

shall be addressed.

duty of such Bailiff in whose hands such Writ shall be placed forthwith to execute and duly return the same into the Circuit Court at the place where the same shall have so issued.

Punishment of Bailiff neglecting his duty as to any such Writ.

V. And be it enacted, That any such Bailiff who shall neglect or refuse duly to execute and return in accordance with the provisions of this Act, any such Writ so entrusted to him, or who shall improperly execute or return any such Writ of Summons or Writ of Execution, shall be liable in damages at the suit of the Plaintiff or Plaintiffs or other interested person or persons, as in ordinary cases, for all injury or loss sustained by such neglect or refusal, or by such improper execution or return of any such Writ, and the sureties of such Bailiff shall be holden as in other cases according to law.

Liability of Bailiff for moneys levied under any such Writ.

VI. And be it enacted, That in any case wherein under any Writ of Execution so as aforesaid issued and addressed to any Bailiff, such Bailiff shall have levied the amount of the said Writ of Execution or any part thereof, such Bailiff shall be held responsible for the due payment thereof to the Plaintiff or Plaintiffs, or into the Court from which the Writ issued in any such cause, and shall be *contraignable* for the same by the ordinary course of law, and by the order of the Circuit Court at the place where such Writ of Execution shall have issued.

C A P . C X C V I .

An Act to amend the Acts assigning fixed Annual Salaries in lieu of Fees, to certain Officers of Justice in Lower Canada.

[Assented to 14th June, 1853.]

Preamble.

13 & 14 V.
c. 37.

14 & 15 V.
c. 17.

WHEREAS it is just and proper to amend the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to assign fixed Annual Salaries to certain Officers of Justice in Lower Canada, and to form a Special Fund out of the salaries, fees, emoluments and pecuniary profits attached to their Offices*, and the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend the Act substituting Salaries for Fees, in certain cases in Lower Canada*, so as to secure to the Officers in the said Acts mentioned, the payment in full of the salaries assigned to them respectively under the provisions of the said first mentioned Act: 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

That notwithstanding any thing to the contrary in either of the Acts cited in the Preamble to this Act, all the salaries, fees, emoluments and pecuniary profits whatsoever attached to the Offices in the said Acts mentioned, shall form but one fund, to be called *The Officers of Justice Fee Fund*, and faithful and detailed accounts of such salaries, fees, emoluments and pecuniary profits, and of the various fixed salaries payable out of the same, shall be rendered to the Inspector General of Public Accounts of this Province, and the moneys arising therefrom shall from time to time be paid over by the Officers by the said Act authorized to collect the same, in such form and in conformity with such instructions as shall from time to time be prescribed by or by order of the said Inspector General, under the instructions of the Governor in Council.

All the Fees, &c., to form one General Fund.

Accounts to be rendered, and moneys paid over.

II. The amount of such salaries, fees, emoluments and pecuniary profits of what kind soever attached to the aforesaid Offices, and forming the Fund so as aforesaid created, collected from the tenth day of September, one thousand eight hundred and fifty, to the thirty-first day of December, one thousand eight hundred and fifty-two, and the amount of the said fund for any subsequent period, shall be appropriated to the payment of the fixed salaries assigned under the provisions of the hereinbefore first mentioned Act, to the Officers therein named, their Deputies and Clerks, and to the payment of such other sums as are chargeable on the said Fund by the said hereinbefore first mentioned Act; and the said salaries shall from the time of the passing of this Act, be paid by quarterly payments; and the amount by which the sum actually received by any such Officer for the period first mentioned has fallen short of that to which the salary assigned to him by the Act first cited would amount for the said period, shall be paid to him forthwith after the passing of this Act; and the surplus (if any there be) of the said Fund, for the said period or in any subsequent period, after paying the salaries and other charges payable out of the same, shall form part of the Consolidated Revenue of the Province; and in case the said Fund for the said period or any subsequent period shall fall short of the amount of the said salaries and the said other charges on such Fund, for the same period, the deficiency shall be paid out of the said Consolidated Revenue Fund of the Province.

Officers to receive the salaries mentioned in the said Act, out of the said General Fund.

Surplus to be paid into Consolidated Revenue Fund, and deficiency to be made good out of the same.

III. And whereas it is expedient and just that an alteration should be made in the remuneration attached to the Offices of Sheriff, Prothonotary of the Superior Court, Clerk of the Crown, and Clerk of the Peace of and for the District of St. Francis, and Clerk of the Circuit Court at Sherbrooke; Be it therefore enacted, That notwithstanding any thing contained in the fourth Section of the Act secondly cited in the Preamble of this Act, it shall be lawful for the Governor to assign to the said Officers for the said District of Saint Francis annual and fixed salaries not exceeding those hereinafter mentioned, and

Increased allowances to certain Officers in District of St. Francis.

from time to time to modify the same as he shall judge expedient, that is to say :

Firstly. To the Sheriff, a sum not exceeding Two Hundred and Fifty Pounds currency ;

Secondly. To the Prothonotary or Clerk of the Superior Court, a sum not exceeding Two Hundred Pounds currency ;

Thirdly. To the Clerk of the Circuit Court, for the *Sherbrooke Circuit*, a sum not exceeding One Hundred Pounds currency ;

Fourthly. To the Clerk of the Crown, a sum not exceeding Fifty Pounds currency ;

Fifthly. To the Clerk of the Peace, a sum not exceeding One Hundred and Fifty Pounds currency.

Additional allowance may be made in certain cases out of surplus Fund.

IV. And be it enacted, That out of any surplus of the said Fund which may remain at the close of any quarter, after payment of the salaries assigned to all the said Officers, and before such balance shall be paid over to the Consolidated Revenue Fund, it shall be lawful for the Governor to pay such additional sum as he may deem just to any Officers employed in the Administration of Justice, in any Judicial District in Lower Canada, whose services may not in the opinion of the Governor have been sufficiently remunerated during such quarter ; Provided that in no case shall any such additional sum be paid to any Officer who has received as a Salary or by Fees a sum of Fifty Pounds currency, or more, for his services during such quarter, and that the additional payment or payments made to any such Officer in the course of any one year, together with the salary or fees received by him during the same year, shall not exceed the sum of Two Hundred Pounds currency.

Proviso : Allowance limited in each case.

Inconsistent enactments repealed.

V. And be it enacted, That so much of the Acts hereinbefore cited as is inconsistent with the provisions of this Act, shall be and is hereby repealed.

C A P . C X C V I I .

An Act further to amend the Laws relating to the Summoning of Jurors in Lower Canada.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS great inconvenience has been experienced in the administration of Justice in Lower Canada, from the want of a sufficient number of Petit Jurors attending the several Courts having criminal jurisdiction, and it is necessary for the purpose of securing the attendance of larger numbers, to reduce the qualification of Petit Jurors: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and