

C A P. X.

AN ACT for erecting Court Houses, with proper Offices in the several Districts of Quebec and Montreal, and for defraying the expences thereof.

[3d JUNE, 1799.]

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it hath pleased Your Majesty, by Message to both Houses of the Provincial Parliament, to signify that Your Majesty, in your paternal regard for the welfare and happiness of your faithful subjects in this Province, hath been graciously pleased, to give your Royal attention to the representations which have been made relative to the erection of proper Buildings, for holding the Courts of Justice in the several Districts of Quebec and Montreal, and to authorize the Governor of this Province, to advance on the part of Your Majesty, the Sums which shall be requisite for that purpose, to be replaced at such time and in such manner as, in the wisdom of the Provincial Parliament may be found expedient. And whereas, Court Houses or Halls, with proper Offices, for the convenient sittings of the Courts of Justice in the several Districts of Quebec and Montreal, respectively, are of urgent necessity, and for the honour of Your Majesty's Government and the dignity of Justice ought to be forthwith erected: 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 aforesaid, that it shall and may be lawful to and 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 seal at Arms, to appoint in each of the said Districts of Quebec and Montreal, respectively, three persons to be Commissioners for erecting the Court Houses and proper Offices for the convenient sittings of the Courts of Justice, to be erected in pursuance of this Act in each of the said Districts respectively, 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.

The Governor to appoint three commissioners in each of the districts of Quebec and Montreal, to superintend the building of the Court Houses and proper Offices.

To remove them or any of them and appoint others in their stead.

The Commissioners to fix on a Lot of Ground in each of the Cities of Quebec and Montreal, for the erection of the Court Houses and Offices.

Provided that before the Lots of Ground are finally fixed on &c. the same to be approved of by the Governor.

II. And be it further enacted by the authority aforesaid, that in each of the said Districts of Quebec and Montreal, respectively, the said Commissioners for such Districts respectively, or any two of them, as soon as may be, after their respective appointments, shall fix upon some convenient Lot of Ground in each of the Cities of Quebec and Montreal, respectively, whereon such Court Houses and proper Offices aforesaid may be conveniently erected; Provided always, that the situation and other circumstances relative to such Lots of Ground, and to each of them, shall by the said Commissioners or any two of them in each of the said Districts, respectively, be reported to and be approved, by His Excellency the Governor, Lieutenant Governor or Per-

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son administering the Government of this Province, for the time being, before the same shall be finally fixed upon, or any purchase thereof made.

As soon as the Lots are fixed on & the Governor's approbation obtained, the Commissioners to contract for the purchase of them in fee simple.

To be conveyed to the Prothonotaries of the Court of King's Bench, and to their successors for ever.

To be a Corporation for holding in perpetual succession the said Lots of ground and Court Houses &c.

Corporations aggregate or sole, &c. seized, &c. or any Piece of ground on which the Court Houses are intended to be erected, may contract, &c. with the Prothonotaries of the Court of King's Bench, which contracts &c. to be valid in Law.

As soon as the several lots of Ground are conveyed, the Commissioners to erect and finish two substantial Court Houses, &c.

Provided, that the sum to be expended in the District of Quebec, does not exceed £5000. The Court House &c. for the District of Montreal not to exceed £5000.

III. And be it further enacted by the authority aforesaid, that when such Lots of Ground shall be so fixed upon, with such approbation as aforesaid, the said Commissioners or any two of them, in each of the said Districts respectively, shall as soon as may be, contract for the absolute purchase, in fee simple, of the said Lots of Ground, and each of them, in the said Districts respectively, for the purpose of erecting thereon, such Court Houses, and proper Offices as aforesaid, in such manner as is herein after directed, which Ground so to be purchased, shall be conveyed to the Prothonotary of the Court of King's Bench, for the time being, of and for the District in which the Lot of Ground so to be purchased, shall be situated, and to his Successors for ever: and the Prothonotaries of the Court of King's Bench for the Districts of Quebec and Montreal respectively and their respective successors for the time being for ever, are hereby made and declared to be a corporation for the special purpose of being respectively capable, to take and hold in perpetual Succession, for the uses and purposes of this Act, the said respective Lots of Ground and Court Houses and proper Offices as aforesaid, which shall be thereon erected.

