

XII. And be it enacted, That whenever in any legal proceedings whatever, legal proceedings may be set out, it shall not be necessary to specify that any particular person or persons who acted as Jurors had made affirmation instead of oath, but it may be stated that they served as Jurymen, in the same manner as if no Act had passed for enabling persons to serve as Jurymen without oath.

Certain allegation not necessary in setting out legal proceedings.

XIII. And be it enacted, That the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to improve the Law of Evidence in Upper Canada*, and the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to amend an Act passed in the twelfth year of Her Majesty's Reign, intituled, An Act to improve the Law of Evidence in Upper Canada*, shall be and are hereby repealed: Provided always, that all things lawfully done under the said Acts or either of them, shall remain as valid and effectual to all intents and purposes whatsoever as if the said Acts respectively were not repealed, and the said Acts shall be held and construed to extend to all actions commenced between the thirtieth day of August, in the year of our Lord one thousand eight hundred and fifty-one, and the passing hereof.

Act 12 V. c. 70, and

14 & 15 V. c. 66 repealed.

Proviso.

XIV. And be it enacted, That this Act shall apply only to Upper Canada, except in so far only as herein otherwise expressly provided.

Extent of Act.

CAP. XX.

An Act to remove doubts as to the powers of the Junior Judges of County Courts in Upper Canada.

[10th November, 1852.]

WHEREAS from the increase of the population and business in many of the Counties in Upper Canada it hath become or may hereafter become necessary to appoint more than one Judge of the County Court in such Counties respectively, and doubts have arisen as to the powers of the Junior Judges of such County Courts, which doubts it is expedient to remove: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That whenever more than one Judge of the County Court shall be appointed for any County in Upper Canada, under the authority of the Act of the Parliament

Preamble.

Junior Judge of a County Court appointed.

Parliament

ed under 8 V.
c. 13, to have
power to hold
Division
Courts.

Parliament of this Province passed in the eighth year of Her Majesty's Reign, intituled, *An Act to amend, consolidate, and reduce into one Act the several Laws now in force establishing or regulating the practice of District Courts in the several Districts of that part of this Province formerly Upper Canada,* or any Act or Acts amending the same, the Judge of such Court, whose commission shall be of the oldest date, shall be known as the Judge of the County Court of such County, and any other Judge of the same Court shall be known as the Junior Judge thereof, and that the Junior Judge of any such Court in Upper Canada shall have full power and authority to hold and preside over all or any of the Division Courts in the County for which he shall have been appointed such Judge, and shall have, as regards any such Division Courts, the same duties, powers and authorities as the Judge of the same County Court, and generally that any Junior Judge of any County Court shall have, discharge, use and exercise, as regards any such Division Courts or the business thereof, the same duties, powers and authorities as are now or hereafter may by law be imposed upon or given to any Judge of a County or Division Court in Upper Canada: Provided always, and be it enacted, That nothing herein contained shall prevent or excuse the Judge of the County Court from presiding at any of the Division Courts within his County, when the public interests require it, although a Junior Judge may have been appointed for such County.

Proviso.

In case of
illness &c., of
the Judge, the
Junior Judge
may act for
him.

II. And be it enacted, That in case of the illness or unavoidable absence of the Judge of any County Court in Upper Canada, it shall be the duty of the Junior Judge of such Court to hold the County Court, with the same powers as the Judge of such Court, and he shall and may, during such illness or absence, have, use and exercise all other the powers vested in, and do all other acts and things which are by law required of or allowed to be done by the Judge of a County Court in Upper Canada within his County: but such Junior Judge shall not preside as Chairman of the Quarter Sessions of the Peace for the County for which he is appointed such Junior Judge.

Interpreta-
tion.

III. And be it enacted, That the word "County" in this Act shall include any Union of Counties for judicial purposes.