

The Provincial Statutes of Lower-Canada, Being the sixth session of the of the Special Council, begun and holden at the City of Montreal, in the said Province of Lower Canada, fifth day of November, 1840, and ending the ninth day of February, 1841. Quebec: John Carleton Fisher & William Kemble, Law Printer to the Queen's Most Excellent Majesty, 1841.

4 Victoria – Chapter 24 (Session 6)

An Ordinance to authorize the transfer of the property of the Old Gaol in the City of Montreal, to the principal Officers of Her Majesty's Ordnance.

Whereas in and by a certain Act of the Parliament of this Province, passed in the forty-fifth year of the reign of His Majesty King George the Third, and intituled, "An Act to provide for the erecting of a Common Gaol in each of the Districts of Quebec and Montreal respectively, and the means for defraying the expenses thereof." it was among other things in effect enacted, that a strong and substantial Gaol should be erected in the City of Montreal, on a lot of ground belonging to His said Majesty, and intended to be appropriated by him for that purpose, and certain sums of the public money of this Province, were, by the said Act, and a certain other Act of the Provincial Parliament, passed in the fifty-first year of the reign of his said Majesty, and intituled, "An Act for granting another sum of money to finish the building of the common Gaol for the District of Montreal," appropriated to defray the expenses of building such Gaol; and whereas a lot of ground in the said City, was appropriated by his said Majesty for the purposes aforesaid, and a Gaol was built thereon in pursuance of and under the authority of the Act first above cited, and became by virtue of the enactments of the said Act, the Common Gaol of the District of Montreal, and the property thereof, and of the ground aforesaid, is vested in Her Majesty for the public uses of the Province; and whereas in and by a certain other act of the said Parliament, passed in the session held in the tenth and eleventh years of the reign of His late Majesty, King George the Fourth, and intituled, "An Act to provide for the erection of a Common Gaol in the District of Montreal," it was declared that by reason of the insufficiency of the Gaol so erected as aforesaid, it was indispensably necessary to construct a new one better adapted to the circumstances, and to the increasing population of the said District, and it was among other things enacted, that a new Gaol should be constructed in the manner herein provided, and that when such new Gaol should be erected and completed, and public notice to that effect given by proclamation of the Governor or person administering the Government, such new Gaol should become and be the Common Gaol of the said District: and whereas a new Gaol was accordingly erected and completed, and public notice to the effect aforesaid was given by proclamation as aforesaid, and the said new Gaol became accordingly, and now is the Common Gaol for the said District; and whereas the building erected as a Gaol under the authority of the Act herein above cited, and the lot of ground whereon it is situate are no longer necessary for the public uses of this Province, and it hath been represented by the officers of Her Majesty's Ordnance that it would be advantageous to Her Majesty's Service, that the said last mentioned building and lot of ground should be vested in the principal officers of Her Majesty's Ordnance in Great Britain in trust for Her Majesty, and for her service, and it is expedient that the property of the said building and lot of ground should be

so vested, under the provisions hereinafter mentioned;—Be it therefore Ordained and Enacted by His Excellency the Governor of this Province of Lower-Canada, by and with the advice and consent of the Special Council for the affairs of this Province, constituted and assembled by virtue 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 also by virtue and under the authority of a certain other Act of the same Parliament passed in the Session held in the second and third years of the Reign of Her present Majesty, intituled, “An Act to amend an Act of the last Session of Parliament, for making temporary provision for the Government of Lower-Canada;” and also by virtue and under the authority of a certain other Act of the same Parliament, passed in the Session held in the third and fourth years of the Reign of Her present Majesty, intituled, “An Act to Re-unite the Provinces of Upper and Lower-Canada, and for the Government of Canada;” and it is hereby Ordained and Enacted by the authority of the same, and by virtue of the powers vested by the said Acts of Parliament, that it shall be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, to appoint one Expert, and for the officers or chief acting officer of Her Majesty’s Ordnance in this Province, to appoint another Expert, and for the two Experts so appointed, jointly to appoint a third Expert for the purposes hereinafter mentioned, and before they proceed to act as such Experts.

