

Provincial Parliament; from time to time, to require from the said Society or from the Council thereof, true statements under oath (which oath any Justice of the Peace is hereby authorized to administer) of the receipts and expenditure of the said Society and of the real and personal estate held and enjoyed by the said Society.

Saving of the King's rights and of other persons.

XIII. And be it further enacted by the authority aforesaid, that nothing in the present Act contained shall affect or be construed to affect in any manner or way whatsoever the rights of His Majesty, his heirs or successors, or of any person or persons, or of any bodies politic and corporate, such only excepted as are herein mentioned.

Public Act.

XIV. And be it further enacted by the authority aforesaid, that this Act shall be deemed and taken to be a public Act, and as such shall be judicially taken notice of by all Judges, Justices of the Peace, and other persons whatsoever, without being specially pleaded.

CAP. LXVI.

AN ACT to authorize the erection of Court Houses and Gaols in the Counties of this Province, and for other purposes therein-mentioned.

25th February, 1832.—Presented for His Majesty's Assent and “ reserved for the signification of His Majesty's pleasure thereon.”

12th October, 1832.—Assented to by His Majesty in His Council.

8th January, 1833.—The Royal Assent signified by the Proclamation of His Excellency the Governor in Chief.

MOST GRACIOUS SOVEREIGN.

Preamble.

WHEREAS the erection of Court Houses and Gaols in the several Counties of this Province, would be productive of many advantageous results:—May it therefore please your Majesty that it may be enacted and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, “ An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, “ *An Act for making more effectual provision for the Government of the Province of Québec in North America,*” and to make

Thirty proprietors residing in any County may apply by Petition to the Senior Justice to hold public meeting to ascertain whether a majority of the inhabitants are desirous of building a Court House and Gaol.

“ make further provision for the Government of the said Province.” And it is hereby enacted by the authority aforesaid that it shall be lawful for thirty proprietors, freeholders or lessees of real estate, whereof the lease shall have been originally executed for a term of twenty-one years at least, residing in any County in this Province, to apply by Petition in writing to the Senior Justice of the Peace residing in the said County, for leave to hold public meetings therein, in the manner hereafter-mentioned for the purpose of ascertaining whether the majority of the proprietors, freeholders, and lessees as aforesaid in the said County, would be desirous of erecting and establishing a Court House and Gaol in the said County.

After receipt of such petition the Justice to proceed.

II. And be it further enacted by the authority aforesaid, that within fifteen days after the receipt of such Petition, the Justice of the Peace who shall have received the same shall issue an order or notices in writing, which said Justice of the Peace shall cause to be read, published and posted up in every Parish, Seignior, Township, or extra-parochial place, within the said County, at the door of the Church or Chapel, immediately after Divine Service in the morning; or if there be no Church or Chapel, then at the most public and frequented place on two successive Sundays (of which publication the said Justice of the Peace shall keep an authentic certificate) notifying all such proprietors or lessees respectively, to meet in every such Parish, Seignior, Township, or extra-parochial place, at some convenient time and at a central place, both of which shall be indicated in the said publications for the purpose of respectively choosing two Trustees to consider on their behalf with the Trustees from the other parts of the County, and to determine whether it would be expedient that there should be therein a Court House and a Gaol. Provided always, that no such meeting shall take place sooner than two or later than five days after the last publication.

Proviso.

Justice of the Peace or senior officer of militia shall preside at such meeting and how proceedings to be regulated.

III. And be it further enacted by the authority aforesaid, that at every such meeting a Justice of the Peace, or the senior principal officer of militia, then present, shall preside, whose duty it shall be to explain to the meeting the object and provisions of the present Act, and draw up a report of the proceedings of the said meeting, and of the election of two Trustees to deliberate as above; of which report to be certified by at least five principal inhabitants present at the said meeting; the Chairman whereof shall, within eight days, transmit a copy to the Justice of the Peace who shall have called the same.

That when in one or more places the meeting not having been held and no

IV. And be it further enacted by the authority aforesaid that when, in one or more of the said places, the said meeting shall not have taken place, or no proceedings shall have been made, towards the election of the said Trustees, the said proprietors, freeholders, or lessees as aforesaid, may again within eight days of the date

date

date fixed by such meeting, apply in the same manner to the said Senior Justice of the Peace, to call another meeting, to take place in the manner above established; and within the same delay.

