada aforesaid, where by law you may be entitled to sit as a member thereof next after the Honourable Philippe Panet, one of the Justices of our Court of Queen's Bench for our District of Quebec aforesaid, and before the Honourable Dominique Mondelet, Resident Judge of our District of Three Rivers in our Province of Canada aforesaid.”

That your Petitioner deemed it to be a duty he owed to Your Majesty's Government to accept the office conferred upon him, and having taken the usual oaths, he undertook the discharge of his judicial functions out of term and on circuit.

That on the first day of July now last past, being, since your Petitioner's appointment, the first day fixed by law for the sitting in Banco of the Court of Queen's Bench for the District of Montreal, your Petitioner laid before the Judges thereof assembled at Chambers his last mentioned Commission, which had been previously enregistered at full length in the Register of the said Court, and claimed as his just, legal, and vested right, to take rank and precedence in the Court of Queen's Bench for the District of Montreal, next after the Chief Justice thereof, and before the Honourable Charles Dewey Day, one of the Puisné Justices of the said Court;—whereupon the Honourable the Chief Justice Rolland and the Honourable Justices Charles Dewey Day and James Smith adopted, signed, and ordered to be entered of record in the Register, to remain upon the