

## IN THE DISTRICT OF MONTREAL :

The offices of Sheriff, of Prothonotary or Clerk of the Superior Court, and of Clerk of the Peace ;

## IN THE DISTRICT OF QUEBEC :

Those of Prothonotary or Clerk of the Superior Court and of Clerk of the Peace :

Governor may add to the fixed salary.

Be it enacted, That it shall be lawful for the Governor to add to the annual and fixed Salary which under the foregoing provisions he is authorized to assign to each of the said Offices respectively, the sums hereinafter mentioned, to wit :

## IN THE DISTRICT OF MONTREAL :

*First.*—To the Office of Sheriff, a sum not exceeding five hundred pounds, currency, yearly ;

*Second.*—To the Office of Prothonotary or Clerk of the Superior Court, a sum not exceeding seven hundred pounds, currency, yearly ;

*Third.*—To the Office of Clerk of the Peace, a sum not exceeding three hundred and fifty pounds, currency, yearly ;

## IN THE DISTRICT OF QUEBEC :

*First.*—To the Office of Prothonotary or Clerk of the Superior Court, a sum not exceeding six hundred pounds, currency, yearly ;

*Second.*—To the Office of Clerk of the Peace, a sum not exceeding three hundred and fifty pounds, currency, yearly ;

Out of what portion of the special fund such sum shall be taken.

Each of which said sums shall only form part of the salary attached to the office to which it shall be so granted, so long as such office shall so continue to be held by more than one person as aforesaid ; and provided always, that such sum as aforesaid shall be taken solely out of the amount of the portion of the special fund created by this Act, which shall have actually been paid into the hands of the Receiver General as arising from such office for the year during which such increase of salary shall be assigned to such office ; and if the said amount be not sufficient to cover the increase of salary so assigned to such office, then such increase of salary shall not for that year exceed such amount ; and provided also, that it shall be lawful for the Governor to apportion such increase of salary among the persons conjointly holding and filling such office, in such manner as he shall deem expedient, having a due regard to the length of service of each of the persons in the performance of the duties of such office, or of a similar office in any other Court of any other District.

Proviso : Governor to apportion such increase.

Accounts to be sworn to.

XIX. And be it enacted, That the accounts which shall be rendered to the Inspector General under this Act by each of the above mentioned Public Officers, shall be by such Officer sworn to as true and faithful, on oath to be taken before one of the Judges of any of the Courts aforesaid.

Lower Canada.

XX. And be it enacted, That this Act shall apply to Lower Canada only.

## CAP. XXXVIII.

An Act to facilitate the swearing of *Experts* and Arbitrators appointed by the Courts of Justice in Lower Canada, and of Witnesses and others to be heard before them.

[ 10th August, 1850. ]

Preamble.

**W**HEREAS it is expedient to facilitate the swearing of *Experts*, Arbiters and Arbitrators appointed, either by the Courts of Justice in Lower Canada, or by consent of the parties in causes pending before the said Courts, and of the witnesses to be examined before such *Experts*, Arbiters or Arbitrators : 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 it shall be lawful for the Courts of Justice in Lower Canada, to authorize all such *Experts*, Arbiters or Arbitrators, without regard

Courts may authorize the oath of office to be taken before Commis-

regard to the distance between their residence or the place where the duty assigned to them is to be performed, and the place where the Court is held, to take the oath required of them before proceeding to perform the duties of their office, before any Commissioner appointed for receiving affidavits to be used in the Superior Court, or before any other person whom the Court in which the case is pending may think proper to appoint for the purpose.

sioners, &c., in any case.

II. And be it enacted, That the said *Experts*, Arbiters and Arbitrators shall have full power to administer the necessary oaths to the witnesses produced before them touching the matters referred to them, without regard to the distance of the residences of such witnesses or of the place where they may be so required to attend, from the place where the Court is held.

How witnesses may be sworn.

III. And be it enacted, That so much of the Act of the Legislature of Lower Canada, passed in the forty-eighth year of the Reign of King George the Third, and intituled, *An Act to authorize the Judges in Civil Causes, in this Province, to delegate the power of administering oaths in certain cases therein mentioned*, or of any other Act or Law as may be inconsistent with this Act, shall be and is hereby repealed.

Part of 48 G 3, c. 22, (L. C.) repealed.

C A P. XXXIX.

An Act to amend and consolidate the Act providing for the organization of the Notarial Profession in Lower Canada.

[ 10th August, 1850. ]

**W**HEREAS it is expedient to amend in the manner hereinafter mentioned, the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act for the organization of the Notarial Profession in that part of this Province called 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 the third, fifth, tenth, eleventh, twelfth, thirteenth, twentieth, twenty-first, twenty-fourth and twenty-fifth sections of the said Act, shall be and are hereby repealed; and each of the Boards of Notaries created and established by the said Act, shall be a Corporate Body in itself, and as such be entitled to all the privileges vested by law in Corporate Bodies generally; and shall each have power to acquire, hold, possess and enjoy real and personal estate not exceeding in value five thousand pounds currency; and in all actions instituted against any of the said Boards, service of process at the office or domicile of the Secretaries of the respective Boards shall be good and sufficient.

Preamble.

3rd, 5th, 10th, 11th, 12th, 13th, 20th, 21st, 24th and 25th sections of 10 and 11 Vic. c. 21, repealed.

Boards of Notaries incorporated.

II. And be it enacted, That the members of each Board shall elect at the first annual general meeting of the said Boards which shall take place after the passing of this Act:

Officers and their functions.

*First.*—A President, who shall only vote when the votes are equally divided, shall call special meetings of the Board when he shall deem it expedient, or on the requisition of two members, stating the purpose of the meeting, or on that of the Syndic hereinafter mentioned, and shall preserve order at all meetings.

President.

*Secondly.*—A Secretary, who shall draw up and enregister the proceedings of the Board, shall have custody of all Records and deliver copies thereof, shall collect the facts relative to any charge brought against a Notary, and report the same to the Board; and who shall be authorized to appoint a Deputy to represent him in case of illness or of absence, with the approbation of the Board of Notaries for his District; and the said Deputy shall be appointed by a written instrument under the hand of the Secretary, which instrument shall be entered in the book of proceedings of the said Board.

Secretary.