No Election to take place unless there be a certain number of proprietors present

V. And be it further enacted by the authority aforesaid, that at any of the meetings of the said proprietors, freeholders and lessees as aforesaid, the said election shall not take place, unless at least fifty of the said proprietors and lessees be then present, if so many there be in the said Parish, Seignory, Township, or extra parochial place.

Duty of the Senior Justice of Peace after having received the returns of the elections or in other cases &c.

VI. And be it further enacted by the authority aforesaid, that it shall be the duty of the said Senior Justice of the Peace, after he shall have received the returns of such elections, or in cases wherein any such election shall not have occurred, after the time fixed for convening other elections, without their having been required, or after the time fixed for sending the returns of the proceedings of such new meetings, when they shall have been called for, to convoke, by notice in writing, delivered personally or at the domicile of the Trustees elected for the said County, to meet on some convenient day, which shall be at least ten days after that upon which any such notification shall have been given at such place within the said County at which the last election of a member or members to represent such County in the Assembly of this Province, shall have taken place; and within the County of Megantic, if no poll shall have been held as aforesaid, then at the most public place in the Township of Leeds; and in the County of Acadie, at the village of Napierville in the Parish of Saint Cyprien; and such Senior Justice of the Peace who shall so have convoked such meeting of Trustees, shall deliver to the chairman thereof when such meeting shall have been constituted, an abstract of the returns of the proceedings at each meeting of the freeholders and lessees containing the names of the Trustees elected for every Parish, Seignory, Township, or extra-parochial place respectively, and the names of each of the said Parishes, Seignories, Townships, or extra-parochial places, within which no such election shall have been holden, which Trustees so convoked and present at such meeting (at which the Senior Justice of the Peace or Senior principal Militia Officer, then present, and being one of the said Trustees, or where there is no Justice of the Peace or Militia Officer, then the Senior of the said Trustees, shall preside,) shall in behalf of the Proprietors and lessees of the said County, take into consideration and determine by a majority of votes, (the case of the provisions hereinafter enacted, excepted,) the expediency of erecting and establishing a Court House and Gaol in the said County, according to the provisions of this Act, and also the place which they choose as the site of such building or buildings.

No decision on the matter to be made at such meeting unless one half at least of the Trustees elected within the County be present.

VII. And be it further enacted by the authority aforesaid, that no decision on the matter shall be made at such meeting unless one half at least of the Trustees elected within the said County be present; and that the person who shall preside at the said meeting of Trustees in taking the votes respecting the expediency of erecting and establishing such Court House and Gaol, shall reckon as negative two votes for each and every Parish, Seignory, Township, or extra-parochial place, at which a meeting or meetings of the Proprietors, freeholders and lessees as aforesaid shall have been convoked, but for which no return of the election of Trustees shall have been sent in; and the expediency of erecting and establishing such buildings having been resolved in the manner herein before prescribed, the Trustees present, in sufficient number, may also determine among themselves, by an absolute majority of votes and without regard to the absence of Trustees for the places for which noneshall have been elected upon the places where such buildings ought to be erected and established, and the determinations of the said Trustees, according to the provisions of this Act, shall be obligatory upon all the Proprietors, freeholders and lessees as aforesaid, throughout the said County.

Duty of the person presiding at such meeting of Trustees to explain the provisions of the Act, and to keep a minute of the proceedings of the meeting—A copy of the minute to be transmitted to the Governor.

VIII. And be it further enacted by the authority aforesaid, that it shall be the duty of the person who shall preside at such meeting of Trustees, to explain the provisions of this Act, and keep a minute of the proceedings and resolutions of the said meeting, a copy of which minute, certified by him, and at least two other Trustees present, he shall, within eight days, transmit to the Governor, Lieutenant-Governor or person administering the Government of the Province, and shall keep in his possession the minutes of all such proceedings, to which the freeholders and lessees as aforesaid, shall have access *gratis*; and the proprietors, freeholders and lessees as aforesaid, requiring an authentic copy thereof shall pay for the same to the person who shall have presided at such meeting, for examining and certifying the same, the sum of five shillings currency, and that of six-pence currency for every hundred words, for every copy from the minutes of such proceedings.

As soon as Governor has approved of the proceedings of the Meeting of the Trustees, the person that has presided there duty of such person.

