

The Provincial Statutes of Lower-Canada, Being the third session of the thirteenth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1830.

10 & 11 George IV – Chapter 31

An Act to provide for the Erection of a Common Gaol in the District of Montreal. (26th March, 1830.)

MOST GRACIOUS SOVEREIGN,

Whereas by reason of the insufficiency of the present common Gaol for the District of Montreal, it hath become indispensably necessary to construct a new one better adapted to the circumstances and to the encreasing Population of the said District, as well as to the security and health of the Prisoners to be detained therein; and whereas it is expedient to appropriate a sum of money to that purpose: 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 Quebec, in North America;' and to make further provision for the Government of the said Province;" and it is hereby enacted by the authority of the same, that it shall be lawful to and for the Governor, Lieutenant-Governor or the Person administering the Government of this Province for the time being, to advance and pay in the manner herein after mentioned, by Warrant or Warrants under his Hand, out of the unappropriated monies which now are in, or may hereafter come into the hands of the Receiver General of the Province for the time being, a sum not exceeding twenty thousand pounds currency, to defray the expenses to be incurred for the erection of the said Gaol and for the purchase of the ground necessary for that purpose.

II. And be it further enacted by the authority aforesaid, that out of the said sum of twenty thousand pounds currency, it shall be lawful for the Governor, Lieutenant-Governor or Person administering the Government of this Province for the time being, to advance and pay for the purposes aforesaid, annually and during three successive years, a sum not exceeding six thousand six hundred and sixty-six pounds thirteen shillings and four pence currency: Provided always, that the Provincial Revenue for each of the said three years shall be subject to the payment of the said sum of six thousand six hundred and sixty-six pounds thirteen shillings and four pence currency, for the purposes aforesaid, and no more.

III. And be it further enacted by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant-Governor or Person administering the Government of this Province for the time being, to nominate and appoint by Commission under his Hand, three persons in the District of Montreal,, to be Commissioners for building the common Gaol to be erected in the said District by virtue of this Act, and for the purchase of the Ground necessary for the

same, to remove them from time to time, if he think fit, and to appoint others in the room of those who may be removed, or may die, or resign.

IV. And be it further enacted by the authority aforesaid, that for the more easy execution of the duty of the said Commissioners, it shall be lawful for them to appoint a Clerk whom they may remove and appoint another in his stead when need shall be, and an overseer of the work and materials for which they shall have contracted whom they may also remove and appoint another in his stead, and whose duty it shall be to inspect the said work and materials, to superintend the due execution of the contracts made by the said Commissioners, and to report to them from time to time in writing the result of his inspection; and the said Commissioners are hereby empowered to agree with such Clerk and Overseer respecting a Salary proportionate to the extent of the duties which each of them shall have to perform.

V. And be it further enacted by the authority aforesaid, that it shall be the duty of such Commissioners or any two of them, immediately after their nomination to select a proper piece of ground for the erection of the said Gaol, and situate within the hundred chains from the Town of Montreal; to lay before the Governor, Lieutenant-Governor or Person administering the -Government of the Province for the time being, a designation and description thereof with the prices demanded, for his approbation and to purchase the same if such purchase be so approved,

VI. And be it further enacted by the authority aforesaid, that immediately after the purchase of the said Lot, it shall be the duty of the said Commissioners, or any two of them, to cause to be made detailed Statements of the work necessary for erection and completion of the said Gaol, and the walls necessary for enclosing the ground, according to the plan furnished by George Blaiklock, Architect, deposited in the Office of the Clerk of the Legislative Council, and which shall be submitted to them for that purpose, to contract in writing from time to time, with one or more persons, for all or part of the work to be done, as they think most fit, and for the materials necessary for the erection, of the said Gaol and surrounding Walls; Provided always, that before making any Contract as aforesaid, the said Commissioners shall give at least three weeks notice in two or more of the newspapers printed in each of the Cities of Quebec and Montreal, specifying the work to be done, the materials to be furnished, the place where the detailed estimates and description of the said work and materials, shall be deposited with the conditions annexed by the Commissioners, the time and place where the Tenders of the persons willing, to contract are be received, and that the Tenders which shall be found to be the most for the public benefit, will be accepted by the said Commissioners.

VII. And be it further enacted by the authority aforesaid, that it shall be lawful for the said Commissioners, before contracting for the building of the said Gaol, to make such alterations in and deviations from the Plan of the said George Blaiklock, as they shall consider to be improvements in the said Plan, and as tending to increase the strength and security of the said Gaol, and the healthiness and accommodation of the prisoners, and to render more

easy the performance of the duties of the several persons having the charge and superintendence of the said Gaol and the Administration of Justice: Provided always, that such alterations and deviations do not raise the expense beyond the sum hereby appropriated for the erection of the said Gaol, and that they shall be approved by His Excellency the Governor or by the Lieutenant Governor or person administering the Government of this Province.

VIII. And be it further enacted by the authority aforesaid, that no work shall be commenced, nor any materials brought, nor any money advanced to Contractors until the contract shall have been signed by the said Contractors, and they shall have furnished two good and sufficient sureties for the due execution of their Contract, according to the stipulations and conditions thereof subject to the report of Experts, (a dire d'experts.)

IX. And be it further enacted by the authority aforesaid, that the several sums due to the Contractors, the expenses of superintendence and administration, and other contingent expenses hereby authorised, shall be paid by one or more Warrants of the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being, upon the certificate of the said Commissioners, that the sums so demanded are due, according to the Contracts or Agreements by them made for the execution of this Act; or in case such sums are required to defray some of the contingent expenses herein-before mentioned, that they may be advanced and paid with safety to the public interest.

X. And be it further enacted by the authority aforesaid, that it shall be the duty of the said Commissioners, so long as they shall act in that capacity, to transmit to the Legislature every year within the first fifteen days of the Session, a report of their proceedings, with copies of the Contracts and Agreements by them made in their said capacity, and the state, of the work undertaken by virtue of this Act.

XI. And be it further enacted by the authority aforesaid, that the expenses of administration and superintendence the salary of the Clerk and of the Overseer, and other contingent expenses herein-before mentioned and hereby authorised, shall not exceed in any case two and one half per cent, upon the amount of the monies which shall be expended by virtue of this Act.

XII. And be it further enacted by the authority aforesaid, that when the said Gaol shall be erected and completed, and public notice by Proclamation to that effect shall have been given by the Governor, Lieutenant Governor, or Person administering the Government of the Province, for the time being, the same shall become and be a Common Gaol for the District of Montreal, and shall be placed under the charge of the Sheriff of that District for the use of which it is intended.

XIII. And be it further enacted by the authority aforesaid, that all the monies appropriated by this Act shall be paid and applied for the purposes therein set forth, and shall 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 the surplus of the monies not expended by virtue of this Act, shall remain at the future disposal of the Legislature.

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