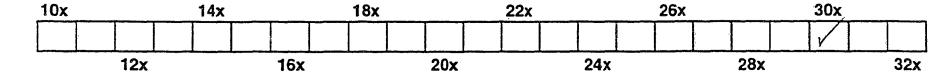
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1st Session, 4th Parliament, 16 Victoria, 1852.

BILL.

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

Received and Read a first time, Friday, 5th November, 1852.

Second Reading, Tuesday, 15th February, 1853.

MR. STUART.

BILL.

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 Provin- Sect. 5 of 14 cial Parliament, held in the fourteenth and fifteenth years of Her and 15 Vic. 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Court, to 10 sit and act as Judges of the Court of Queen's Bench in certain cases, shall be and the same is hereby repealed,

II. And be it enacted, that in cases where one or more of the Places of Jud-Judges of the Court of Queen's Bench shall, by reason of absence, disqualified to disqualification or incompetence, be prevented from sitting and besupplied by 15 acting as a Judge or Judges in the said Court, in any cause or perior Court causes therein depending, the place or places of such Judge or in the order of 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 20 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 Queeu's Bench be required to be supplied, and

rently with the Chief Justice, if the place of more than one be 25 required to be supplied: Provided always, that if the Chief Proviso. 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

devolving on one or more of the other Judges of the Court, concur-

30 so on till a sufficient number be obtained: And in all such cases Powers of the Chief Justice or Judges of the Superior Court, by whom the Judges of S. place or places of a Judge or Judges of the Court of Queen's Bench ting.

shall be supplied, shall have the same power and authority, in the cause or causes in which he or they may act as Judge or Judges as aforesaid, as the Judge or Judges whose places they supply would have if his or their duty were discharged by him or them in person.

5

Appointment

afforted.

III. Provided always, and be it enacted, That nothing in this hoc who have the effect of vacating or annulling any sat not to be appointment already made of a Judge of the Superior Court ad hoc, who may have acted in that capacity at the hearing of any cause upon the merits, to sit and act as such in pursuance of the fifth 10 Section of the Act aforesaid hereby repealed, but that every such appointment shall remain and be in full force until final judgment in the cause or causes in which the same may have been made.