

not proved, the party by whom it was made shall not be entitled to costs in the court of review.

5. The articles of the code of procedure in contradiction of this act are hereby amended. C. C. of procedure amended accordingly.

C A P. X I I I .

An Act respecting the appointment of Queen's Counsel.

[Assented to 24th December, 1872]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. It shall be lawful for the lieutenant-governor, by letters-patent under the great seal of the province, in Her Majesty's name, to appoint from among the members of the bar of the Province of Quebec, such persons as he may deem right, to be Her Majesty's counsel, learned in the law. Lieut.-G. v. may appoint Queen's counsel by letters patent.

2. It shall be lawful for the lieutenant-governor, in the same manner, to grant to any member of the bar, if he shall deem right so to do, a patent of precedence. And may grant patents of precedence.

3. Any Queen's counsel so appointed, or any person to whom such patent of precedence shall be granted, shall have such rank and precedence among the members of the bar as shall be given by such letters-patent. Rank and precedence shall be taken according to such letters patent.

C A P. X I V .

An Act to extend the provisions of Chapter five, thirty-fifth Victoria, intituled : "An Act respecting Judicial and other Deposits.

[Assented to 24th December, 1872.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Whenever the clerk of appeals shall have received, either personally or through his deputy, by way of judicial deposit or otherwise, any sum of money exceeding one hundred dollars, he shall forthwith deposit such sum of Clerks of appeals to deposit sums over \$100.

money in the office of the provincial treasurer, in the manner prescribed by the act thirty-fifth Victoria, chapter five, and shall file in the record of the cause or proceeding, in which he received such sum, the deposit receipt of the treasurer.

Coroners to deposit all sums received.

2. Every coroner who either personally or by his deputy shall have received any sum of money, exceeding one hundred dollars under any title whatsoever, shall immediately deposit the same, in the manner prescribed in the act above cited.

Bailiffs to deposit sums exceeding \$100.

3. Every bailiff of the superior court, who shall have received any sum of money arising from a seizure or judicial sale and exceeding in amount one hundred dollars, shall, unless he has lawfully handed over, distributed or paid such sum, before making his return, deposit the same in the prothonotary's office of the district within the limits of which the writ has issued together with his return.

Ex-officers to render account.

4. Within the three months next after the coming into force of this act, the clerk of appeals, all coroners, and all persons, who having filled such offices have ceased to fill the same, or their legal representatives, shall furnish to the treasurer of the province a detailed statement, previously sworn to before a judge or commissioner of the superior court, of all sums of money, for which they shall then be responsible, and upon requisition to that end, deposit the same in the office of the treasurer.

Sec. 7 of 35 V., c. 5, replaced.

5. Section seven of the act of this province, thirty-fifth Victoria, chapter five, is repealed, and the following substituted therefor:

15 days after judgment of homologation, if there be no appeal or opposition, prothonotary or clerk, shall notify provincial treasurer, who may thereupon pay the moneys deposited.

"At the expiration of fifteen days from the date at which any report of collocation and distribution of moneys shall have been homologated, in whole or in part, (as the case may be,) whether by a judgment of any court, or by the order of a prothonotary or a clerk of a court in Lower Canada, the prothonotary, or clerk of the court, within the office of which the said judgment, or order, of homologation is filed and of record, if no notice of appeal from such judgment, or order, of homologation, shall have been served upon him, or if no opposition has been made to such judgment, or order, of homologation as hereinafter set forth, within the said delay of fifteen days from the date of the said judgment, or order, of homologation, shall transmit, without delay, to the treasurer of the province of Quebec, a copy of the said judgment, or order, of homologation, and a certificate under his signature, and the seal of the court establishing and setting forth, that no no-

tice of appeal from the said judgment, or order, of homologation, nor any opposition to the same has been served upon him, within the said delay of fifteen days, and on receipt of such judgment and certificate, the treasurer shall immediately pay the moneys so distributed, by delivering to the sheriff, or to the officer to whom the same belongs, his orders, or cheques in favor of each of the parties mentioned in the judgment, or order, for the amount awarded to each. And if an appeal has been taken from the said judgment, or order, of homologation, or an opposition made thereto in relation to one or more of the said collocations, which shall be established by the certificate of the prothonotary or clerk, the treasurer shall not pay the amount of the collocations so contested until after a definite sentence has been pronounced upon such contestation, or until after such contestation shall have been settled as hereinafter provided.

