BRITISH COLUMBIA.

ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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No. 8.

An Ordinance to regulate the Supreme Courts of Justice of British Columbia.

[1*st March*, 1869.]

WHEREAS it is expedient, for the avoidance of all doubt, further to declare, define, and regulate the Jurisdiction and Power of the Supreme Courts of the Colony, and the Judges thereof, in manner hereinafter mentioned; Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:

I. The Proclamation made and passed under the Great Seal of the former Colony of British Columbia, on the 24th day of December, A. D. 1858, is hereby repealed, but all Acts and Orders heretofore *bona fide* done and made thereunder, shall be and be deemed to have been legal so far as the same shall not have been subsequently repealed or varied by any Act, Ordinance, or Order. Repeals B. C. Proclamation, 24th December, 1858.

II. Nothing contained in this Ordinance or in the Proclamation of the former Colony of British Columbia, made and passed under the Great Seal thereof, on the 8th day of June, 1859, shall be deemed or taken to have in any way limited or affected the power or authority of the Governor of British Columbia, heretofore by Commission under the Great Seal of the Colony, to appoint any Judge other than the Judge, in such Proclamation named, of the Supreme Court of Civil Justice of British Columbia, to act in any part of the Colony as a Judge of such Court, with all the powers expressed in such Commission; but every such Judge so heretofore appointed shall be deemed to have been lawfully appointed and Commissioned, and every power heretofore exercised, Act done, and Order made under or by virtue of such Commission, shall be and be deemed to have been valid and lawful, and shall be so recognized in all Courts of the Colony. Confirms the acts of Judges in British Columbia,

III. All acts heretofore done and powers exercised by, or by order or under color of, any Writ or Warrant of the present Judge of the Supreme Court of Civil Justice of British Columbia, in any part of the present Colony of British Columbia, shall be and be deemed to have been lawful, and lawfully done and exercised, to all intents and purposes whatsoever, and shall be recognized as such in all Courts of the Colony; and no objection thereto shall be taken or allowed, or Suit, Action, or Proceeding sustained by reason that any such act has been heretofore done, order so made, Warrant, Writ, or Summons so issued or executed, out of the jurisdiction of the said Supreme Court of Civil Justice of British Columbia. and acts of Judges in Vancouver Island.

IV. The Supreme Court established under the name of "The Supreme Court of Civil Justice of the Colony of Vancouver Island," shall from and after the coming into operation of this Ordinance, be called "The Supreme Court of Vancouver Island;" and the present Chief Justice thereof shall be called and known by the name and style of "The Chief Justice of Vancouver Island." The Supreme Court of Vancouver Island.

V. The

The Supreme Court of the Mainland of British Columbia.

V. The Supreme Court established under the name of "The Supreme Court of Civil Justice of British Columbia," shall from and after the coming into operation of this Ordinance, be called "The Supreme Court of the Mainland of British Columbia;" and the present Judge thereof shall be called and known by the name and style of "The Chief Justice of the Mainland of British Columbia."

Confines jurisdiction of the Courts to Vancouver Island and the Mainland respectively.

VI. Except as hereinafter mentioned, the Jurisdiction Civil and Criminal of the said Supreme Courts shall be the same, and all the powers and authorities heretofore by Law vested in and exercisable by the Judges thereof respectively, in all Civil and Criminal matters and proceedings whatsoever shall be the same, and shall continue so vested in and exercisable by them respectively, as if the titles of the said Supreme Courts and of the said Judges thereof had not been changed, and as if the Imperial Statute of the 29th and 30th Victoria, chapter 67, entitled "The British Columbia Act, 1866," had not passed, that is to say: the jurisdiction of the Supreme Court of the Mainland of British Columbia shall extend only over the former Colony of British Columbia and its Dependencies, and the jurisdiction of the Supreme Court of Vancouver Island shall extend only over the former Colony of Vancouver Island and its Dependencies previous to union.

Confirms existing appointments.

VII. Nothing herein contained shall be deemed or taken to affect the appointments of the present Judges of the said Courts, or of either of them, or the tenure under which they or either of them hold office, or (except as hereinafter mentioned) the rights of Her Majesty, Her Heirs and Successors, with respect to the appointment or otherwise of persons holding or to hold the said offices, or the office of Chief Justice of the Supreme Court of British Columbia hereinafter mentioned, at the salary prescribed by the "Crown Salaries Ordinance, 1863," as if such Chief Justice had been the Judge named therein, or to affect the appointments or tenures of any of the present Officers of the said Courts, or any of them, or, except as hereinafter mentioned, the rights of the Governor, or Judges of the said Courts, or either of them, with respect to the appointment or otherwise of persons holding, or to hold, such offices.

