

informant or complainant at the hearing of such information or complaint, unless it shall be proved before such Superior Court that such objection was made before the Justice or Justices of the Peace before whom the case was tried and by whom such conviction, judgment or decision was given, nor unless it be proved that notwithstanding it was shewn to such Justice or Justices of the Peace that by such variance the person summoned and appearing or apprehended, had been deceived or misled, such Justice or Justices had refused to adjourn the hearing of the case to some further day as provided in and by the said Act.

Costs in appeal and on *certiorari* to be in the discretion of the Court.

II. The Court to which an appeal shall be made from the conviction, judgment or decision of any Justice or Justices of the Peace in cases of summary convictions or into which any case shall be removed by Writ of *Certiorari*, may or may not, in its discretion, award costs to the party in whose favour judgment shall have been given, or against the party appealing; any law to the contrary in any wise notwithstanding.

Extent of Act. III. This Act shall apply to Lower Canada only.

## C A P. X C V I I I.

An Act to provide temporarily for the payment of Petty Jurors in Lower Canada, and to make better provisions for the payment of certain judicial officers in that part of the Province.

[Assented to 30th May, 1855.]

Preamble.

**W**HEREAS a considerable time must necessarily elapse before it will be possible to enact and bring into operation in Lower Canada a system of Judicature founded upon a principle of more extended decentralization, by which a large proportion of the expenses and inconvenience attending the existing system might be avoided, and it is therefore expedient to remedy one of the greatest evils arising out of the present system, by making temporary provisions for the payment of persons summoned to attend as Petty Jurors at the Courts of Criminal Jurisdiction, from places remote from those at which the sittings of such Courts are held; And whereas it would not be right to charge the County Municipalities with the expenses incurred in the prosecution of offences, the greater portion of which is committed in, or in the neighbourhood of, the large Towns and Cities where the Courts now sit: 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

the Government of Canada, and it is hereby enacted by the authority of the same, as follows :

I. A sum not exceeding five shillings shall be paid by the Sheriffs of the respective Districts of Lower Canada, to each and every person who shall serve as a Petty Juror before any Court of Criminal Jurisdiction, for every day he shall by reason of his being such Juror, be necessarily absent from his usual place of abode ; except that no such remuneration shall be granted to any Petty Juror whose usual residence is situate within the limits of the City, Town or Village in which the Court is held.

Five shillings a day allowed to Petty Jurors of Criminal Courts.

Except Jurors residing where the Court is held.

II. Sums not amounting in the whole to more than Five thousand pounds currency, may be advanced to the said Sheriffs respectively, by warrant of the Governor, out of the Consolidated Revenue Fund of this Province, in such proportion and at such times as to the Governor in Council shall seem fit, for the purpose of enabling the said Sheriffs to pay the allowance to Petty Jurors authorized by the next preceding Section.

Advances to Sheriffs to pay the said allowance.

III. Separate accounts shall be kept of all moneys disbursed under the preceding sections of this Act, to the end that an equal sum may be appropriated by Parliament for the several City and County Municipalities in Upper Canada, for the general purposes of such Municipalities, and to be divided among them in proportion to their population by the last Census.

An equal sum to be allowed to U. C.

IV. And whereas it is expedient further 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 sixteenth year of Her Majesty's Reign, intituled, *An Act to amend the Acts assigning fixed Annual Salaries in lieu of Fees, to certain Officers of Justices in Lower Canada*, so that the provisions of the said Acts may apply to certain Judicial Officers in the Districts of Gaspé, Kamouraska and Ottawa, and to increase the Fund created by the said Act, so that it may be sufficient to permit more adequate Salaries to be paid out of it to the Officers hereinafter mentioned : Be it therefore enacted, that the salaries, fees, emoluments and pecuniary profits attached to the Offices hereinafter mentioned connected with the administration of justice in the Districts of Gaspé, Kamouraska and Ottawa in Lower Canada, to wit, the offices of Sheriff, Prothonotary, Clerk of the Crown and Clerk of the Peace, of those Districts, and of Clerk of the Circuit Court of the Percé, New Carlisle, Kamouraska and Ottawa Circuits, Crier, Assistant Crier or Tipstaff of the Circuit Court in any District, shall form part of the *Officers of Justice Fee Fund*, created by the Acts above mentioned, in like manner as the salaries, fees, emolument,

13 & 14 V. c. 37.

16 V. c. 196.

Fees of Judicial Officers to form part of the *Officers of Justice Fee Fund*.

emolument and pecuniary profits attached to the offices in the said Acts mentioned.

Governor  
empowered  
to increase the  
Salaries of  
certain Judi-  
cial Officers,  
within certain  
limits.