IX. And be it further enacted by the authority aforesaid, that as soon as the Governor, Lieutenant Governor, or person administering the Government will have signified his approbation of the proceedings of the said meeting of Trustees to the person who shall have presided thereat, it shall be the duty of the said person to cause a notice to be served on each of the Trustees elected within the limits of the said County, within eight days after the receiving of such approbation from the Governor, Lieutenant Governor, or person administering the Government, and it shall be the duty of the said Trustees or a majority of them within the delay of a month to prepare, draw up, and adopt a plan of the said Court House and Gaol, and its dependencies, also an estimate of the probable expences of the building and

and completing the same, and the sum required to purchase a spot suitable for the said buildings and dependencies, which said plan and estimate shall be submitted by the said Trustees to the inspection and approbation of the Governor, Lieutenant Governor, or person administering the Government.

As soon as approval of the plan and estimation by the Governor has been signified to the person who presided at the said meeting. Duty of such person to give notice to such of the Trustees within the limits of the County, & who is to make a list of the proprietors and lessees.

X. And be it further enacted by the authority aforesaid, that as soon as the approval of the said plan and estimation by the Governor, Lieutenant Governor, or person administering the Government, shall have been signified to the person who presided at the said meeting, it shall be the duty of such person to give notice to each of the Trustees within the limits of the said County, who shall respectively be held to make, within a month, in the Parish, Seignory, Township, or extra-parochial place where they are resident, a correct list of the proprietors and lessees of real property as aforesaid, within the limits thereof, to the extent at least of twenty arpents in superficies, or of real property, which not being so extensive shall be equal to the net value of at least one hundred pounds currency, and another correct list of the proprietors and lessees of real property as aforesaid, of less than twenty arpents in superficies, and of a net value of less than one hundred pounds currency, in the first of which lists they shall mention also the extent owned by each proprietor over and above five hundred arpents.

Where no Trustees are elected or when Trustees do not proceed to complete the list, two more of the neighbouring Trustees may be specially appointed to proceed there, to by the Chairman of the meetings.

XI. And be it further enacted by the authority aforesaid, that in the Parishes, Seignories, Townships, or extra-parochial places where no Trustees shall have been elected, or where the Trustees elected do not for some accidental cause proceed to the completing of the said lists, two or more of the neighbouring Trustees may be specially appointed to proceed thereto by the Chairman of the said meetings; and every person refusing to give the necessary information to those who shall so make the said lists shall incur a penalty not exceeding twenty shillings currency, to be recovered in a summary manner before a Justice of the Peace: and it shall be the duty of those who shall have so made the said lists, to transmit the same without delay to the Chairman of the said meetings of Trustees, who then shall convene a new meeting at the same place; and the said Trustees so assembled, shall make a just apportionment of the half of the sum of the said estimate between all the proprietors and lessees as aforesaid, within the limits of the said County, in such manner that each of the proprietors and lessees as aforesaid, whose names may be contained in the first list may pay double the sum paid by those named in the second; Provided also, that such apportionment shall be made in such manner that every person who shall be proprietor of more than five hundred arpents of land lying in the place for which such first list shall be made, shall be mentioned in such list as being liable to pay and shall pay for every five hundred arpents of land held by him in such place, a sum equal to that to be paid by each person who shall be mentioned in such first list as proprietor of less than five hundred arpents of land in such place: and for no fraction of any such quantity of five hundred arpents shall any such

such additional sum be paid, nor shall any person be liable to pay any sum above the sums to be paid by ten of the proprietors and lessees as aforesaid in the above first mentioned list.

After an Act of apportionment shall have been drawn up, correct lists to be made for each Parish—the same to be read at the doors of the Churches of each Parish.

XII. And be it further enacted by the authority aforesaid, that as soon as the Act of apportionment aforesaid shall have been duly drawn up by the said Trustees, a correct list shall be made for each Parish, Seignior, Township, or extra parochial place, which list the Trustees thereof, or the senior principal officer of militia shall cause to be read during two successive Sundays, immediately after morning service, at the doors of the Churches or Chapels of each said Parish, Seignior, Township, or extra-parochial place of the County, and where there is no Church or places of public worship, then the said list shall be posted during at least fourteen days, at the most public and frequented places therein, with a notice declaring that the aforesaid apportionment shall be taken into consideration in order that the same be homologated in a Special Session of the Peace to be convened by any Justice of the Peace residing in the said County, on such day and at such place as shall be named in the said notice; which special session shall be composed of at least three justices of the Peace residing in the said County, at which all Justices of the Peace residing in the County, shall have a right to attend, which session shall not be held more than three days. Provided always, that such deed of apportionment shall remain open to public inspection gratis from the date of the said notice until the homologation thereof. Provided also, that any persons who may consider themselves aggrieved by the homologation of the said Act of apportionment and assessment, may within fifteen days after the said homologation, appeal to another special session before three or more Justices of the Peace of a neighbouring County, who shall by virtue of this Act, have jurisdiction to hear and adjudge such claim, and whose judgment shall be final.

