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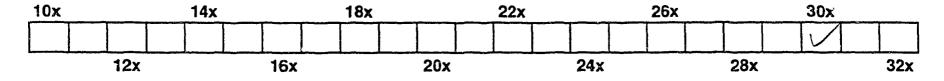
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4th Session, 3d Parliament, 14 Victoria, 1851.

## BILL.

An Act to amend the Act establishing the Court of Queen's Bench for Lower Canada.

Received and read a first time, Friday, 30th May, 1851.

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Second Reading, Tuesday, 3d June, 1851.

Hon. Mr. Att'y Genl. LAFONTAINE.

TORONTO: PRINTED BY LOYELL AND GIBSON.

## BILL.

## An Act to amend the Act establishing the Court of Queen's Bench for Lower Canada.

W HEREAS under the tenth section of the Act passed Preamble. in the twelfth year of Her Majesty's reign, and intituled, "An Act to establish a Court having jurisdiction 12 Viet. c. 37. "in appeals and criminal matters in Lower Canada," no

- 5 judgment can be rendered in a cause if one of the Judges be absent, excused, or disqualified or rendered incompetent, and two of the remaining Judges are of opinion that any judgment appealed from in such cause ought to be reversed, and great inconvenience and delay may arise
- 10 in such cases from the prolonged absence of a Judge: Be it therefore enacted, &c.

That whenever leave of absence for more than *two* Case of months shall be granted by the Governor to any Judge absence of one Judge on of the Court of Queen's Bench for Lower Canada, the leave provided

- 15 fact shall be notified to the Clerk of Appeals by a letter for. to be to him addressed by the Provincial Secretary, which letter shall be deemed authentic, and shall by the said Clerk be fyled among the Records of the Court and entered in the Register thereof, and at any time thereafter
- 20 not being less than *two* months before the period at which such leave of absence will expire, any two Judges of the said Court shall form a *quorum* thereof, and any two such Judges, whether sitting alone or with another Judge, may reverse or alter any judgment appealed from, with
- 25 costs to the appealing party, or affirm any such judgment, with costs against the appealing party: anything in the said tenth section of the said Act to the contrary notwithstanding.

 11. And be it enacted, That whenever any one Judge, Case of recu-30 and no more, of the said Court shall be lawfully recused sation, &c., of one Judge, or disqualified, or rendered incompetent, either by reason provided for, of interest or otherwise, to sit in the said Court in any cause cognizable thereby, the fact shall, by order of the Court, be recorded in the Register thereof, and any two

<sup>35</sup> Judges of the said Court shall in such cause form a *quorum* thereof, and any two such Judges, whether sitting alone or with another Judge, may reverse or alter any judgment appealed from in such cause, with costs to the appealing party, or may affirm any such judgment, with 40 costs against the appealing party: anything in the said

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tenth section of the said Act to the contrary notwithstanding.

Act to extend to pending Cases. III. And be it enacted, That this Act shall apply to causes in which appeals are pending at the time of the passing thereof as well as to causes in which appeals shall 5 thereafter be instituted.