V. It shall be lawful for the Governor to assign from time to time to the several officers hereinafter mentioned, annual and fixed salaries not exceeding the amounts hereinafter limited with respect to the said officers respectively, and to be reckoned from the first day of January, one thousand eight hundred and fifty-five; which salaries it shall also be lawful for the Governor to modify from time to time in any case or cases, subject to the limitation aforesaid, that is to say:

IN THE COURT OF QUEEN'S BENCH.

To the Clerk of the Court, called the Clerk of Appeals, a sum not exceeding three hundred pounds currency, yearly.

IN THE DISTRICT OF QUEBEC.

To the Sheriff, a sum not exceeding six hundred pounds currency, yearly.

To the Prothonotary of the Superior Court, a sum not exceeding seven hundred and fifty pounds currency, yearly.

To the Clerk of the Circuit Court, of the Quebec Circuit, a sum not exceeding four hundred pounds currency, yearly.

To the Clerk of the Crown, a sum not exceeding three hundred pounds currency, yearly.

To the Clerk of the Peace, a sum not exceeding five hundred pounds currency, yearly.

IN THE DISTRICT OF MONTREAL.

To the Sheriff, a sum not exceeding six hundred pounds currency, yearly.

To the Prothonotary of the Superior Court, a sum not exceeding seven hundred and fifty pounds currency, yearly.

To the Clerk of the Circuit Court of the Montreal Circuit, a sum not exceeding four hundred pounds currency, yearly.

To the Clerk of the Crown, a sum not exceeding three hundred pounds currency, yearly.

To the Clerk of the Peace, a sum not exceeding five hundred pounds currency, yearly.

## IN THE DISTRICT OF THREE-RIVERS.

To the Sheriff, a sum not exceeding five hundred pounds currency, yearly.

To the Prothonotary of the Superior Court, a sum not exceeding four hundred pounds currency, yearly.

To the Clerk of the Circuit Court of the Three-Rivers Circuit, a sum not exceeding fifty pounds currency, yearly.

*But see the French version which is correct.*

To the Clerk of the Peace, a sum not exceeding three hundred pounds, yearly.

## IN THE DISTRICT OF ST. FRANCIS.

To the Sheriff a sum not exceeding three hundred pounds currency, yearly.

To the Prothonotary of the Superior Court, a sum not exceeding three hundred and fifty pounds currency, yearly.

To the Clerk of the Circuit Court, of the Sherbrooke Circuit, a sum not exceeding one hundred and fifty pounds currency, yearly.

To the Clerk of the Crown, a sum not exceeding fifty pounds currency, yearly.

To the Clerk of the Peace, a sum not exceeding one hundred and fifty pounds currency, yearly.

## IN THE DISTRICT OF KAMOURASKA.

The Sheriff, a sum not exceeding two hundred and fifty pounds currency ;

The Prothonotary or Clerk of the Superior Court, a sum not exceeding two hundred pounds currency ;

The Clerk of the Circuit Court, for the Circuit called "The Kamouraska Circuit," a sum not exceeding one hundred pounds currency ;

The Clerk of the Crown, a sum not exceeding fifty pounds currency ;

The Clerk of the Peace, a sum not exceeding one hundred and fifty pounds currency.

## IN THE DISTRICT OF OTTAWA.

The Sheriff, a sum not exceeding two hundred and fifty pounds currency ;

The Prothonotary or Clerk of the Superior Court, a sum not exceeding one hundred and twenty-five pounds currency ;

The Clerk of the Circuit Court, for the Circuit called "The Ottawa Circuit," a sum not exceeding one hundred pounds currency ;

The Clerk of the Crown, a sum not exceeding fifty pounds currency ;

The Clerk of the Peace, a sum not exceeding one hundred and fifty pounds currency.

## IN THE DISTRICT OF GASPÉ.

The Sheriff, a sum not exceeding two hundred and fifty pounds currency ;

The Prothonotary or Clerk of the Superior Court, a sum not exceeding one hundred and twenty-five pounds currency ;

Each of the Clerks of the Circuit Courts in the Circuits called respectively "The Percé Circuit" and "New Carlisle Circuit," a sum not exceeding fifty pounds currency ;

The Clerk of the Crown, a sum not exceeding twenty-five pounds currency ;

The Clerk of the Peace, a sum not exceeding fifty pounds currency.

Proviso where certain offices are held by two or more conjointly.

Provided always, that whenever any one of the Offices hereinafter mentioned shall be held by two or more persons conjointly, it shall be lawful for the Governor to add to the salary which he is hereinbefore empowered to grant for such Office from the first day of January, one thousand eight hundred and fifty-five, a further sum not exceeding those hereinafter limited, that is to say :

## IN THE DISTRICT OF QUEBEC.

To the Office of Prothonotary or Clerk of the Superior Court, a sum not exceeding three hundred pounds, yearly ;

To the Office of Clerk of the Court of the Quebec Circuit, a sum not exceeding one hundred pounds, yearly ;

To

To the Office of Clerk of the Peace, a sum not exceeding two hundred pounds, yearly.