Deed of apportionment to remain open for public inspection. Proviso.

After assessment list has been ratified, Trustees may appoint Commissioners for building the Court House and Gaol required by the County, according to the plan and estimate approved of by the Governor.

XIII. And be it further enacted by the authority aforesaid, that after the said assessment lists shall have been finally ratified, the said trustees or a majority of them, shall appoint three fit and proper persons being resident freeholders of the County who shall be Commissioners for building and completing the Court House and Gaol required by the County, according to the plan and estimate which shall have been approved by the Governor, Lieutenant Governor, or person administering the Government.

Commissioners may appoint a Secretary & Treasurer for the building and completing the Gaol and Court House, and they are to insert an adver-

XIV. And be it further enacted by the authority aforesaid, that the said Commissioners shall appoint a Secretary and a Treasurer to assist in the building and completing of the said Gaol and Court House, with power to dismiss the same and appoint others in their stead: and that as soon as the same shall be possible, the said Commissioners or two of them shall cause to be inserted in two newspapers (if so many there be,) published in the District or Inferior District in which the County shall be, during four weeks, an advertisement specifying the work to be done and the materials required for building the Court House and Gaol, and the dimensions

Assessment in the public papers of the district in which the County may be, specifying the work to be done for building the Court House and Gaol, &c. Pursuo.

dimensions and appurtenances thereof, the place and time where and when to be erected; and when and where the Commissioners will accept the tenders for the same which shall be found most advantageous; and also the time at which the said building must be completed and delivered *à dire d'experts*; and requiring further that the names of two good and sufficient securities be given in with every such tender. Provided always, that no contract made by the said Commissioners shall be executed until it shall have been approved by the Governor, Lieutenant Governor or person administering the government.

Governor may advance money to the Commissioners

XV. And be it further enacted by the authority aforesaid, that as soon as the said contract shall have been approved, it shall be lawful for the Governor, Lieutenant-Governor, or person administering the Government, to advance and pay from time to time to the said Commissioners, a sum not exceeding six hundred pounds currency, out of any unappropriated monies into the hands of the Receiver General: Provided always, that of the said sum of six hundred pounds, there shall be paid only so much as shall equal half of the entire cost and completion of the said Court House and Gaol and dependencies thereof, and that the said one-half shall not be paid unless it be duly certified to the Governor, Lieutenant-Governor, or the person administering the Government, under oath of the Treasurer, which oath every Justice of the Peace is hereby authorized to administer; that a sum of three hundred pounds currency, at least, has been deposited in his hands on account of the said apportionment.

That within two months after the aforesaid Act, it shall be the duty of the Trustees to levy a certain sum of money on each person and place the same in the hands of the Treasurer.

XVI. And be it further enacted by the authority aforesaid, that within two months after the aforesaid Act of apportionment it shall be the duty of the said Trustees to levy within their respective Parishes, Seigniories or Townships, or in the neighbouring Parishes, when Trustees shall not have been elected therein, the sum which each person shall by the said Act of apportionment be held to pay, and to place the whole in the hands of the Treasurer, and in default of payment by any of the said persons, it shall be the duty of the Trustees, within their respective localities to sue for the recovery of the same before any one Justice of the Peace.

Trustees refusing to pay over or retaining money—Treasurer to sue for the same.

XVII. And be it further enacted by the authority aforesaid, that if any Trustee refuse to pay over or retain any monies which he may have levied for such apportionment, it shall be the duty of the said Treasurer to sue for the payment thereof before the Court of King's Bench for the District or Inferior District in which such refusal or neglect of payment, by any Trustee as aforesaid, shall have occurred, which Trustee shall be held and adjudged to pay the sums by him received, and twelve per cent in addition to them by way of interest with the costs.

