

Laws of His Majesty's Province of Upper Canada in North America, passed in the year 1823.
York: Charles Fothergill, 1823.

4 George IV – Chapter 3

An Act providing for the Publication of Reports of the decisions of His Majesty's Court of King's Bench in this Province. Passed 19th March, 1823.

Whereas from the Infant State of this Colony the publication of the decisions of His Majesty's Court of King's Bench in this Province, would be attended with more expence than the probable sale of reports thereof would compensate, whereby individuals are prevented reporting the same; and whereas it is extremely desirable for the information of the Public, that some public Record of the judicial opinion of the Judges of the said Court should be kept, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'*" and by the authority of the same, That it shall and may be lawful for a Reporter to be appointed as hereinafter mentioned, the same to be an officer of the Court, and amenable thereto, for the correct and faithful discharge of his duty to submit to the inspection of the Court on the first day of each Term, a fair report of all the decisions given by the Court and noted by him during the last preceding term, which report after due examination and correction by the whole Court, shall be signed in open Court by all the Judges present, and shall from thenceforth become an authentic report of all such decisions.

II. And be it further enacted by the authority aforesaid, That every Attorney of His Majesty's Court of King's Bench in this Province shall annually on or before the first day of Michaelmas Term, take out a certificate from the Clerk of the Crown and Pleas in this Province, of his having been admitted to practise as an Attorney in the said Court, which Certificate the said Clerk is hereby required to give, upon production of a receipt from the Treasurer of the Law Society of Upper Canada for any sum not exceeding Two Guineas which the said Law Society shall determine upon, and upon payment to him of two shillings and six pence.

III. And be it further enacted by the authority aforesaid, That if any practising Attorney shall neglect to take out such Certificate in each and every year, on or before the first day of Michaelmas Term as aforesaid, he shall not after such neglect be entitled thereto, until he shall have produced a receipt from the Treasurer of the Law Society for the sum of Four Guineas, which shall be appropriated in the same manner as other Monies received by the said Treasurer under the provisions of this Act, are directed to be applied.

IV. And be it further enacted by the authority aforesaid, That if any Attorney shall practise in any of His Majesty's Courts in this Province, after the first day of Michaelmas term in each year without having obtained such certificate as aforesaid, he shall forfeit the sum of Ten pounds to be

recovered by information in his Majesty's Court of King's Bench, and be paid to His Majesty's Receiver General to and for the Public uses of this Province, to be accounted for to His Majesty through the Lords Commissioners of his Treasury for the time being, in such manner and for in as His Majesty, his heirs and Successors, shall be graciously pleased to direct.

V. Provided always, and be it further enacted by the authority aforesaid, That nothing herein contained shall extend or be construed to extend to require any person admitted to practise as an Attorney after the said first day of Michaelmas Term in any Year to take out any certificate as aforesaid until the first day of Michaelmas Term then next ensuing.

VI. And be it further enacted by the authority aforesaid, That the said Treasurer of the said Law Society shall pay into the time being the several sums of money to be by him received under the provisions of this Act, to be applied towards the payment of a Salary, not exceeding the sum of One Hundred Pounds of lawful money, to a Reporter to be appointed by the Governor, Lieutenant Governor or person administering the Government of this Province, the same being Member of the Law Society, whose duty it shall be to report the cases and decisions of His Majesty's Court of King's Bench in the said Province, Provided always, that the said Report may be sold for the benefit of the Reporter.

VII. And be it further enacted by the authority aforesaid, That the Salary herein declared to be paid by the Receiver General of this Province, out of the monies which may hereafter be paid into his hands by the Treasurer of the Law Society aforesaid in discharge of such warrant or warrants as may from time to time be issued by the Governor, Lieutenant Governor, or person administering the Government of this Province, and be accounted for to His Majesty through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.