If there be an appeal or an opposition, treasurer shall not pay until after final judgment or settlement.

“Any person, or corporation, desirous of instituting an appeal from the judgment, or order, of homologation before mentioned, or of making any opposition thereto, if by law any such opposition can be made, must, within fifteen days from the date at which such judgment, or order, of homologation shall have been rendered, produce at the office of the court where such order or judgment is filed and of record, by causing the same to be served upon the prothonotary, or clerk of such court, a copy of the writ of appeal which he has caused to be issued, or of his opposition, (if an opposition has been made,) and it shall be the duty of the prothonotary or clerk to make an entry of such document, in the registers of the court, and the same shall form part of the record; and in the event of the said opposition or writ of appeal not having been served within the aforesaid fifteen days, upon the prothonotary or clerk of the court, the sums of money mentioned in the judgment or order of homologation shall be paid; but the foregoing provisions shall not deprive any one who shall have omitted to prosecute his appeal or opposition within the fifteen days as hereinabove set forth, from the right of so doing, within the delays established by law, or of filing his opposition within the delays established by law, and in the event of his succeeding of recovering, by action at law, the moneys paid under the former judgment. Whenever any appeal shall have been instituted to the court of Queen's bench, or any opposition put in within the fifteen days, as aforesaid, and that the prothonotary or clerk, shall have been notified of such appeal or opposition as hereinabove set forth, the moneys affected by such appeal or opposition shall not be paid until the contestation raised thereby shall have been definitely settled, either by the court of Queen's bench, by the superior court, or by Her

Appeals from or oppositions to judgments of homologation must be served upon prothonotary or clerk, in default of which moneys may be paid—without prejudice to the right to prosecute the appeal or opposition—but when such service shall have been made money shall not be paid until after a final decision by court of ultimate jurisdiction.

Majesty's privy council, in the event of the matter being susceptible of being appealed to the latter jurisdiction, and the prothonotary or clerk of the court, shall not grant his certificate for the payment of the moneys, until a copy of the judgment rendered by the court of Queen's bench, by the superior court, or by Her Majesty's privy council, if the cause has been carried into such latter jurisdiction, or a discontinuation of such appeal or opposition, or a certificate of the clerk of appeals in the said province, establishing that such appeal has been given up and abandoned, or a certificate of the prothonotary or clerk of the court establishing that such opposition has been discontinued, shall have been filed in the office of the superior court.

Moneys may
be distributed
by consent.

"In all cases whenever a consent in writing, signed by all the parties interested in the cause, and attested by the prothonotary or clerk, shall have been filed with him, the treasurer shall immediately pay or distribute the moneys so deposited, by delivering to the sheriff or other officer entitled thereto, his cheques or orders in favor of any person mentioned in such consent, for the amount therein set forth."

Sec. 23 of said
act repealed.

6. Section twenty-three of the said act is repealed, and the following substituted therefor :

Moneys deposited under this act, may be attached in the hands of the treasure; in the usual manner, by garnishment, either before or after judgment.

Deposits may
be seized by
garnishment.

7. This act shall form part of the act respecting judicial and other deposits, herein before firstly cited, and the provisions thereof as modified by the three preceding sections, shall apply to the clerk of appeals, to coroners and to bailiffs of the superior court, in the same manner as to the judicial officers mentioned in the provisions thereof.

This act to
form part of
said act.

8. This act shall come into force on the first day of January, eighteen hundred and seventy-three.

C A P . X V .

An Act respecting the Securities of certain Judicial Officers of the Province of Quebec.

[Assented to 24th December, 1872.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

The security
to be given
hereafter by

1. All security required of sheriffs, prothonotaries of the superior court, clerks of the circuit court, registrars,

1.1.46

1.2.1

1.3.2

1.4.3

1.5.4

1.6.5