II. And be it further Ordained and Enacted, by the authority aforesaid, that the said three Experts or any two of them, shall and may estimate and ascertain the value of the building erected as a Gaol under the authority of the act herein first above cited, and of the lot of ground whereon it is situate, and the dimensions, boundaries and abuttals of the said lot, and shall and may report the same in writing to the Governor, Lieutenant Governor or person administering the government for the time being; Provided always, that so much in width along the whole front of the said lot of ground as shall be necessary to make the footpath hereinafter mentioned in a line with that along the Government Garden also hereinafter mentioned, shall be reserved to form part of the public street in front of the said lot, and a flagged pavement or footpath shall be made and maintained by the principal officers of Her Majesty’s Ordnance, (if the said lot be transfered to them as hereinafter provided) along the whole front of the said lot, and of the same width and flagged in the same manner as the flagged footpath along the front of the Government Garden, lying to the eastward of the said lot and separated from it by a public thoroughfare leading to the Champ de Mars;—And if the said transfer be effected, then the Prothonotaries of the Court of King's Bench for the District of Montreal, or the persons or Officers in whom the property of the Court-House in the said City, and of the lot of ground whereon it stands is or shall be then by law vested, are hereby authorized and' required to cede to the Council of the said City, so much of the said last mentioned lot, as may be necessary to continue the said footpath of the width and in the line aforesaid, along the whole front of the said lot; and the said Council shall and may after such cession pave the said footpath with flag stone in like manner, and erect a proper wall and iron railing to divide the same from the remainder of the said lot and shall for ever after maintain the same in good and sufficient repair.

III. And be it further Ordained and Enacted by the authority aforesaid, that if the Governor, Lieutenant-Governor, or person administering the Government, shall be satisfied that the report of the said Experts is correct and just, and shall in writing under his hand, approve and sanction the same, then on the payment of the sum so ascertained and reported, as the value of the said building and lot of ground, by the officers or chief acting officer of Her Majesty's Ordnance in this Province, or on their or his behalf, to the Receiver General of this Province, for the public uses thereof, hereinafter mentioned, the property of the said building, and of the said lot of ground, bounded and abutted (as in and by the report aforesaid, it shall be described) shall be, and shall remain and continue vested in the principal officers of Her Majesty's Ordnance, in Great Britain and their Successors in the said office, in trust for Her Majesty, Her Heirs and Successors, for the service of the said Ordnance Department, or for such other public service or services as the said principal officers or their successors in the said office, shall from time to time, order and direct, and the property of the said building and lot of ground shall thenceforth be and remain and continue so vested accordingly.

IV. And be it further Ordained and Enacted by the authority aforesaid, that all monies paid to the Receiver General under the provisions of this Ordinance, shall be and are hereby appropriated to defray the expense of erecting a Penitentiary or House of Correction, in and for the District of Montreal, or some other Public Building for civil purposes within the said City of Montreal, and the cost of the ground on which the same shall be erected: and it shall be lawful for the Governor, Lieutenant-Governor, or person administering the Government, to cause such Penitentiary or House of Correction, or other Public Building as aforesaid, to be erected and completed at any place within the said limits, for such civil purposes according to such plan, in such manner and under such superintendence and control as to him shall appear expedient; and by his warrant or warrants, to be issued from time to time, to authorize the payment or advance by the said Receiver General, to the persons mentioned in such warrant or warrants, of such sum or sums as may be necessary to defray any expenses incurred or to be incurred in or about the erection and completion of the said Penitentiary or House of Correction or other Public Building as aforesaid, and not exceeding in the whole the sum so paid to the Receiver General, as the value and price of the Gaol, and lot of ground, of the property of which the transfer is hereby authorized.

V. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall be a permanent Ordinance, and shall be and remain in force, until repealed or altered by competent authority.

SYDENHAM.

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 Sixth day of February, in the Fourth year of the Reign of Our Sovereign Lady Victoria, by the Grace of

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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 forty-one.

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