Governor to declare the Court House to be the place

XVIII. And be it further enacted by the authority aforesaid, that when the Court House and Gaol shall be finished, delivered and duly received by the said Commissioners, it shall be lawful for the Governor, Lieutenant Governor, or person

where the
Court shall be
held and the
Gaol to be the
County Gaol.

son administering the Government, by proclamation to declare and announce that from and after the date thereof the said Court House shall be the place where the Court, having civil and criminal jurisdiction, with the powers and authorities hereinafter defined, shall be holden for the County in which the same is situated, and that the said Gaol shall be a County Gaol.

Where the
Court House
is established,
Quarter Ses-
sions to be
held therein.

XIX. And be it further enacted by the authority aforesaid, that after the issuing of such proclamation, it shall be lawful for the Justices of the Peace residing within the said County, or any three of them, to hold, four times in every year, a General Session of the Peace for the said County, and there to hear and determine all matters respecting the keeping of the Peace, and generally all civil and criminal matters, of which the Justices of the Peace in General Session can take cognizance according to the laws in force in this Province, and the said Sessions of the Peace shall be holden from the second to the tenth of January, from the first to the tenth of April, from the first to the tenth of July, and from the first to the tenth of October in every year, Sundays and Holidays excepted, and that the said Justices of the Peace, in General Sessions as aforesaid, may take cognizance of, hear, try, and determine, in a summary manner, according to the civil law and custom in force in this Province, all causes and complaints, which shall arise within the said County, touching the recovery of debts not exceeding in amount the sum of ten pounds sterling: Provided that at least three of the said Justices of the Peace may, as often as need shall be, hold Special Sessions of the Peace in the said Court House, for the purposes and in the manner by law provided for all such Special Sessions respectively.

In case of ab-
sence or death
of Trustees, by
whom others
are to be
elected.

XX. And be it further enacted by the authority aforesaid, that in case of the absence from the said County during three months, or in case of the death of any of the said Trustees, it shall be lawful for any ten proprietors, freeholders, or lessees as aforesaid, residing within the Parish, Seignior, Township or extra-parochial place in which such vacancy shall occur, to apply to the Senior Justice of the Peace residing within the said County, by Petition in writing, to convene a meeting of the proprietors, freeholders, and lessees of such Parish, Seignior, Township, or extra-parochial place, in which such vacancy shall have occurred, to elect a Trustee or Trustees in the room and place of the Trustee or Trustees occasioning such vacancy, and such Justice of the Peace shall thereupon issue an order or notice to all such proprietors, freeholders, and lessees, in the manner hereinbefore set forth for holding the said meeting, which shall be holden in the manner and form herein before prescribed for proceeding to the nomination of a Trustee or Trustees, as the case may require, and such Trustee or Trustees so elected, shall have the same duty, obligations, and functions, which were held by the Trustee or Trustees whom they shall have succeeded, and under the like penalties as are hereinbefore imposed.

In cases where Parishes &c. have neglected to elect Trustees, proprietors &c. may apply to the senior Justice of the Peace, to convene a meeting for the election of Trustees, who are to take further proceedings for the purposes of this Act.

Penalty on Trustees refusing to conform to this Act.

Justices of the Peace in their Quarter Sessions to appoint the Clerk of the Court, with the approbation of the Governor.

To give security.

To appoint a Gaoler—his Salary.

The Clerk to advance such sums of money

XXI. And be it further enacted, by the authority aforesaid, that in case one or more of the said Parishes, Seignories, Townships, or extra-parochial places, shall have neglected to elect Trustees in the manner hereinbefore prescribed, to represent them at the said meetings of Trustees, the proprietors, freeholders, and lessees as aforesaid, residing within the said Parishes, Seignories, Townships, or extra-parochial places respectively, may at any time after the expediency of erecting such Court House and Gaol, and the place or places at which they are to be erected, shall have been determined upon in the manner hereinbefore prescribed, apply in the like manner to the senior Justice of the Peace for the County, to convene a meeting for the election of Trustees in the manner hereinbefore prescribed, and the Trustees so elected shall be Trustees to take all further proceedings for the purposes of this Act, jointly with the other Trustees for the County, with the same duties, obligations, and functions, and shall be subject to the like penalties.

XXII. And be it further enacted by the authority aforesaid, that every Trustee who will refuse or neglect to conform punctually to the duties imposed by the present Act, shall incur a penalty not less than ten pounds currency, nor more than fifteen pounds currency, to be recovered before a Justice of the Peace.

