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No. 74.

1st Session, 7th Parliament, 24 Victoria, 1862.

BILL.

An Act respecting the Court of Error and
Appeal in Upper Canada.

Received and read first time, Friday, 25th
April, 1862.

Second reading, Tuesday, 29th April, 1862.

Hon. Mr. Att.-Gen. MACDONALD.

QUEBEC:

PRINTED FOR THE CONTRACTORS BY HUNTER,
ROSE & LEMIEUX, ST. URSULE STREET.

An Act respecting the Court of Error and Appeal in Upper Canada.

Her Majesty, &c. enacts as follows :

Preamble.

1. The Presiding Judge of the Court of Error and Appeal in Upper Canada, whenever appointed as such by commission under the great seal, according to the provisions of the Act passed in the twenty-fourth year of Her Majesty's reign, chaptered thirty-six, shall have rank and precedence over all the other Judges of Her Majesty's Courts of law and equity in Upper Canada. Precedence of presiding judge appointed under Great Seal.

2. The said Presiding Judge appointed by commission under the great seal as aforesaid, previous to entering upon the duties of his office, shall take the following oath before the Governor in Council : Oath of office.

OATH.

I, _____, do solemnly and sincerely promise and swear that I will, duly and faithfully, to the best of my skill and knowledge, execute the powers and trusts reposed on me as the Presiding Judge of the Court of Error and Appeal in Upper Canada. So help me God. Form.

3. Any retired Judge heretofore or hereafter appointed the Presiding Judge as aforesaid, who shall hold a patent for an annuity of two-thirds of the salary annexed to the office from which he had retired, shall be entitled in addition to the same, to receive yearly from and out of the Consolidated Revenue Fund of this Province, a sum equal to one-third of the amount of his annuity, which additional sum shall be paid in the same manner and at the same times as such annuity. Clause to be proposed in Committee.

4. The sixth section of the thirteenth chapter of the Consolidated Statutes for Upper Canada is hereby repealed, and the following substituted therefor, that is to say : Con. Stat. U. C., c. 13, sec. 6, amended.

"Five Members of the Court shall be necessary to constitute a quorum."

5. The eighth section of the Act in the next preceding section mentioned is hereby repealed, and the following substituted, that is to say :— Section 8 amended.

"The Court of Error and Appeal shall hold its sittings at the City of Toronto, on the fourth Thursday next after the several Terms of Hilary, Easter and Michaelmas, and may adjourn from time to time and meet again at the time fixed on the adjournment, for the transaction of business. Sittings of the Court.