

*The Provincial Statutes of Lower-Canada, Being the fourth session of the fourteenth Provincial Parliament of Lower-Canada.* Quebec: John Carleton Fisher & William Kemble, Law Printer to the King's Most Excellent Majesty, 1834.

4 William IV – Chapter 8

**An Act to amend the Act passed in the second year of His Majesty's reign, for the erection of Court Houses and Gaols in the Counties of this Province. (18<sup>th</sup> March, 1834.)**

MOST GRACIOUS SOVEREIGN.

Whereas it is expedient, to provide some method of determining the site of the Court House and Gaol to be erected in any County of this Province, under the Act passed in the second year of His Majesty's Reign, chapter sixty-six, in cases where there shall be no absolute majority of the Trustees elected under the authority of the said Act, in favor of any one place as the site thereof and to make other amendments to the provisions of the said Act:—Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly 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 part 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 whenever the Trustees elected in any County, under the authority of the said Act passed in the second year of His Majesty's Reign, chapter sixty-six, and intituled, "An Act to authorize the erection of Court Houses and Gaols in the Counties of this Province, and for other purposes therein mentioned," shall report to the Governor, Lieutenant Governor or person administering the Government of this Province, that they have not been able to decide upon the site of the Court House and Gaol, to be erected in such County, for want of an absolute majority of their number, in favor of any one place as such site, it shall be lawful for the Governor, Lieutenant Governor, or person administering the Government, to appoint three Commissioners, not being persons resident in such County, or in anywise interested in the determination of such site, whose duty it shall be forthwith to repair to the said County, and carefully to examine the localities thereof, and after such examination to report to the Governor, Lieutenant Governor or person administering the Government their decision as to the place which ought to be the site of the Court House and Gaol in such Counties, and the decision of such Commissioners, or a majority of them shall be final to all intents and purposes, and have the same effect as if such place had been selected and reported as such site, by an absolute majority of the Trustees in the manner prescribed by the said Act: Provided always, that it shall be lawful for the Governor, Lieutenant Governor, or person administering the Government, to pay to the said Commissioners, such sums of money as he shall deem a fair remuneration for their trouble and disbursements under this Act, and to deduct a like sum from the monies which may hereafter become payable to the Commissioners for the erection of such Court House and Gaol under the Act aforesaid, in the

manner provided in which with respect to the last mentioned monies, all sums payable under the authority of this Act shall be paid, and accounted for.

II. And be it further enacted by the authority aforesaid, that no election of Trustees under the authority of the Act hereinbefore cited and amended, shall be valid unless at the meeting at which such election shall have been made twenty-five proprietors, freeholders and lessees qualified in the manner prescribed in the said Act, shall have been present and have voted, and that no Township, Seigniori [Seigneurie], Parish or extra Parochial place, shall be entitled to elect or be represented by Trustees, under' the said Act, unless there be within twenty-five proprietors, freeholders and lessees qualified as aforesaid, any thing in the said Act to the contrary notwithstanding.

III. And be it further enacted by the authority aforesaid, that whenever the Trustees elected under the authority of the Act aforesaid, in any County shall have decided in the manner therein provided, that it is not expedient to erect a Court House and Gaol in such County, it shall be lawful for the Inhabitants of the several Parishes, Seigniories, Townships, and extra Parochial places, in the same, at any time after the expiration of one year from the date of such decision, to proceed de novo, under the provisions of the said Act, to the election of new Trustees, who shall have the same powers as those originally elected in such County, and may if they shall deem it expedient, decide in favor of the erection of a Court House and Gaol in such County, and whose decision shall in all respects have the same effect, as if it had been made by the Trustees, first elected under the authority of the Act aforesaid.

IV. Provided always and be it further enacted by the authority aforesaid, that all persons holding Lands under and by virtue of any Location Tickets, or with leave in Seigniories though they should not yet have taken deeds of concession in any Township, Seigniori, Parish, or extra Parochial place, shall be liable to contribute to the expence of the erection of the aforesaid building, in proportion to the quantity of Land, so held by them.

V. And whereas errors have crept into the English version of the Tariff of Judicial Acts, and fees thereon to the Clerk, annexed to the Act hereinbefore cited and amended, and it is expedient to correct the same: Be it therefore declared and enacted by the authority aforesaid, that six pence currency, shall be paid to the Clerk, out of the sum of one shilling and six pence currency, payable on every additional copy above one of every Writ of summons and declaration in actions above six pounds five shillings currency, and that one shilling currency, shall be paid to the Clerk, out of the sum of one shilling and six pence currency, payable on every Writ of summons and declaration and one copy any thing in the said Act, to the contrary notwithstanding.

VI. And be it further enacted by the authority aforesaid, that this Act shall remain in force until the expiration of the Act hereinbefore cited and amended, and no longer.