IV. And be it further enacted by the authority aforesaid, that it shall and may be lawful, to and for all Corporations, aggregate or sole, ecclesiastical, civil or eleemosynary, Husbands, Guardians, Tutors, Curators and all Trustees whatsoever, not only on behalf of themselves, but also on behalf of the persons, for whom they act, whether Minors or issue Unborn, Lunatics, Idiots, Femmes Coverts or other person or persons, who are or shall be seized, possessed of or interested in any Piece or Pieces of Ground on which the said Court Houses and proper Offices in the said several Districts, or either of them, shall be appointed to be erected, to contract or agree for, sell, convey, and assure such piece or pieces of Ground, unto the Prothonotary of the said Court of King's Bench, in the District wherein such piece or pieces of Ground, shall be respectfully situated; and all such Contracts, Agreements, Sales, Conveyances and Assurances, shall be valid and effectual in Law, to all intents and purposes whatsoever, any Law, Statute, Usage or Custom to the contrary notwithstanding; and all Corporations and persons so agreeing or conveying, are hereby indemnified, for what they shall respectively do by virtue of this Act.

V. And be it further enacted by the authority aforesaid, that when the said Lots of Ground in each of the said Districts respectively, shall be so conveyed as aforesaid, it shall and may be lawful for the said Commissioners, or any two of them, in each of the said Districts respectively, and they are hereby required, to cause to be thereon erected and finish two strong and substantial Court Houses with proper Offices for the the convenient Sittings of the Courts of Justice of and for each of the said Districts, respectively; Provided always, that the Sum to be expended by virtue of this Act, in and about the purchase of a Lot of Ground, and in and about the Building of a Court House, with proper Offices as above described, in the said District of Quebec, shall not exceed five thousand Pounds current Money of this Province; and that the sum to be expended by virtue of this Act, in and about the purchase of a Lot of Ground, and in and about the Building of a Court House with proper Offices, as above described, in the said District of Montreal, shall not exceed five thousand Pounds, current

current money aforesaid, to which said sums, the said Commissioners in each of the said Districts, respectively, are hereby expressly limited and restricted.

Commissioners before the building of the Court Houses to cause a Plan and Estimate to be made.

Which plan and estimate being laid before the Governor, and approved of, the Commissioners to agree by contract for the building of the Court Houses and proper Offices.

Provided, that previous to making any contract, fourteen days notice be given in the Public Newspapers in each of the said Districts,

The Governor may appoint a Supervisor in each of the said Districts, to superintend the erection of the Court Houses and proper Offices in the District for which he is appointed.

The Governor to make an allowance to such Supervisors out of the Fund established by this Act.

As soon as the Court House in each of the said Districts are erected and finished, the Provincial Court of Appeals, &c. to be held and kept in the said Court houses.

VI. And be it further enacted by the authority aforesaid, that before the Building of the said Court Houses and proper Offices aforesaid, shall be commenced, the said Commissioners or any two of them, in each of the said Districts respectively, shall and they are hereby directed to cause a plan of the said Court Houses and proper Offices, respectively, with an estimate of the expence, of erecting the same, to be made, which plan and estimate, shall by the said Commissioners or any of them in each of the said Districts respectively, 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 each of the said Districts respectively, 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 providing materials and hiring work men and Labourers, as for the Building of the said Court Houses and proper Offices in each of the said Districts respectively, or for the building of such part or parts of such Court Houses and proper Offices, as and for which, they the said Commissioners or any two of them, in each of the said Districts respectively, shall think expedient to contract or agree: Provided always, that previous to making any contract or contracts in writing, fourteen days at least shall be given in one or more of the publick news papers, printed within the said Districts, respectively, expressing the object and intention of such contracts, and the time and place, for receiving proposals for the same.

VII. And be it further enacted by the authority aforesaid that it shall and may be lawful to and for His Excellency the Governor, Lieutenant-Governor or Person administering the Government of this Province for the time being, to appoint such person, as he shall deem fit and capable, in each of the said Districts respectively, to be under the directions of the said Commissioners in the said Districts respectively, a Supervisor of the building of the said Court Houses and proper Offices to be erected in pursuance of this Act, and from time to time to remove him or them, and to appoint another or others in the place of him or them, who shall be so removed, or shall die or shall resign his or their trust, which said person or persons so to be appointed as aforesaid, shall superintend the erection of the said Court Houses and proper Offices, in the District for which they shall be respectively appointed: And it shall and may be lawful to and for His Excellency the Governor, Lieutenant-Governor or Person administering the Government of this Province for the time being, out of the fund herein after established, to make such allowance to such Supervisor in each of the said Districts respectively for his skill and attention, in the execution of the trust, to be by virtue of this Act, reposed in him, as he in his discretion shall think sufficient.

