

The Provincial Statutes of Canada, passed in the year 1843. Kingston: Stewart Derbishire & George Desbarats, 1843.

7 Victoria – Chapter 15

An Act to render the Judges of the Courts of King's Bench, in that part of this Province heretofore Lower Canada, independent of the Crown. [illegible] November, 1843.

Whereas it is expedient to render the Judges of the Courts of King's Bench in that part of this Province which heretofore constituted the Province of Lower Canada, independent of the Crown; 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, 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, that the Judges of Her Majesty's Courts of King's Bench, within that part of this Province which heretofore constituted the Province of Lower Canada, shall hold their offices during their good 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 Her Majesty; and that from and after the passing of this Act the Commissions to the said Judges of the said Courts of King's Bench, and the Commissions to all Judges of any Court of Queen's Bench, or of any other Court of superior Civil and Criminal Jurisdiction, which shall or may hereafter be constituted in the room and stead of the said Courts of King's Bench, and which shall exercise the power and authority thereof, shall be made to them respectively to hold during their good behaviour; and that the Commissions of Judges of the said Courts for the time being, shall be, continue and remain in full force during their good behaviour, notwithstanding the demise of Her Majesty, or any of Her 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 any of the said Courts upon the address of the Legislative Council and Legislative 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 Her Majesty in Her Privy Council, and such motion shall not be final until determined by Her Majesty in Her Privy Council.

II. And be it further enacted, that when any Judge of any of the said Courts shall die, or shall resign his office, or be removed in the manner authorized by this Act, it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, notwithstanding anything hereinbefore contained, to appoint by Commission under the Great Seal of the Province, some fit and proper person to hold the said office until the Royal 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 Her Majesty, Her Heirs, or Successors shall appoint in the place of any Judge, who has died, or resigned or been removed in the manner authorized by this

From: British North America Legislative Database; University of New Brunswick
bnald.lib.unb.ca

Act, or by the signification within the Province of the Royal decision in the Privy Council, restoring to his office any Judge who may have been so removed.