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No. 72.

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2nd Session, 7th Parliament, 26 Vic., 1863.

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**BILL.**

**An Act to amend the Law with respect to  
certain Public Officers.**

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**Received and read, 1st time, Monday, 2nd  
March, 1863.**

**Second reading, Friday, 6th March, 1863.**

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**Mr. Sol. Gen. WILSON.**

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**QUEBEC :**

**PRINTED FOR THE CONTRACTORS BY HUNTER,  
ROSE & CO., ST. URSULE ST.**

**An Act to amend the Law with respect to certain Public Officers in Upper Canada.**

**WHEREAS** it is advisable to amend the Law with respect to certain Public Officers in Upper Canada : Preamble.

Therefore Her Majesty, by and with the consent of the Legislative Council and Assembly of Canada, enacts as follows :

- 5 **1.** The Governor in Council may declare that the Clerk of the Judges' in Chambers at Osgoode Hall, and the Clerk of the Practice Court, and any Clerk of a County Court, and any Registrar of a Surrogate Court, and any Clerk of a Division Court in Upper Canada, who is paid by fees, shall from and after a certain day, to be specified in the Order in Council, cease to be paid by fees, and shall be paid thereafter at a certain annual salary to be fixed and from time to time to be varied, by order in Council in lieu of all fees, but in no case to exceed the amount of fees, which may for the time be receivable from the said Office. Governors in Council may cause certain officers of the Courts to be paid by salary in lieu of fees.
- 15 **2.** All the fees which were so paid and payable to such Officers respectively, or which, but for this Act would have been payable to such Officers for their own use, shall from thenceforth be received by them for the Crown; and be paid over in manner following, that is to say, by the Clerk of the Judges' in Chambers, and the Clerk of the Practice Court, at the like times and in the like manner as the Clerks of the Crown and Pleas at Toronto receive and pay over the fees received by them, and by the other officers in like manner and at the like times as they now pay over the fees receivable by them on behalf of the Crown. Fees to be then paid over to the Crown.
- 20 **3.** The Governor in Council may remit any such Officer who has been placed upon a salary to the fees of the Office again, in lieu of such salary, whenever he may consider it expedient to do so. Fees may be again substituted for salary.
- 25 **4.** Every such Officer placed upon a Salary shall, while so paid, be appointed by and be removable at the pleasure of the Crown, and shall be bound to furnish such security as the Governor in Council may think expedient for the due performance of the duties of his Office, and the accounting of all moneys which he ought to receive or which may come into his hands, over and above any security which he is now compelled or may be required to give for any of the duties or receipts of his office. Officer placed on salary to be removable at pleasure, and give security.
- 30 **5.** When any County is separated from a Union of Counties, the Governor in Council may make such reduction in the Salary of the Judge, or of any Junior Judge of the County Court, or of any other Salaried Officer of the former Union who continues such Salaried Salaries, judges, and officers of counties may be reduced after separa-

- tion of junior  
counties. Officer of the Senior. or remaining County or Counties, who is paid by the Crown, as may be reasonable, in consequence of the diminution of the labor, duties and responsibilities of such persons after, and by reason of the separation of such part of the Union.
- And so of  
salary of  
county judges  
relieved from  
holding Divi-  
sion Courts  
in cities. **6.** On the appointment of any Junior Judge, or on the appointment of the Recorder of a City to preside over and hold the Division Court of that Division of the County which includes the City, the Governor in Council may make such reasonable reduction in the Salary of the Judge of the County Court, as may seem expedient in consideration of the relief which the Judge may so receive by the appointment of such Junior Judge or Recorder. **5**
- Such reduc-  
tion of salary  
limited. **7.** The Salaries of all such Judges of the County Courts shall not at any time be reduced below the sum specified in the tenth Section of the Consolidated Acts for Upper Canada, Chapter fifteen.
- Tenure of  
office of junior  
judges. **8.** Every Junior Judge of a County Court heretofore, or hereafter to be appointed, shall hold his office only during pleasure. **15**
- Governor may  
appoint or  
remove any  
Clerk of a  
Division  
Court. Judge  
may appoint  
*pro tem.* **9.** The Governor may at any time, if he think it expedient so to do, and notwithstanding section twenty-three of chapter nineteen of the Consolidated Statutes for Upper Canada, appoint any person to be Clerk of a Division Court, and may at any time remove any Clerk of a Division Court whether appointed by the Governor or by the Judge, and on any vacancy of the Office by death, removal or otherwise, the Judge may, if the Governor has not appointed to such vacant Office, appoint a person to act as Clerk, and who shall be Clerk until the Governor either confirms his nomination, or disallows it, or appoints another person to be Clerk. **20**
- Sect. 6 of Cap.  
16, Con. Stat.  
U. C. repealed  
and new pro-  
visions substi-  
tuted as to  
Registrars  
of Surrogate  
Courts. **10.** Section six of Chapter sixteen of the Consolidated Statutes for Upper Canada, is hereby repealed and the following clause substituted therefor, and the same shall be read as if it originally had formed part of the said Act: "On the death, resignation, or removal of the Registrar of any Surrogate Court, or on the establishment of any Surrogate Court by the separation or erection of a new County, the Clerk of the County Court shall, unless the Governor in Council at any time divide the said Offices, or appoint separately thereto, or specially only to one of them, be *ex-officio* Registrar for the County." **30**
- Sect. 9 of Cap.  
17, and Sect.  
7, Cap. 106,  
Con. Stat.  
U. C. repeal'd  
and new pro-  
visions sub-  
stituted as to  
Clerks of the  
Peace. **11.** Section nine of Chapter seventeen of the Consolidated Statutes for Upper Canada, and Section seven of Chapter one hundred and six of the said Consolidated Statutes, are hereby repealed, and the following clause substituted therefor respectively, and the same shall form a part of each of the said respective Acts, and shall be read as if it had originally formed a part of each of the said Acts. **40**
- "No person shall, after this Act takes effect, be appointed a Clerk of the Peace for any County, who is not a Barrister at Law of not less than three years' standing at the Upper Canada Bar, and every Clerk of the Peace so appointed shall, unless the Governor in Council at any time divide the said Offices, or appoint separately thereto, or specially to only one of them, be *ex-officio* County Attorney for the County of which he is Clerk of the Peace. **45**
- Sect 32 of  
Cap. 15, Con.  
Stat. U. C. re-  
pealed. **12.** Section thirty-two of Chapter fifteen of the Consolidated Statutes for Upper Canada, is hereby repealed. **50**

13. The words and figures in section twenty-seven of Chapter ten of the Consolidated Statutes for Upper Canada, as follows: "To the Process Clerk, \$1,400," are hereby repealed, and in lieu thereof shall be substituted and read as part of the said section: "To the Process Clerk, not exceeding \$1,400." Sect. 27 of  
Cap. 10, Con.  
Stat. U. C.,  
amended.