

Laws of Her Majesty's Province of United Canada, passed in the year 1851. Quebec: Stewart Derbshire and George Desbarts, 1852.

16 Victoria – Chapter 196

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.

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, 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.

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 sub-sequent 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.

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 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.

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.

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.