

EXECUTIVE COUNCIL CHAMBER.

Quebec, 27th March, 1902.

Present :—The **LIEUTENANT GOVERNOR** in Council.

Whereas 1. In virtue of the provisions of article 37 of the Code of Civil Procedure of the province of Quebec, the Lieutenant Governor in Council may make, revoke or amend the tariffs of fees payable to prothonotaries, clerks, sheriffs, coroners and criers, in accordance with the provisions of articles 2710, 2711 and 2712 of the Revised Statutes of the Province of Quebec.

Whereas 2. In virtue of the provisions of article 2478 of the Revised Statutes, the Lieutenant Governor in Council may make, modify or repeal any tariff of fees payable to clerks of justices of the peace, high-constables, bailiffs, or constables, for their services in the execution of any order of the justices of the peace, of the Court of Queen's Bench, in the exercise of its original jurisdiction in criminal matters, or of the court of general sessions of the peace, in any district of the province.

Whereas 3. In virtue of the provisions of articles 2531 and 2532, of the said Revised Statutes, the Lieutenant Governor in Council may, from time to time, make tariffs of fees to be paid upon proceedings before district magistrates, or before magistrates' courts and such tariffs may embrace all or any fees for advocates practising in such courts or before such district magistrates, as well as for clerks, bailiffs, constables, criers or other officers or persons engaged in the service of such courts or magistrates, and also for and upon all proceedings and matters pertaining to the said courts and office of district magistrate or incident thereto.

Whereas 4. Article 2710, of the said Revised Statutes enacts that the Lieutenant Governor in Council may make any tariff, or repeal, alter or amend any tariff of fees to be paid to the prothonotaries of the Superior Court and to the clerks of the Circuit Court, and shall have and exercise all the powers formerly vested in the judges of the Superior Court as to such tariff, but any tariff in force when these Revised Statutes come into force shall remain in force until so repealed, altered or amended by the Lieutenant Governor in Council.

Whereas 5. Article 2711 of the said Revised Statutes enacts that the power vested in the Lieutenant Governor in Council by the next preceding article to make, alter or repeal any tariff of fees for certain officers of the Superior Court and Circuit Court, shall extend to the making, and to the altering or repealing of any tariff of fees (whether established by Act of the Legislature or otherwise) for the clerk of appeals, sheriffs, clerks of the Crown and of the peace, criers, assistant criers and tipstalls, and all other officers of justice whose fees are to form part of the officers of justice fee fund established under said section.

Whereas 6. In virtue of the provisions of article 2712 of the said Revised Statutes, the power of the Lieutenant Governor in Council to make, alter or repeal, from time to time, any tariff of fees for any such officers respectively, shall extend to the making, altering or repealing, from time to time, of any tariff of fees for clerks, criers, assistant criers and tipstalls of the Circuit Court, at any place other than the *chef-lieu* in any district, although such fees are not to make part of any such fund as aforesaid, or to be paid over to the Provincial Treasurer; but any tariff of fees for the officers above mentioned, in force when these Revised Statutes come into effect, shall continue in force unless and until repealed or altered by the Lieutenant Governor.

Whereas 7. In virtue of the provisions of articles 2748 and 2749 of the said Revised Statutes, the Lieutenant Governor may, by Order in Council, impose such tax or duty as he sees fit, on any proceedings, had in any of the courts in any district, and upon the closing of inventories, assemblies of relations and friends, insinuations or registrations in the offices of such courts, the appointments of tutors or curators, affixing or taking off seals, probates of will or other like matters, also upon any proceedings at or before the courts of commissioners for the summary trials of small causes, and at sittings of a justice or justices of the peace, judges of the sessions of the peace and sheriffs, respectively, upon any proceedings before any recorder or recorder's court, and generally upon any proceeding before any judge, justice of the peace, or judicial, or ministerial officer, or court whatever, and that the provisions of the Act to make provision for the erection and repair of court houses and gaols at certain places in Lower Canada (12 V.c. 112) shall continue to apply to the imposing, levying and payment of such tax or duty, in conformity with the provisions of section eighteenth of chapter fifth of title fourth of said Revised Statutes respecting stamps and such duties or taxes form part of the building and jury fund.

Whereas 8. In virtue of the provisions of article 5696 of the said Revised Statutes, the Lieutenant Governor may, from time to time, by order in council, make tariffs of fees to be taken by registrars, for the several services and duties performed by them, and such fees shall then be substituted for those fixed by article 5693 of the said Revised Statutes or by any other enactment, every such order in council may, from time to time, be amended, repealed, or replaced, and may apply to one or more or to all the registration divisions of the Province and every such order shall be published in the *Quebec Official Gazette* and shall take effect from a day to be therein appointed, not being less than one month from the day on which it is published.

Whereas 9. The tariffs, actually in force, of fees and duties payable to the several officers of justice of the province herein above mentioned, and to the registrars, have been fixed by Orders in Council passed at different dates from the 26th of April, 1850 to the 27th of July, 1891, and it is now difficult to trace and apply them, and it is expedient to revoke these tariffs, and to establish new ones, contained in a single order in Council, in such way as to render the application and collection of them easy and uniform.