

CHAP. II.

AN ACT to render the Judges of the Court of King's Bench in this Province Independent of the Crown.

[Passed 6th March, 1834.]

WHEREAS it is expedient to render the Judges of the Court of King's Bench in this Province Independent of the Crown: *Be it therefore enacted* Preamble. by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the Judges of His Majesty's Court of King's Bench for this Province shall hold their offices during their good Judges to hold their offices during good behaviour. behaviour, notwithstanding the Commissions which have been heretofore granted to them, or either of them, may specify that the office is to be held during the pleasure of His Majesty; and that from and after the passing of this Act, the Commissions to the Judge of the said Court shall be made to them respectively to hold during their good behaviour; and that the Commissions of Judges of the said Court for the time being shall be, continue, and remain in full force during their good behaviour, notwithstanding the demise of His Majesty, or of any of His Heirs and Successors, any law, usage or practice, to the contrary thereof in any wise notwithstanding: *Provided always*, that it may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, to remove any Judge or Judges of the said Court, upon the address of the Legislative Council and Assembly; and in case any Judge so removed shall think himself aggrieved thereby, it shall and may be lawful for him, within six months, to appeal to His Majesty in His Privy Council, and such a motion shall not be final until determined by His Majesty in His Privy Council. May be removed on address of Council and Assembly. When removed, may appeal to King in Council.

II. *And be it further enacted by the authority aforesaid*, That when any Judge of the said Court shall die, or shall resign his office, or be removed in the manner authorised by this Act, it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, notwithstanding any thing hereinbefore con- Appointments by Governor, &c. until the King's pleasure be known may be suspended.

tained, to appoint, by Commission, under the Great Seal of the Province, some fit and proper person to hold the said office, until His Majesty's pleasure shall be made known, and that such appointment shall be held to be superseded by the issuing of a Commission under the Great Seal of this Province, in the terms first directed by this Act, to the same person, or to such other person as His Majesty shall appoint in the place of any Judge who has died, or resigned, or been removed in the manner authorised by this Act, or by the signification within the Province of the decision of His Majesty in His Privy Council, restoring to his office any Judge who may have been so removed.

CHAP. III.

AN ACT to afford Relief to persons confined on Mesne Process.

[Passed, 6th March, 1834.]

WHEREAS in many cases arrests are made upon Mesne Process, of persons not having the power of procuring bail, who are thereby kept in close confinement, and being destitute of the means of support it is expedient to afford relief; *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for any person or persons arrested on Mesne Process issued from His Majesty's Court of King's Bench, or from any of the District Courts of this Province, being in actual and close custody, to make an affidavit before any person having authority to administer the same, that he, she, or they, is or are in close custody, is or are unable to procure bail, and is or are not worth the sum of Five Pounds, and upon the production of such affidavit to the Court from whence the Writ issued, in term time, or to any Judge thereof, in vacation, it shall and may be lawful for such Court or Judge of such Court, to make an order upon the Plaintiff or Plaintiffs in any such Suit or Action, to pay to the Defendant the weekly allowance in the same manner as if the Defendant were in custody upon Final Process; and upon due service of a copy of such order upon the Plaintiff or his Attor-

Preamble.

Persons arrested, no worth Five Pounds, and unable to procure bail, entitled to weekly allowance.