

Circuit Court to determine the same, whatever be the amount.

such cases; and the Circuit Court shall have full power and jurisdiction to hear and determine all such oppositions, whatever may be the amount or value of the sum or things thereby claimed.

Circuit Court to have concurrent jurisdiction in *certiorari* to Justices or Commissioners of Small Causes.

IX. The Circuit Court shall have concurrent jurisdiction with the Superior Court for the issuing of Writs of *Certiorari* relative to proceedings had before Justices of the Peace, or before Commissioners for the summary trial of small causes within the limits of the Circuit in which such Circuit Court is held, and the said Justices of the Peace and Commissioners shall be subject to the supervision and to the orders and control of the said Circuit Court and of the Judges thereof, both in term and in vacation in the same manner as the said Superior Court and of the Judges thereof.

Inconsistent provisions repealed.

X. Any part of any Act or Law, contrary or incompatible with the provisions of this Act, is hereby repealed.

C A P . C V .

An Act to restrict in certain cases, the recusation of Judges in Lower Canada.

[Assented to 30th May, 1855.]

Preamble.

WHEREAS it has become necessary, in the Court of Queen's Bench, and in the Superior Court and in the Circuit Court for Lower Canada, to restrict the recusation of Judges by reason of relationship or affinity, as established by the first article of the twenty-fourth title of the *Ordonnance Civile* of one thousand six hundred and sixty-seven, (1667): Be it therefore 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 enacted by the authority of the same, as follows:

No degree of relationship more distant than cousin-german to be a ground of recusation.

The Act to apply to pending cases, altho' a Judge *ad hoc* may have been appointed.

I. No degree of relationship or affinity, more distant than that of cousin-german, existing between any Judge of the said Courts and any of the parties to any actions now pending, or which may hereafter be instituted, shall be a ground for such recusation; and, in case any one of the said Judges, before the passing of this Act, shall have been or now is rendered incompetent to give judgment on account of such degree of relationship or affinity, or in case he shall have been recused in any action pending before one of the said Courts, such recusation shall cease to have any effect, and any such Judge shall be competent to sit in the said cause, whether or not he may have been replaced by a Judge *ad hoc*, in accordance with the laws now in force; and in case he shall have been so replaced, such Judge *ad hoc* shall cease to be empowered to act as such.