

*The Provincial Statutes of Lower-Canada, Being the fifth session of the Special Council, begun and holden at the City of Quebec, in the said Province of Lower Canada, the eleventh day of November, 1839.* Quebec: John Carleton Fisher & William Kemble, Law Printer to the Queen's Most Excellent Majesty, 1839.

3 Victoria – Chapter 24 (Session 5)

**An Ordinance to amend an Ordinance made and passed in the second year of Her Majesty's Reign, intituled, "An Ordinance to authorize 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 the Resident Judge for the District of Three Rivers, in the said Province."**

Whereas it is expedient to amend a certain Ordinance made and passed by the Administrator of the Government of this Province, authorized to execute the Commission of Governor thereof, by and with the advice of the Special Council for the affairs of the said Province, 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 [Trois-Rivières], 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;" —Be it therefore Ordained and Enacted by His Excellency the Governor of this Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of this 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 also by virtue and under the authority of a certain other Act of the same Parliament, passed in the Session held in the second and third years of the Reign of Her present Majesty, intituled, "An Act to amend an Act of the last Session of Parliament, for making temporary provision for the Government of Lower Canada;" and it is hereby Ordained and Enacted by the authority of the said Acts of Parliament, that the Assistant Judges who have been, or may hereafter be appointed under the authority of the said Ordinance, 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, respectively, have the same jurisdiction, power and authority, as well in Term and in Court, as out of Term and out of Court, and in vacation, as the Justices of the said Courts of King's Bench, respectively, by law have and may exercise, and shall and may hold Circuit Courts, and sit and act as Judges on the Circuits, in the said Districts respectively, in the same manner as the said Justices of said Courts of King's Bench respectively, may or can do, and shall and may have the same jurisdiction, power and authority, in the District of Three Rivers, and in the District of Saint Francis [Saint-François], in the Courts of King's Bench for

the said Districts, as well in Term and in Court, as out of Term and out of Court, and in vacation, as the Justices of the said Courts of King's Bench for the Districts of Quebec and Montreal, respectively, now by law have in the said Districts of Three Rivers and Saint Francis, respectively.

II. And in order to remove all doubts respecting the validity of the judgments, proceedings, and acts of the Assistant Judges who have been appointed in pursuance of the Ordinance hereinbefore mentioned, or in which they have participated or concurred; Be it further Ordained and Enacted by the authority aforesaid, that all rules, orders, judgments, proceedings, and acts of the said Assistant Judges, or either of them, as well singly as in conjunction with another Judge or other Judges, and as well in Term and in Court, as out of Term and out of Court, and in vacation, in the Districts of Quebec, Montreal, Three Rivers and Saint Francis, respectively, and on the Circuits in the said Districts of Quebec and Montreal, respectively, or otherwise, shall be held and taken to have been made, rendered, done, had and performed by and before legal and competent authority, and shall have the same force and effect as if the same had been made, rendered, done, had and performed, or concurred in, by the Judges of the Courts of King's Bench for the said Districts of Quebec and Montreal respectively; nor shall any such rules, orders, judgments, proceedings or acts be liable or be subject to be called in question for any alleged or supposed want of jurisdiction, power or authority of the said Assistant Judges, in that capacity, to exercise all or any the powers, and to perform all or any of the acts which might be legally exercised and performed by the Judges of the said Courts of King's Bench, respectively.

III. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance, and the Ordinance hereby amended, shall be, and are hereby made permanent, and shall remain in force until repealed or altered by competent authority

C. POULETT THOMSON.

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 Thirteenth day of May, in the third 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 forty.

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