VIII. And it is hereby further enacted by the authority aforesaid; that when and so soon, as the said Court Houses shall be erected and sufficiently finished, in each of the said Districts of Quebec and Montreal, respectively, the Provincial Court of Appeals, the several Courts of King's Bench and for each of the said Districts respectively, the several Courts of General Quarter or Special Sessions of the Peace, of and for each of the said Districts respectively, the weekly sittings of the Justices of the Peace, and for the said Districts respectively, and all other Meetings of the said Justices, the Court of Vice Admiralty, of and for this Province, and all special Courts of Oyer and Terminer and General Goal Delivery or other description shall be holden and kept

in the said Court Houses in the said Districts respectively, any Law, Custom or Usage to the contrary notwithstanding.

The Governor may appoint a Treasurer in each of the said Districts, for the receipt & payment of the sums of money, to be advanced and expended.

The Treasurer to receive the sums of money, to be advanced by His Majesty, upon the requisition of the Commissioners or any two of them in each of the said Districts.

The Commissioners to give orders on the Treasurer of each of the said Districts for the payment of such sums of money due for the building of the Court Houses and proper Offices.

Upon receipt of such order, Treasurer to pay the sum, out of the monies raised by this Act, taking a receipt for the same.

To be allowed in account with the Treasurer.

Commissioners in each of the said Districts annually to account to the Governor, for the application and expenditure of the money advanced by His Majesty for the building of the Court Houses and proper Offices.

Treasurers in each of the said Districts, four times in every year, (or oftener if required) to account to the Commissioners of each of the said Districts for the monies received and paid by them.

Which accounts being approved by the Commissioners to be submitted to the Governor.

IX. And for the better regulating of the receipt and payment of the monies to be advanced by His Majesty, and to be expended in the Building and finishing of the said Court Houses and proper Offices, in each of the said Districts respectively, Be it further enacted by the authority aforesaid, that it shall and may be lawful to and for His Excellency the Governor, Lieutenant Governor or Person administering the Government of this Province for the time being, to appoint, in each of the said Districts respectively, such person as he may deem fit and proper, to be Treasurer for the receipt and payment of the several sums of money, so to be advanced and expended, and the said Treasurer so to be appointed as aforesaid, in each of the said Districts respectively, shall and may and he is hereby directed to receive the several sums of money so as aforesaid, to be advanced by His Majesty, and to be expended in the erection of the said Court Houses and proper Offices, in each of the said Districts respectively, as the same shall, from time to time, be advanced by His Excellency the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being, upon the requisition of the Commissioners or any two of them, in each of the said Districts respectively, and the said Commissioners, or any two of them in the said Districts respectively, shall, from time to time, by their order or orders in writing under their hands, directed to such persons as shall be appointed Treasurer as aforesaid, in each of the said districts respectively, direct the payment of all such sum and sums of money, as shall be due and payable for the Building and finishing of the said Court Houses and proper Offices, to the person or persons entitled to receive the same, and such Treasurer, upon receipt of such order or orders, shall forthwith pay the same, out of the monies which shall be in his hands, by virtue of this Act, taking a receipt or receipts for the same, and such sum and sums of money, when paid as aforesaid, shall be allowed in account to such Treasurer, upon the examining, settling or auditing of his accounts as herein after directed.

