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No. 196.

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.

QUEBEC:

PRINTED BY JOHN JOYELL, MOUNTAIN STREET.

(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 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Majesty's Reign, intituled, "*An Act to amend the Act establishing c.88, repealed.*
"*the Court of Queen's Bench in Lower Canada,*" whereby provis-
10 ion 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Court, to sit and act as Judges of the Court of Queen's Bench in certain cases, shall be and the same is hereby repealed.

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
15 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
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 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
25 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
30 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.

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.

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Appointment
of Judges *ad*
hoc who have
sat not to be
affected.

III. Provided always, and be it enacted, That nothing in this Act contained shall have the effect of vacating or annulling any 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.