

C A P. II.

An Ordinance to authorise the Assistant Judge, appointed in lieu of the Resident Judge of the District of Three-Rivers, to sit and act in the Court of King's Bench for the District of Saint Francis, in this Province, and to explain a certain Act therein mentioned, and for other purposes.

Preamble.

WHEREAS it pleased His Excellency Sir John Colborne, then the Administrator of the Government of this Province, now the Governor in Chief thereof, to suspend from his office Joseph Remi Vallières de St. Réal, Esquire, the Resident Judge of the District of Three Rivers, until Her Majesty's pleasure be known in that behalf; And whereas under and by virtue of an Ordinance of His Excellency the Administrator of the Government of the said Province, authorised to execute the Commission of Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said Province, passed in the second year of Her Majesty's Reign, intituled, " 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 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 of the Resident Judge for the District of Three Rivers, in the said Province," His Excellency has been pleased to appoint an Assistant Judge to sit and act in the place and stead of the Resident Judge of the said District of Three-Rivers, during the suspension of the said Joseph Remi Vallières de St. Réal, esquire, from his said office, to 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; And whereas in and by a certain Act of the Legislature of the said Province, passed in the tenth and eleventh years of the Reign of His late Majesty King George the Fourth, intituled, " An Act to continue further for a limited time a certain Act passed in the third year of His Majesty's Reign, intituled, " An Act to erect certain Townships therein mentioned into an Inferior District, to be called the Inferior District of Saint Francis, and to establish Courts of Judicature therein, and to make further provision for the due administration of justice therein," it is enacted, that there shall be held at Sherbrooke, in the Inferior District of Saint Francis, by one of the Justices of the Court of King's Bench for the District of Quebec, or for the District of Montreal, the Provincial or Resident Judge for the District of Three Rivers, and the Provincial Judge of the said

said District of Saint Francis, a Court of King's Bench, to sit in two terms every year, at certain times, in the said Act mentioned, with certain powers and authorities in the same Act particularly set forth; And whereas in and by a certain other Act of the Legislature of the said Province, passed in the third year of the Reign of His late Majesty King William the Fourth, intituled, "An Act further to continue, for a limited time, and to amend a certain Act therein mentioned, relating to the Inferior District of Saint Francis," it is, amongst other things, Enacted, "that the said District before that time, called the Inferior District of Saint Francis, should be thereafter called the District of Saint Francis;" And whereas the said Acts of the said Legislature have been continued to the present time, and still remain in force; And whereas it is expedient and necessary to give and grant to the Assistant Judge, now appointed, or who may be hereafter appointed, in the place and stead of the said Joseph Remi Vallières de St. Réal, esquire, Resident Judge for the said District of Three Rivers, power and authority to sit and act in the said Court of King's Bench, holden at Sherbrooke, in the said District of Saint Francis:—Be it therefore Ordained and Enacted by His Excellency the Governor of the Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and 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 of the same, that the Assistant Judge, appointed, or to be hereafter appointed, under and by virtue of the said Ordinance, in the place and stead of the said Joseph Remi Vallières de St. Réal, esquire, Resident Judge of the said District of Three Rivers, shall during the suspension of the said Joseph Remi Vallières de St. Réal from his said office, have, hold, exercise and enjoy all and singular the powers, authority, and jurisdiction in the said Court of King's Bench, holden, and to be holden, at Sherbrooke, in the said District of Saint Francis, which are by the said Acts of the said Legislature, and by other the Laws, Statutes, and Ordinances of the said Province, vested in the Provincial or Resident Judge of the said District of Three Rivers, to all intents and purposes whatsoever.

Powers given by the Acts 10 and 11 Geo. IV., and by the the Act 3, Wm. IV., to the Judge of the District of Three Rivers in the Court K. B., for the District of St. Francis, are vested in the Assistant Judge.

II. And whereas doubts have arisen as to the true intent and meaning of the second Section of the said Act of the said Legislature, passed in the third year of the Reign of His late Majesty King George the Fourth, and it is expedient to remove the

2d Sec. Act 3,
Wm. IV., ex-
plained.

the said doubts, and to declare the true intent and meaning of the said Act; Be it therefore Declared and Enacted by the authority aforesaid, and it is hereby Declared and Enacted, that the Provincial Court of the said District of Saint Francis, since the passing of the said last mentioned Act, hath had, and yet hath and shall have, cognizance of, and hath had, and hath and still have, power to hear, try and determine during the Terms, and in the manner in the said Act afterwards mentioned, in the first instance exclusively of every Court, Judge or Tribunal whatsoever, every suit or action touching and concerning debts or any personal estate, or moveable property, or chattel, interest whatsoever, corporeal or incorporeal wherein the amount or value claimed may not exceed twenty pounds sterling, any law or statute heretofore in force in this Province to the contrary notwithstanding.

J. COLBORNE.

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the sixteenth day of February, 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, and in the year of Our Lord, one thousand eight hundred and thirty-nine.

By His Excellency's Command,

W. B. LINDSAY,

Clerk Special Council.