

*The Provincial Statutes of Lower-Canada, Being the third session of the Special Council, begun and holden at the City of Montreal, in the said Province of Lower Canada, the fifth day of November, 1838.* Quebec: John Carleton Fisher & William Kemble, Law Printer to the Queen's Most Excellent Majesty, 1838.

2 Victoria – Chapter 13 (Session 3)

**An Ordinance to authorise the Governor or person administering the Government of this Province, to appoint one or more Assistant Judges for the Courts of King's Bench for the Districts of Quebec and Montreal, in in this Province, and an Assistant Judge for the District of Three Rivers, in the case of sickness, necessary absence, or suspension from office of any of the Justices of the said several Courts of King's Bench, or the Resident Judge for the District of Three Rivers, in the said Province.**

Whereas it is expedient and necessary to authorise the Governor, Lieutenant Governor, or person administering the Government of this Province, from time to time, in case of the sickness, necessary absence, or suspension from office of any of the Justices of Her Majesty's Courts of King's for the Districts of Quebec and Montreal, or of the Resident Judge of the District of Three Rivers in the said Province, to appoint one or more Assistant Judges, to supply his or their place or places during such sickness, necessary absence or suspension from Office;— Be it therefore Ordained and Enacted by His Excellency the Administrator of the Government of this Province, authorised to execute the Commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said Province, and constituted assembled by virtue of and under the authority of an Act of the Parliament, of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, "An Act to make temporary provision for the Government of Lower Canada;"—And it is hereby Ordained and Enacted by the authority aforesaid, that from and after the passing of this Ordinance, it shall be lawful for the Governor, Lieutenant Governor, or person administering the Government of the said Province for the time being, from time to time, and whenever, by reason of illness, or necessary absence, with the permission and licence of the Governor, Lieutenant Governor, or person administering the Government of the said Province, or of suspension from office, any of the Justices of the said Courts of King's Bench for the Districts of Quebec and Montreal, or of the Resident Judge for the said District of Three Rivers [Trois-Rivières], cannot sit in their respective Courts, or act as such Justices or Resident Judge, to supply his or their place or places, and to nominate, constitute and appoint, by an instrument or instruments under the Great Seal of the said Province, one or more Assistant Judges, to sit and act in the said Courts of King's Bench for the Districts of Quebec and Montreal, or to sit and act in the place and stead of the Resident Judge of the said District of Three Rivers, as the case may be, during such illness, necessary absence, or suspension from office.

II. And be it further Ordained and Enacted by the authority aforesaid, that the said Assistant Judges, who shall in any of the cases be nominated, constituted and appointed in the place and stead of any of the Justices of the Courts of King's Bench, for the Districts of

Quebec and Montreal, shall have the same power and authority in the Courts of King's Bench in Term, as the Justices of either of the Courts of King's Bench for the Districts of Quebec and Montreal now by law have, when sitting in Term in the said Court of King's Bench for the District of Three Rivers.

III. And be it further Ordained and Enacted by the authority aforesaid, that the Assistant Judge who shall, in any of the cases aforesaid, be nominated and appointed in the place and stead of the Resident Judge of the District of Three Rivers, shall, during such sickness, necessary absence, or suspension, have, hold, exercise and enjoy, all and singular, the powers, authority and jurisdiction within the said District of Three Rivers, vested by Law in the said Resident Judge of the said District of Three Rivers.

IV. And be it further Ordained and Enacted by the authority aforesaid, that an Ordinance of this Province, made and passed in the first year of the Reign of Her Majesty, intituled, "An Ordinance to declare and ascertain the period when the Laws and Ordinances made and passed by the Governor or person authorised to execute the Commission of Governor and Special Council of this Province, shall take effect," be and the same is hereby repealed as to this Ordinance only, and that this present Ordinance shall commence and have effect within the said Province, so soon as the Governor or person authorised to execute the Commission of Governor of the said Province shall have assented to and signed this present Ordinance.

J. COLBORNE.

Ordained and Enacted by the authority aforesaid, and duly passed in Special Council, at the Government House, in the City of Montreal, the twelfth day of December, in the second year of the Reign of our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, in the Year of our Lord One Thousand Eight Hundred and Thirty-eight.

By His Excellency's Command,  
W. B. LINDSAY,  
Clerk Special Council.