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No. 40.

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.

Second Reading, Tuesday, 3d June, 1851.

Hon. Mr. Att'y Genl. LAFONTAINE.

B I L L .

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

WHEREAS under the tenth section of the Act passed Preamble.
in the twelfth year of Her Majesty's reign, and int- 12 Vict. c. 37.
titled, "*An Act to establish a Court having jurisdiction*
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 incompe-
tent, 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
of the Court of Queen's Bench for Lower Canada, the Judge on
15 fact shall be notified to the Clerk of Appeals by a letter leave provided
to be to him addressed by the Provincial Secretary, which for.
letter shall be deemed authentic, and shall by the said
Clerk be filed 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 judg-
ment, 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.
or disqualified, or rendered incompetent, either by reason of one Judge,
of interest or otherwise, to sit in the said Court in any provided for.
cause cognizable thereby, the fact shall, by order of the
Court, be recorded in the Register thereof, and any two
35 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

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.