

Provincial Statutes of Canada, passed in the year 1845. Montreal: Stewart Derbishire & George Desbarats, 1845.

8 Victoria – Chapter 39

An Act to authorize the appointment of a Reporter in the Court of Chancery. (29th March, 1845.)

Whereas it is desirable that the decisions of Her Majesty's Court of Chancery in this Province should be recorded and published for general information, and there is reason to believe that the same cannot be effected otherwise than by the employment of a Reporter to the said Court, under proper regulations: 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 and may be lawful for the Law Society, of that part of this Province called Upper Canada, in convocation, by an Instrument under the Seal of the Society, to appoint a fit and proper person to be Reporter of the said Court of Chancery, such Reporter to be amenable to the said Society, in convocation, for the correct and faithful discharge of his duty, and to be subject to such rules and regulations for the discharge of the duties of his office, as shall or may be made for that purpose by the said Society, in convocation, with the approbation of the Vice Chancellor; and it shall be in the power of the said Law Society, in convocation, to remove such Reporter, and to appoint another in his place from time to time: Provided always, that no person shall be eligible to the office of Reporter other than 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 approbation of the Vice Chancellor of the said Court, signified to the said Society in writing under the hand of such Vice Chancellor: And provided always, that nothing herein contained shall prevent such office being held by the same person as may, for the time being, be Reporter to the Court of Queen's Bench in and for the same part of this Province.

II. And be it enacted, That it shall be the duty of such 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 reports to be fairly entered in a book, and to submit the same for the inspection of the Vice Chancellor, which reports, after due examination and correction, shall be signed by the said Vice Chancellor.

III. And be it enacted, That such Reporter shall be at liberty to print and publish such reports, 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 as the said Law Society shall direct, the profits arising therefrom to belong to such Reporter.

IV. And be it enacted, That the salary of such Reporter shall not exceed the sum of one hundred pounds per annum, and shall and may be fixed at or varied within the said amount as the said Law Society, in convocation, shall think just and proper; and for the purpose of providing such salary, it shall be in the power of the said Law Society, in convocation, to appoint such sum as they may think proper not exceeding the sum of one pound and five shillings, to be paid to the Treasurer of the said Law Society annually by every Solicitor of the said Court practising therein; and in case of persons being as well such Solicitors as also Attorneys of the said Court of Queen's Bench, it shall be lawful for the said Law Society, if they shall think fit, to appoint one sum of money to be paid by any such person annually as such Solicitor and Attorney.

V. And be it enacted, That every Solicitor practising in the said Court shall annually, on or before the twentieth day of August, pay to the Treasurer of the Law Society such sum of money as shall in that behalf be appointed as aforesaid; and thereupon the Registrar of the said Court shall, upon production of a receipt for such payment on or before such twentieth day of August, give to such Solicitor a certificate of his being a Solicitor of the said Court of Chancery; for which certificate such Registrar shall be entitled to a Fee of two shillings and six pence, currency.

VI. And be it enacted, That if any Solicitor 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 Solicitor shall practise in the said Court, without such certificate, he shall forfeit the sum of ten pounds, to be recovered by information in Her Majesty's said Court of Queen's Bench, and to be paid into the hands of the Treasurer of the said Law Society: Provided always, that nothing herein contained shall extend to require any person admitted as such Solicitor after the said twentieth day of August in any year, to take out any certificate as aforesaid, before the twentieth day of August following.