

Laws of Her Majesty's Province of Upper Canada, passed in the year 1840. York: Robert Stanton, 1840.

3 Victoria – Chapter 2

An Act for the better regulation of the Office of Reporter to the Court of Queen's Bench in this Province. Passed 10th February, 1840.

Whereas it is expedient to repeal an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled, "*An Act providing for the publication of Reports of the decisions of His Majesty's Court of King's Bench in this Province*," and to substitute other provisions in lieu thereof: Be it therefore enacted by the Queen'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the Government of the said Province*,'" and by the authority of the same, That the said Act be and the same is hereby repealed.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Law Society of the Province of Upper Canada in Convocation, by an Instrument under the Seal of the Society, to appoint to the Office of Reporter of Her Majesty's Court of Queen's Bench in this Province; and that from and after the passing of this Act the Reporter shall be answerable to the said Society in Convocation for the correct and faithful discharge of his duty, and shall be subject to such Rules and Regulations for the discharge of the duties of his Office, and the publication of the Reports, as shall or may be made for that purpose by the said Society in Convocation, with the approbation of the Judges of the Province, as Visitors of the said Society, and passed and adopted according to the course as practised in respect of other general Rules of the said Society according to law; and it shall be in the power of the said Law Society in Convocation, such Reporter to remove and another to appoint in his place from time to time: Provided always that no person shall be eligible to the Office of Reporter except Members of the said Society of the Degree of Barrister at Law, and that no appointment to or removal from the said Office, shall take place without the confirmation of the Judges of the Province as aforesaid, as Visitors of the said Society.

III. And be it further enacted by the authority aforesaid, That it shall be the duty of the Reporter, to Report as well the substance of such of the verbal decisions of the Court as shall be of general importance, as to Report also such decisions as may be delivered in writing; and it shall further be his duty, without any unnecessary delay, to cause such Report to be fairly entered in a Book, and to submit the same for the inspection of the Judges of the said Court, which Report, after due examination and correction by the Judges aforesaid, shall be signed by them or such of them as shall not be prevented by absence or sickness from so doing.

IV. And be it further enacted by the authority aforesaid, That the said Reporter shall be at liberty to print and publish such Report, or a digest thereof, and it shall be his duty so to do whenever thereto required by the said Law Society in Convocation, and in such manner and mode as the said Law Society shall direct, the profits arising from such publication of Report to belong to the Reporter.

V. And be it further enacted by the authority aforesaid, That the salary of the Reporter shall not exceed the sum of One Hundred and Fifty Pounds per annum, and shall and may be fixed at or varied within the said amount, as the said Law Society in Convocation, and the Judges of the Province as Visitors, shall think just and proper.

VI. And be it further enacted by the authority aforesaid, That every Attorney of the said Court shall annually, before or during Michaelmas Term, take out a Certificate from the Clerk of the Crown and Pleas in this Province, of his having been admitted to practice 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, for such sum as the said Benchers in Convocation shall by Rule passed and ordered as aforesaid, from time to time determine upon, and upon payment to the said Clerk of the sum of One Shilling.

VII. And be it further enacted by the authority aforesaid, That if any Attorney shall neglect to take out such Certificate within the time aforesaid, he shall not be entitled thereto until he shall have produced a Receipt from the Treasurer of the Law Society for the sum of Four Pounds: and if any Attorney shall practice in any of Her Majesty's Courts in this Province without a Certificate, he shall forfeit the sum of Ten Pounds, to be recovered by information in Her Majesty's Court of Queen's Bench, and to be paid into the hands of the Treasurer of the Law Society: Provided always that nothing herein-contained shall extend to require any person admitted during and after Michaelmas Term in any year, to take out any Certificate as aforesaid until the Michaelmas Term following.

VIII. And be it further enacted by the authority aforesaid, That in case any penalties shall be hereafter recovered for practising as an Attorney before the passing of this Act, without a Certificate, such penalties shall be paid into the hands of the Treasurer of the Law Society.

IX. And whereas there is reason to believe that the monies paid into the hands of the Receiver-General of this Province, under the provisions of the said Act hereby repealed, have exceeded the monies paid by the said Receiver-General by way of Salary to Reporters, and it is just and reasonable that such surplus should be refunded to the Treasurer of the Law Society: Be it therefore further enacted by the authority aforesaid, That it shall and may be lawful for the Receiver-General of this Province, and he is hereby required to pay to the Treasurer of the Law Society for the time being, any surplus that may appear to have come to his hands under the provisions of the said Act, over and above the monies by him paid by way of Salary to Reporters of the said Court: Provided that in such case the Salary of the Reporter for the current half year shall be paid by the said Law Society.