XXIII. And be it further enacted by the authority aforesaid, that it shall be lawful for the Justices of the Peace of the County, in Quarter Sessions, with the approbation of the Governor, Lieutenant Governor, or Person administering the Government, to appoint a fit and proper person, after he shall have found two good and sufficient securities, each in the sum of two hundred pounds currency, to be Clerk of the said Court of Civil and Criminal Jurisdiction in the said County, and such Clerk shall have the custody of the Minutes and Registers of the said Courts, and generally shall be charged with the execution of all matters belonging to his office, and shall receive such fees as shall be fixed by the Tariff provided by this Act, and shall be held every three months, at the Quarter Sessions, to render, before the Justices of the Peace of the said Court, an exact account, certified under oath, of all monies received as duties imposed on all judicial proceedings of the said Court, as regulated by the said Tariff, for defraying the expences of the costs of the apportionment of the said Court House and Gaol, and shall immediately pay over the amount thereof to the Treasurer of the said County; and it shall be lawful for the Justices of the Peace of the County, in Quarter Sessions, to appoint a Gaoler for the said County Gaol, who shall have the charge of all prisoners committed to his custody, and also the care and keeping of the said Court House, for which said services the said Gaoler shall receive annually, on the order of the said Justices of the Peace, in Quarter Sessions, a sum not exceeding twenty pounds currency, in half yearly payments; from the Treasurer of the said County, on the order of two Justices of the Peace sitting ordinarily in the said Courts.

XXIV. And be it further enacted by the authority aforesaid, that it shall be the duty of the said Clerk to advance, from time to time, to the said Gaoler such sums of

to the Gaoler
to defray the
current ex-
pences of the
Court House
and Gaol.

of money as shall be necessary to defray the current expences of the said Court House and Common Gaol; and the said Clerk shall charge all such expences in his account, to be rendered every three months as aforesaid.

No expense
beyond a cer-
tain sum
to be allowed
except at the
meeting of
three Justices
of the Peace.

XXV. And be it further enacted by the authority aforesaid, that no expense exceeding the sum of five pounds currency, shall be allowed, except at a meeting of three Justices of the Peace resident in the County, at which meeting the County Treasurer shall be present and shall have a deliberative voice, and if the decision of the Magistrates at such meeting, or a majority thereof, shall be that such expense should be incurred, the object thereof shall be accomplished with all due diligence by the said Clerk, who shall keep a Register of the proceedings at all such meetings; and the amount of such expense shall be paid out of the public monies of the said County, which shall be in the hands of the said Clerk or Treasurer, on the order of three Justices of the Peace, after the said accounts shall have been examined and approved.

Justices of the
Peace may
appoint a
Treasurer.

XXVI. And be it further enacted by the authority aforesaid, that it shall be lawful for the Justices of the Peace last above-mentioned, or a majority of them, at a General or Special Session of the Peace for the County, once in every year, to appoint a Treasurer for the receiving and paying over of all monies to be levied by virtue of this Act, for repairing and keeping up of such Court House and Common Gaol; and in like manner, when and so often as need shall be, to remove such Treasurer and appoint another in his stead; and that such Treasurer, whenever thereunto required, shall make such payments out of the said monies as shall be ordered at any General or Special Session of the Peace for such County, and shall, whenever called upon so to do, faithfully account at any such Session, for all such monies by him received, and for the expenditure thereof.

Duty of the
Treasurer.

Treasurer to
keep a Regis-
ter of his pro-
ceedings.

XXVII. And be it further enacted by the authority aforesaid, that the said Treasurer shall keep a Register of his proceedings and an exact account of all monies paid and received by him as Treasurer of the said County, which Registers and Accounts shall be examined every three months, by the Justices of the Peace resident in the said County, at the Quarter Sessions, and the approval of such Accounts by such Justices of the Peace, or a majority of them, shall be sufficient to discharge and acquit the said Treasurer concerning the application of the monies charged in his account.

Penalty on
Justices of the
Peace not
complying
with Act.

XXVIII. And be it further enacted by the authority aforesaid, that any Justice of the Peace who shall refuse or neglect to comply with the provisions of this Act, shall incur a penalty not less than ten pounds currency, nor more than fifteen pounds currency, recoverable before any Court of Competent Jurisdiction in the District, or Inferior District, wherein such refusal or neglect shall have occurred,

at

at the instance of such Treasurer, or at the instance of any proprietor or lessee as aforesaid, having just ground of complaint; the whole of which penalty, when paid, shall be for the benefit of the County in which such refusal or neglect shall have occurred, to be applied to the repairing and maintaining of such Court House and Common Gaol.