Continues proceedings of existing Courts in the new Courts.

VIII. Nothing herein contained shall be deemed or taken to affect or invalidate any acts or proceedings done, commenced, or taken in the said Courts, or either of them, or any Decrees, Judgments, Orders, Rules, or Regulations of the said Courts, or either of them, or anything done in pursuance of such Decrees, Judgments, Orders, Rules, or Regulations; and all Proceedings heretofore commenced and taken in the said Courts, or either of them, may be continued and prosecuted in the Court in which they were so commenced or taken, notwithstanding the change of titles of the said Courts. Provided, always, that in all Proceedings taken, and in all Decrees, Judgments, Orders, and Regulations made after the passing of this Ordinance, the new title of the Court in which such Proceedings are taken, or such Decrees, Judgments, Orders, Rules, and Regulations are made after the passing of this Ordinance, the new title of the Court in which such Proceedings are taken, or such Decrees, Judgments, Orders, Rules, and Regulations are made shall be inserted in such Proceedings, Decrees, Judgments, Orders, Rules, and Regulations, in lieu of the former title; and Seals bearing Her Majesty's Royal Arms, and of the new titles of the said separate Courts, shall, as soon as conveniently may be, be substituted for those at present in use by such separate Courts, and the same shall be cognizable and of full authority in Judicature and thereout respectively, to all intents and purposes.

Appeal.

IX. Either of the said Chief Justices may at the request of the other Chief Justice, assist such other Chief Justice in hearing and determining all cases, Civil and Criminal, which such last mentioned Chief Justice might have heard and determined, and for that purpose the Chief Justice for the time being rendering such assistance, shall have and exercise all the powers, authorities, and jurisdiction, which the Chief Justice to whom such assistance is rendered has and exercises, and he may sit either separately or together with the last mentioned Chief Justice, as shall seem best to the said two Chief Justices, for the due Administration of Justice.

Defines precedence.

X. Provided always that upon the Mainland of British Columbia, the Chief Justice of the Mainland of British Columbia, and upon Vancouver Island the Chief Justice of Vancouver Island, shall have rank and precedence over the other Chief Justice.

Provides for merger of the Supreme Courts into one Supreme Court,

XI. Upon a vacancy being created by the death, resignation, or otherwise, of either of the present two Chief Justices, the said Supreme Courts

Courts of the Mainland of British Columbia and of Vancouver Island, shall be merged into one Supreme Court, to be called "The Supreme Court of British Columbia," and the surviving or remaining Chief Justice shall preside over the said Courts, and shall be called "The Chief Justice of British Columbia," and a Puisne Judge of the said Court shall thereupon be appointed by Her Majesty, Her Heirs or Successors, by Warrant under Her or Their Sign Manual and Signet, and receive the annual Salary of £1,000; and all the jurisdiction, powers, and authorities of the two present existing Supreme Courts, and of the Judges thereof, shall be vested in, and shall be had, exercised, and enjoyed by the said Supreme Court of British Columbia, and the Judges thereof.

XII. The said Supreme Court of British Columbia when constituted shall have a Seal, bearing thereon Her Majesty's Royal Arms and the name of "The Supreme Court of British Columbia," which shall be used by the said Supreme Court as occasion shall require. with a new seal.

XIII. The said Chief Justice of British Columbia is hereby authorised and empowered, from time to time, to make all such Orders, Rules, and Regulations, as he shall think fit, for the proper Administration of Justice in the said Supreme Court of British Columbia, and subject to such Orders, Rules, and Regulations, the then existing Rules and Regulations of the Supreme Court of the Mainland of British Columbia, shall have full force and effect in the said Supreme Court of British Columbia. Rules and Regulations, how made.

XIV. This Ordinance may be cited for all purposes as "The Supreme Courts Ordinance, 1869." Short Title.

Passed the Legislative Council the 25th day of February, A. D. 1869.

CHARLES GOOD, *Clerk of the Council.*

WILLIAM A. G. YOUNG, *Presiding Member.*

Assented to, on behalf of Her Majesty, this 1st day of March, 1869.

FREDERICK SEYMOUR, *Governor.*

VICTORIA, B. C.:
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