

A Guardian may be appointed to take possession of real property for the recovery of which an action is brought by the Crown.

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, That whenever an action is brought on behalf of the Crown, to recover possession of any Pier, Road, Bridge, Building or other Public Work constructed by or at the expense of the Government of this Province, and situate in Lower Canada, it shall be lawful for the Court before which such action is brought or any one of the Judges thereof, to order the Sheriff of the District to put such person or persons as may be named for that purpose by the Attorney General, Solicitor General, or other Officer prosecuting such action and moving or petitioning for such order, in possession of the Public Work designated in such action or in regard of which such action is brought, together with its appurtenances; such Public Work and appurtenances to be held by such person or persons as the guardian (*gardien*) or guardians thereof during the pendency of such action.

Order for delivery to guardian, how obtained.

II. And be it enacted, That every such order may be moved or petitioned for and made, at any time after the service of the Writ of Summons in the action, either before or after the return thereof, and either in Term or in Vacation, and shall be granted upon affidavit shewing to the satisfaction of the Court or Judge, that the Public Work in question belongs to Her Majesty, and is unjustly or illegally detained by the Defendant.

Sheriff to *fiat* guardian in possession.

III. And be it enacted, That it shall be the duty of the Sheriff upon receipt of any such Order, to put the person or persons therein appointed as such guardian or guardians, in possession of the Public Work therein designated, and to adopt all lawful means for that purpose.

CAP. XIII.

An Act to authorize the appointment of Assistant Judges of the Superior Court for Lower Canada in certain cases.

[10th November, 1852.]

Preamble.

WHEREAS great public inconvenience might arise from the illness or unavoidable absence of a Judge of the Superior Court for Lower Canada, at a time when no other Judge of the same Court could be spared to perform his duties; and it is therefore expedient that the Governor of this Province should in such cases have power to appoint an Assistant Judge of the said Court: 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

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, That whenever any Judge of the Superior Court shall, by illness, suspension from office, or other cause, be unavoidably prevented from performing his duties as such Judge, it shall be lawful for the Governor, if he shall see fit, to appoint by an Instrument under the Great Seal of the Province, some person qualified to be appointed a Judge of the said Court, to be an Assistant Judge thereof, either for a time certain, to be limited in such Instrument, or during the time the Judge first mentioned shall continue unable to perform his duties, in which last case the appointment of such Assistant Judge shall determine whenever such first mentioned Judge shall resume the performance of his duties or another Judge shall be appointed in his place: and during the time the appointment of any such Assistant Judge shall remain in force, he shall have and exercise all the powers and authority, and perform all the duties by law vested in or assigned to a Judge of the said Superior Court, as if he had been appointed a Judge thereof, and shall reside at the place named for that purpose in the Instrument appointing him.

Assistant Judges of the Superior Court may be appointed in certain cases.

CAP. XIV.

An Act to amend the Act providing for the Summary Decision of Small Causes in Lower Canada.

[10th November, 1852.]

WHEREAS experience hath shewn the necessity of introducing certain alterations in the provisions of an Act passed in the seventh year of Her Majesty's Reign, intituled, *An Act to provide for the Summary Trial of Small Causes in Lower Canada*; 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, That on a petition signed by an absolute majority of the inhabitants of a Parish, Seigniorship or Township in Lower Canada, in which there now is, or in which there may then be a Court for the trial of Small Causes, and who are entitled to vote at the election of Municipal Councillors, which petition shall have annexed to it a Certificate of at least three persons residing in such Parish, Seigniorship or Township, (and who shall be respectively either Justices of the Peace or Officers of Militia holding rank higher than an Ensign,) certifying that the persons signing the petition do really form an absolute majority of the Municipal Electors residing in such

Preamble.

Act 7/V. c. 19.

Court may be discontinued on petition of an absolute majority of the Municipal Electors of the place.