Certain duties on the Law proceedings in the County, granted according to the Tariff for keeping the Court Houses and Goals in repair.

XXIX. And whereas it is expedient that the whole expense of maintaining and keeping in repair such Court Houses and Common Goals should be borne by the inhabitants of every County in which they shall be built; and that it is expedient to provide proper means for defraying such expences;—Be it therefore further enacted by the authority aforesaid, that upon the proceedings in every action at law in such County there shall be raised, levied, collected, and paid; certain duties according to the Tariff in this Act contained.

Fines how appropriated.

XXX. And be it further enacted by the authority aforesaid, that all the fines, forfeitures, and penalties imposed by this Act, and not otherwise appropriated, shall be and they are hereby appropriated to the use of the County wherein they shall be levied, for keeping up and repairing the said Court House and Goals.

Commissioners to make a report of their proceedings with a list of the Tenders they may have received and contracts entered into to the Legislature

XXXI. And be it further enacted by the authority aforesaid, that the Commissioners to be appointed under this Act, shall make a report of their proceedings, accompanied by a list of the Tenders they shall have received, and of the Contracts they shall have made, for the purposes of this Act, and of the amount of their expenditure, and shall lay the same before the several Branches of the Legislature, within the first fifteen days after the opening of each Session thereof after their appointment, and so long as they shall remain in office.

Limitation of actions.

XXXII. And be it further enacted by the authority aforesaid, that every action or prosecution by virtue of this Act shall be instituted within six calendar months after the Act on which it may be grounded shall have been committed, and not afterwards.

Persons entrusted with public money to account.

XXXIII. And be it further enacted by the authority aforesaid, that every person to whom shall be entrusted the expenditure of any portion of the monies hereby appropriated, shall make up detailed accounts of such expenditure, shewing the sum advanced to the accountant, the sum actually expended the balance, if any, remaining in his hands, and the amount of the monies hereby appropriated to the purpose for which such advance shall have been made, remaining unexpended in the hands of the Receiver General; and that every such account shall be supported by Vouchers, therein distinctly referred to by numbers corresponding to the numbering of items in such account, and shall be made up to and closed on the tenth day of April and the tenth day of October in each year during which such expenditure shall be made, and

such account within fifteen days next after the expiration of the said periods respectively:

Fines to be paid to the Treasurer of the County—application of the monies to accounted for to His Majesty.

XXXIV. And be it further enacted by the authority aforesaid, that all fines and penalties hereby imposed to the use of His Majesty, his heirs and successors, in any of the Counties having such jurisdiction, shall be paid into the hands of the Treasurer of each County, and shall as well as the due application of all monies hereby appropriated, or to be received by virtue of this Act, and be accounted for to His Majesty, his heirs and successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, his heirs and successors shall direct; and that a detailed account shall be laid before the several Branches of the Provincial Legislature, during the first fifteen days of each Session thereof.

Continuance of this Act.

XXXV. And be it further enacted by the authority aforesaid, that this Act shall continue and remain in force until the first day of May, one thousand eight hundred and forty, and no longer.

Tariff of Judicial Acts, and Fees thereon to the Clerk.

In actions above six pounds five shillings currency, every Writ of Summons and declaration, and one copy thereof, three shillings currency, whereof two shillings to the Clerk.

For every additional copy, one shilling and three pence currency, whereof three pence currency to the Clerk.

In actions under six pounds five shillings currency, for every Writ or Summons and Declaration and one copy, one shilling and six pence currency, whereof three pence currency to the Clerk.

For annexing and certifying any paper writing, six pence currency, whereof three pence to the Clerk.

For the entry in Court of every Writ and of an opposition, nine pence currency, whereof four pence currency to the Clerk.

For the entry of every rule on *faits et articles* and on any *serment décisive*, nine pence currency, whereof four pence currency to the Clerk.

Every original Subpœna, one shilling currency, whereof six pence currency to the Clerk.

Every rule before judgment, one shilling and six pence currency, whereof nine pence currency to the Clerk.

Every Writ of Execution, one shilling and six pence currency, whereof nine pence currency to the Clerk.

Every Writ of *Saisie Gagerie* and of *Saisie Arrêt*, three shillings and nine pence currency, whereof two shillings currency to the Clerk.

Every copy thereof, one shilling and three pence currency, whereof six pence currency to the Clerk.