

(196)

B I L L .

An Act to alter and amend certain provisions relating to the Court of Queen's Bench for Lower Canada.

WHEREAS it is necessary to make better provision for the Preamble.
appointment of Judges of the Superior Court, to supply the places of Judges of the Court of Queen's Bench in certain cases ;
Be it therefore enacted, &c.,

- 5 That the fifth Section of the Act passed in the Session of the Provincial Parliament, held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, "*An Act to amend the Act establishing the Court of Queen's Bench in Lower Canada,*" whereby provision is made for the appointment of Judges of the Superior Court, to sit and act as Judges of the Court of Queen's Bench in certain cases, shall be and the same is hereby repealed. Sect. 5 of 14 and 15 Vic. c. 88, repealed.

- II. And be it enacted, that in cases where one or more of the Judges of the Court of Queen's Bench shall, by reason of absence, disqualification or incompetence, be prevented from sitting and acting as a Judge or Judges in the said Court, in any cause or causes therein depending, the place or places of such Judge or Judges so prevented from sitting and acting, shall be supplied, as of course and without any special nomination or appointment in this behalf, by the Chief Justice and Judges of the Superior Court respectively, in the order of their rank and seniority, the duty devolving on the Chief Justice, if the place of one Judge only of the Court of Queen's Bench be required to be supplied, and devolving on one or more of the other Judges of the Court, concurrently with the Chief Justice, if the place of more than one be required to be supplied: Provided always, that if the Chief Justice or Judge upon whom the duty of sitting in any such cause or causes would otherwise devolve, be disqualified or absent from the Province with leave, then such duty shall devolve on the Judge next in rank or seniority, not being so disqualified or absent, and so on till a sufficient number be obtained: And in all such cases the Chief Justice or Judges of the Superior Court, by whom the place or places of a Judge or Judges of the Court of Queen's Bench
- Places of Judges of Q. B. disqualified to be supplied by Judges of Superior Court in the order of seniority.
- Proviso.
- Powers of Judges of S. C. when so acting.