

*The Provincial Statutes of Lower-Canada, Being the fourth session of the of the Special Council, begun and holden at the City of Montreal, in the said Province of Lower Canada, fourteenth day of February, 1839.* Quebec: John Carleton Fisher & William Kemble, Law Printer to the Queen's Most Excellent Majesty, 1839.

2 Victoria – Chapter 38 (Session 4)

**An Ordinance for erecting a Court House with proper Offices at Sherbrooke, in the District of Saint Francis, and for defaying the expense thereof.**

Whereas in consequence of the insufficiency and insecurity of the building now occupied as a Court House for the District of Saint Francis [Saint-François], it is necessary for the honour of Her Majesty's Government and the dignity of justice, that a Court House or Hall, with proper offices, for the convenient sittings of the Courts of Justice, should be erected at Sherbrooke in the said District:—Be it therefore Ordained and Enacted by His Excellency the Governor of the Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue of, and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, "An Act to make temporary provision for the Government of Lower Canada;"—And it is hereby Ordained and Enacted by the authority of the same, that it shall and may be lawful for His Excellency the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, by an instrument under his Hand and Real at Arms, to appoint, in the said District of Saint Francis, three persons to be Commissioners for erecting a Court House with proper offices for the convenient sittings of the said Courts of Justice, to be erected, in pursuance of this Ordinance, at Sherbrooke, in the said District, and to remove from time, to time the said Commissioners, or any of them, and to appoint others in the place and stead of such as shall be removed, or shall die, or resign their trust.

II. And be it further Ordained and Enacted by the authority aforesaid, that the Village of Sherbrooke, in the said District of Saint Francis, shall be hereafter called the Town of Sherbrooke.

III. And be it further Ordained and Enacted by the authority aforesaid, that it shall be lawful for the said Commissioners, or any two of them, and they are hereby required to fix upon some convenient lot of ground in the said Town of Sherbrooke in the District of Saint Francis, whereon such Court House and proper Offices, as aforesaid, may be erected: Provided always, that the situation and other circumstances relative to such lot of ground shall, by the said Commissioners, or any two of them, in the said District, be reported to and approved of by His Excellency the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, before the same shall be finally fixed upon and acquired by purchase or otherwise.

IV. And be it further Ordained and Enacted by the authority aforesaid, that if it should appear to the said Commissioners, or any two of them, that the lot of ground in the said Town of Sherbrooke, whereupon the present Court House is actually erected, is the most convenient site for the erection of a Court House to be erected under the provisions of this Ordinance, it shall be lawful for the said Commissioners, or any two of them, to fix upon the same for the purposes aforesaid: Provided always, that the said Commissioners, or any two of them, shall report the grounds of such selection to His Excellency the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, subject to his approval before the erection of the said Court House and proper Offices shall be commenced thereon.

V. And be it further Ordained and Enacted by the authority aforesaid, that if any lot of ground, other than that on which the present Court House aforesaid is erected, shall have been so fixed upon with such approbation as aforesaid, the said Commissioners, or any two of them, shall, as soon as may be, contract for and acquire by purchase, or otherwise, the fee simple of the said lot of ground so fixed upon as aforesaid, for the purpose of erecting thereon such Court House and proper Offices, as aforesaid, in such manner as is hereinafter directed; which ground so to be acquired, shall be conveyed to and vested in the Prothonotary of the Court of King's Bench for the time being, of and for the said District of Saint Francis, and to his successors for ever, and the said Prothonotary of the said Court of King's Bench for the District of Saint Francis, and his respective successors, for the time being and forever, are hereby made and declared to be a Corporation for the special purpose of being respectively able to take and hold in perpetual succession, for the purposes and uses of this Ordinance, the said lot of ground and Court House and proper Offices, as aforesaid, which shall be thereon erected.

VI. And be it further Ordained and Enacted by the authority aforesaid, that when such lot of ground shall have been so fixed upon with such approbation as aforesaid, or shall have been so contracted for and acquired, it shall and may be lawful for the said Commissioners, or any two of them, and they are hereby required to cause to be thereon erected and finished, a strong and substantial Court House with the proper Offices, for the convenient sittings of the Courts of Justice of and for the said District of Saint Francis. Provided always, that the sum to be expended by virtue of this Ordinance, in and about the purchase of the lot of ground, and in and about the building of a Court House with proper Offices, as above described, in the said District of Saint Francis, shall not exceed the sum of three thousand three hundred pounds, current money of this Province, to which sum the said Commissioners are hereby expressly limited and restricted.

