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No. 437.

1st Session, 4th Parliament, 16th Victoria, 1853.

BILL.

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

Received and Read a first time, Monday, 6th
June, 1853.

Second Reading, Tuesday, 7th June, 1853.

Hon. Mr. Attorney General DRUMMOND.

QUEBEC:

PRINTED BY JOHN LOVELL, MOUNTAIN STREET

1852-3.]

B I L L .

[No. 437.

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

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, &c.,

Preamble.
18 and 14 V.
c. 37.
14 and 15 V.
c. 17.

That notwithstanding anything 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 Fund.

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, 1850, to the thirty-first day of December, 1852, 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

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

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 5 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 10 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 15 the said Consolidated Revenue Fund of the Province.

Surplus or
deficiency
now dealt
with.

Increased
allowances to
certain Offi-
cers in Dis-
trict of St.
Francis.

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 20 Clerk of the Circuit Court at Sherbrooke; Be it therefore enacted, that notwithstanding anything 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 Dis-
trict of Saint Francis annual and fixed salaries not exceeding those 25
hereinafter mentioned, and from time to time to modify the same as he shall judge expedient, that is to say:

First. To the Sheriff a sum not exceeding two hundred and fifty pounds, Currency.

Second. To the Prothonotary or Clerk of the Superior Court, a 30
sum not exceeding two hundred pounds, Currency.

Third. To the Clerk of the Circuit Court, called the "*Sherbrooke*
Circuit," a sum not exceeding one hundred pounds, Currency.

Fourth. To the Clerk of the Crown, a sum not exceeding fifty 35
pounds, Currency.

Fifth. To the Clerk of the Peace a sum not exceeding one hun-
dred and fifty pounds, Currency.

Inconsistent
enactment
repealed.

IV. 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. 40