



No. 53.

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1st Session, 4th Parliament, 16 Victoria, 1852.

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**B I L L .**

**An Act to remove doubts as to the powers  
of the Junior Judges of County Courts  
in Upper Canada.**

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Received and read first time, Tuesday, 7th  
September, 1852.

Second reading, Friday, 10th Sept., 1852.

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(400 Copies.)

**The Honorable Mr. RICHARDS.**

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S. Derbishire & G. Desbarats, Queen's Printer.

(53)

**BILL.**

**An Act to remove doubts as to the powers of the Junior Judges of County Courts in Upper Canada.**

**W**HEREAS from the increase of the population and <sup>Preamble.</sup> business in many of the Counties in Upper Canada it hath become or may hereafter become necessary to appoint more than one Judge of the County Court in such Counties respectively, and doubts have arisen as to the powers of the Junior Judges of such County Courts, which doubts it is expedient to remove : Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-write the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That whenever more than one Judge of the County Court shall be appointed for any County in Upper Canada, under the authority of the Act of the Parliament of this Province passed in the eighth year of Her Majesty's Reign, intituled, *An Act to amend, consolidate and reduce into one Act the several Laws now in force establishing or regulating the practice of District Courts in the several Districts of that part of this Province formerly Upper Canada*, or any Act or Acts amending the same, the Judge of such Court, whose commission shall be of the oldest date, shall be known as the Judge of the County Court of such County, and any other Judge of the same Court shall be known as the Junior Judge thereof, and that the Junior Judge of any such Court in Upper Canada shall have full power and authority to hold and preside over all or any of the Division Courts in the County for which he shall have been appointed such Judge, and shall have, as regards any such Division Courts, the same duties, powers and authorities as the Judge of the same County Court, and generally that any Junior Judge of any County Court shall have, discharge, use and exercise, as regards any such Division Courts or the business thereof, the same duties, powers and authorities as are now or hereafter may by law be imposed upon or given to any Judge of a County or Division Court in Upper Canada : <sup>Proviso.</sup> Provided always, and be it enacted, That nothing herein contained shall prevent or excuse the Judge of the County Court from presiding at any of the Division Courts within his County, when the public interests require it, although a Junior Judge may have been appointed for such County.

Junior Judge of a County Court appointed under 8 V. c. 13. to have power to hold Division Courts.

II. And be it enacted, That in case of the illness or unavoidable absence of the Judge of any County Court in Upper Canada, it shall be the duty of the Junior Judge of such <sup>In case of illness &c., of the Judge the Junior Judge</sup>

may act for him, Court to hold the County Court, with the same powers as the Judge of such Court, and he shall and may, during such illness or absence, have, use and exercise all other the powers vested in, and do all other acts and things which are by law required of or allowed to be done by the Judge of a County Court in Upper Canada within his County: but such Junior Judge shall not preside as Chairman of the Quarter Sessions of the Peace for the County for which he is appointed such Junior Judge. 5

Interpretation. III. And be it enacted, That the word "County" in this Act shall include any Union of Counties for judicial purposes. 10