VII. And be it further Ordained and Enacted by the authority aforesaid, that before the building of the said Court House and proper Offices shall be commenced, the said Commissioners, or any two of them, in the said District, shall, and they are hereby directed to cause a plan of the said Court House and proper Offices, with an estimate of the expense of erecting the same to be made, which plan and estimate shall, by the said Commissioners, or any two of them, in the said District, be laid before and approved of by the Governor,

Lieutenant Governor, or person administering the Government of this Province for the time being, and after such approbation, it shall and may be lawful for the said Commissioners, or any two of them in the said District, from time to time, to agree by contract or contracts, in writing, or otherwise in their discretion, with any person or persons, as well for conducting and inspecting the works as for providing materials and hiring workmen and labourers, and for the building of the Court House and proper offices in the said District, and for the building of such part or parts of the said Court House and proper Offices, as and for which the said Commissioners, or any two of them in the said District, shall think it expedient to contract or agree: Provided always, that previous to making any contract or contracts in writing, as aforesaid, fourteen days notice, at least, shall be given in one or more of the public papers printed and published at Quebec and Montreal, expressing the object and intention of such contracts, and the time and place for receiving proposals for the same.

VIII. And be it further Ordained and Enacted by the authority aforesaid, that when and so soon as the said Court House shall be erected and sufficiently finished in the said Town of Sherbrooke, the Court of King's Bench for the said District of St. Francis, the Provincial Court for the said District, and the Courts of General Quarter or Special Sessions of the Peace for the said District; the Weekly Sittings of the Justices of the Peace, of and for the said District, and all other Meetings of the said Justices, and all Special Courts of Oyer and Terminer and General Gaol Delivery, or other description, and generally all courts of civil or criminal jurisdiction appointed to be holden at the said Town of Sherbrooke, shall be holden and kept in the said Court House in the said Town of Sherbrooke, any law, custom, or usage to the contrary notwithstanding.

IX. And be it further Ordained and Enacted by the authority aforesaid, that it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, for the time being, from time to time, by warrant or warrants under his hand and seal, directed to the Receiver General of this Province, to issue to the said Commissioners, or any two of them, such sums of money not exceeding in the whole three thousand three hundred pounds, current money of this Province, out of any unappropriated monies which now are, or hereafter may be, in the hands of the Receiver General, and which said sums of money, as aforesaid, shall be applied towards the building and completing the said Court House and proper Offices of the said District of St. Francis: Provided always, that no more than one half of the said sum shall be so advanced during the present year, one thousand eight hundred and thirty-nine; and Provided also, that no part of the said sum shall be so advanced until it shall appear to the satisfaction of the Governor, Lieutenant Governor, or person administering the Government, from detailed plans, specifications, and contracts, that with good and sufficient securities, submitted to and approved by him, that the whole of the work for which the said sum is appropriated, and all the expenses to be incurred, for or about the same, under this Ordinance, will be wholly met and discharged by the sum hereby appropriated.

X. And be it further Ordained and Enacted by the authority aforesaid, that the said Commissioners, in the said District of Saint Francis, from time to time, when thereunto

required, shall account to the Governor, Lieutenant Governor, or person administering the Government of this Province, for the time being, for the application and expenditure of all and every sum or sums of money to be advanced to them or expended by them for the purposes of this Ordinance, in such manner and form as the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, shall appoint and direct.

XI. And be it further Ordained and Enacted by the authority aforesaid, that the due application of the said monies pursuant to the directions of this Ordinance, shall be accounted for to Her Majesty, her heirs and successors, through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty, her heirs and successors shall be pleased to appoint.

J. COLBORNE.

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the Third day of April, in the second year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the year of Our Lord, one thousand eight hundred and thirty-nine.

By His Excellency's Command,  
W. B. LINDSAY,  
Clerk Special Council.