IN THE DISTRICT OF MONTREAL.

To the office of Prothonotary or Clerk of the Superior Court, a sum not exceeding three hundred pounds currency, yearly. *But see the French version which is correct.*

To the office of Clerk of the Circuit Court of the Montreal Circuit, a sum not exceeding one hundred pounds currency, yearly.

To the office of Clerk of the Peace, a sum not exceeding two hundred pounds currency, yearly. *See French.*

VI. It shall be lawful for the Governor from time to time to diminish or increase the salaries of the High Constables, Criers, Assistant Criers, Tipstaffs, Gaolers, Turnkeys and Court House Keepers attached to any of the Courts aforesaid; provided no such salary shall in any case exceed the sum of two hundred and fifty pounds, yearly. *Government may increase the Salaries of Criers, &c. Limitation.*

VII. So much of the Acts last above cited or either of them, as fixes or limits the yearly salary or allowance to be granted to any officer to whom a salary or allowance is authorized by this Act, or as may be in any wise inconsistent with or repugnant to this Act, or makes any provision for any matter otherwise provided for in this Act, shall be and is hereby repealed; but nothing herein shall be construed to repeal the authority given to the Governor in Council by the third section of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to amend the Act substituting Salaries for Fees in certain cases in Lower Canada*, to grant an allowance to the Officers therein mentioned, for collecting the tax imposed for defraying the cost of erection or construction of Gaols and Court Houses at certain places; and all the provisions of the Act last mentioned and of the Acts hereinbefore cited shall apply to the salaries to be fixed under this Act and to all matters to be done under the authority thereof, in so far as they may not be inconsistent with the provisions of this Act. *Inconsistent enactments repealed. 14 & 15 V. c. 17. Provisions of former Acts to apply when not inconsistent.*

VIII. And whereas it is expedient to render the said Officers of Justices Fee Fund as nearly as practicable adequate to the payment of the salaries of all the Officers connected with the administration of Justice in Lower Canada, which are to be provided for under the authority of the aforesaid Act and of this Act: Be it therefore enacted, that so much of the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to amend the Laws relative to the Courts of Original Civil Jurisdiction in Lower Canada*, as enables the Judges of the Superior Court for Lower Canada to establish a Tariff of the fees to be paid to the Prothonotaries *Recital. Provision of 12 V. c. 38, enabling Judges to make Tariff of Fees for cer-*

tain Officers repealed, and Governor in Council empowered to make such Tariff.

Prothonotaries of that Court and to the Clerks of the Circuits of Lower Canada, shall be and is hereby repealed; and it shall be lawful for the Governor in Council to repeal, alter or amend any such Tariff now existing, and hereafter to exercise as regards the making, altering and amending the Tariff of fees for the said Officers, all the powers given to the said Judges in and by the said Act; but any such Tariff now in force shall remain in force until so repealed, altered or amended by the Governor in Council.

Accounting clause.

IX. The due application of all moneys paid under this Act out of the Consolidated Revenue Fund of this Province, shall be accounted for to Her Majesty, Her Heirs and Successors in such manner and form as they shall direct, and an account thereof shall be laid before each House of the Provincial Parliament at the then next Session thereof.

## C A P . X C I X .

An Act to establish a Registry Office in and for each Electoral County in Lower Canada.

[Assented to 30th May, 1855.]

Preamble.

**W**HEREAS it is desirable that the Territorial Divisions of Lower Canada should, so far as may be practicable, be the same for Electoral, Municipal and Registration purposes: 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, as follows:

Each Electoral County to be proclaimed a County for Registration when the Council shall have provided at the place where its sittings are held, a proper place for a Registry Office.

I. So soon as the Municipal Council of any Electoral County shall have fixed the place at which the Sittings of such Council shall be held, and shall have provided thereat a proper place for the County Registry Office, with a sufficient Metal Safe or fire-proof Vault for the safe keeping of the books and papers thereof, the Warden of the County shall represent the same to the Governor, and upon the report of the Attorney or Solicitor General that the foregoing requirements have been complied with, the Governor shall, by Proclamation, declare the same, and such Electoral County shall be a County for Registration purposes under this Act, upon and after a day to be named in such Proclamation.

On such Proclamation the County to be

II. Upon and after the day named in such Proclamation, the Electoral County to which it refers, shall be a County for all the purposes of the Ordinance of the Governor and Special Council