

CAP. X.

An Act to amend the law respecting the constitution of the Superior Court.

[Assented to 24th December, 1872.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Superior Court shall be composed of 26 judges.

1. Any law to the contrary notwithstanding the superior court established in and for Lower Canada, now the Province of Quebec, shall be composed of twenty-six judges, that is to say ; one chief-justice and twenty-five puisné-judges

Powers and duties of the new judges.

2. The additional judges appointed to complete the number of twenty-six, shall have the same authority and jurisdiction, and shall be subject to the same provisions of law, as the other judges of the said court now in office and acting under similar circumstances.

Districts shall be assigned to them.

3. The judges of the superior court shall, in general, discharge their duties, in the judicial districts, which shall be from time to time assigned to them.

Residence of the judges.

4. Six of the judges of the superior court shall reside in the city of Montreal ; four in the city of Quebec ; one in the city of Three Rivers ; one in the town of Sherbrooke ; one in the village of Aylmer ; or in the immediate neighbourhood of each of these localities ; one in the county of Bonaventure, one in the county of Gaspé, and one in each of the following districts, namely :—Arthabaska, Beauharnois, Bedford, Iberville, Joliette, Kamouraska, Montmagny, Richelieu, Saguenay and St. Hyacinthe, and one in the district of Rimouski, in the places which shall be assigned according to law.

Certain judges shall act in two districts.

5. The judge of the superior court to whom the district of Montmagny shall have been assigned, shall likewise exercise his accustomed functions, in the district of Beauce ; the judge of the district of Saguenay, shall likewise exercise them in the district of Chicoutimi ; and one of the judges resident in the city of Montreal, shall likewise exercise them in the district of Terrebonne.

Place of residence established, shall remain until a new law.

6. The judges of the superior court, whose residence shall have been determined, at the time of the coming into force of this act, shall continue to reside and to exercise

their ordinary functions, in the districts which shall have been assigned to them, until it be otherwise determined according to law.

7. Whenever, at least one judge of the superior court shall have his domicile in the *chef-lieu* of any district, the prothonotary of such district shall not, in any case hereafter, exercise any of the judicial functions mentioned in article 465 of the code of civil procedure, while such judge shall so have his domicile there. The provisions of article 465 of the code of civil procedure to the contrary notwithstanding.

Prothonotaries shall have no judicial powers, save in the absence of the judge,—
Art. 455,
C. C. P.

8. Article 495 of the code of civil procedure is repealed, and the following substituted therefor :

Article 495
C. C. P. re-
pealed and re-
pealed and
replaced.

“495. This revision takes place before three judges of the superior court, and the judge who has rendered the judgment complained of, cannot sit at the same.”

9. All provisions of law inconsistent with this act are repealed.

Repeal.

10. This act shall come into force on a day, which the lieutenant-governor shall be pleased to fix by proclamation.

Coming into
force of this
act.

C A P . X I .

An Act to amend the Act of this Province, thirty-fifth Victoria, chapter six.

[Assented to 24th December, 1872.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The twenty-ninth section of the act of this province, thirty-fifth Victoria, chapter six, intituled : “An act respecting the amendment of certain articles of the Code of Civil Procedure, the appointment of an additional judge of the superior court at Montreal, and the administration of justice in other respects,” is amended by striking out the words “shall reside in the city of Montreal and” in the second and third lines of the said section.

Sec. 29th
of the 35th
Vic., amended.

1.1.46

1.2.46

1.3.46

1.4.46

1.5.46

1.6.46