X. And be it further enacted by the authority aforesaid, that the said Commissioners in each of the said Districts respectively, once in each and every year or oftener, if thereunto required, shall account to his Excellency the Governor, Lieutenant Governor or Person administering the Government of this Province, for the time being, for the application and expenditure, of all each and every the Sum and Sums of Money as aforesaid, to be advanced by His Majesty, and expended in the Building and finishing the said Court Houses and proper Offices, in each of the said Districts respectively, in such manner and form, as His Excellency the Governor, Lieutenant Governor or Person administering the Government of this Province for the time being, shall appoint and direct. And each of the said Treasurers, in the said Districts respectively, four times in each and every year, to wit, on the first days of the several Months of March, June, September and December, and oftener, if thereunto required, shall account, to the said Commissioners in each of the said Districts respectively, for all monies by him respectively received and paid as such Treasurer, as aforesaid, which accounts being first approved by such Commissioners, in each of the said Districts respectively, shall by such Treasurers, in the said Districts respectively, be submitted to his Excellency the Governor, Lieutenant Governor or Person administering the Government of this Province, for the time being, for such examination, audit and settlement, as His Excellency the Governor, Lieutenant or Person administering the Government of this Province, shall think proper to

Treasurer to pay all such money as may remain in his hands, and deliver over the books, &c. to the succeeding Treasurer.

to appoint and direct: And the said Treasurer or Treasurers, or his or their Heirs, Executors, Curators or Administrators, shall well and truly pay, all such monies as shall appear to be remaining in his or their hands, on examining, auditing or settling such Accounts, and shall deliver over all Books, Papers and Writings in his or their Possession, Custody or Power, belonging to the said Office of Treasurer, to any succeeding Treasurer or Treasurers, or other person or persons for such purpose appointed; by the Governor, Lieutenant Governor or Person administering the Government of this Province for the time being, when thereunto required by the said Commissioners or any two of them, in each of the said Districts respectively, or by the Governor, Lieutenant Governor or Person administering the Government of this Province for the time being.

The Quints to the extent of £5000. appropriated to replace the like sum advanced by His Majesty.

XI. And whereas it is necessary to establish a Fund, to replace the sum to be advanced by His Majesty, and to be expended in the purchase of the said Lots of Ground, and in the erection of the said Court Houses and proper Offices aforesaid; And whereas His Majesty, by His Royal Message delivered on the twenty ninth day of April, which was in the year of our Lord One thousand seven hundred and ninety four, did inform, both Houses of the Provincial Parliament, that he had been most graciously pleased to order the Casual and Territorial Revenue of this Province, as established prior to the Conquest, to be applied towards defraying the Civil expences of this Province; Be it therefore further enacted by the authority aforesaid, that the Quints to be collected in each and every of the districts of this Province shall be and they are hereby, expressly appropriated, to the extent of five thousand pounds Current money of this Province, towards replacing the like amount of the said sum, to be advanced by His Majesty, and to be expended in the purchase of the said Lots of Ground, and in the erection of the said Court Houses and proper Offices.

From and after the passing of this Act, the Clerk of the Provincial Court of Appeals to be paid certain rates.

The rates.

XII. And for the further increase of the said Fund, be it further enacted by the authority aforesaid, that from and after the passing of this Act, there shall be paid into the hands of the Clerk of the Provincial Court of Appeals, for the time being, for every Writ of Appeal or Writ of Error, which shall be issued from the said Court of Appeals, the sum of one pound, ten shillings current money of this Province, over and above the fees received and to be received by the said Clerk: and for every appeal to His Majesty in His Privy Council, before the same shall be allowed, the sum of six pounds like current money, over and above the fees received and to be received by the said Clerk.

From and after the passing of this Act, the Prothonotaries of the Court of King's Bench, of the Districts of Quebec and Montreal to be paid on every Writ of Summons, &c. certain Rates.

The Rates.

XIII. And for the further increase of the said Fund, Be it further enacted by the authority aforesaid, that from and after the passing of this Act, there shall be paid into the hands of the Prothonotaries of the Court of King's Bench, in the said Districts of Quebec and Montreal, respectively, for the time being, for every Writ of Summons, *Capias ad respondendum* or Attachment, which shall be issued, from the said Courts in the said Districts respectively, before the same shall be issued, the following Sums, that is to say, for every Writ of Summons, which shall be issued from the said Courts in the said Districts respectively, in any cause wherein and by the Declaration shall be made any demand whatsoever, for any sum of money, not exceeding five pounds current money of this Province, the sum of six pence like current money, over and above the fees received and to be received by the said Prothonotaries in the said Districts respectively; for every Writ of Summons, which shall be issued from the said Courts in the said Districts respectively, in any cause, wherein and by the Declaration shall be made any demand whatsoever, for any sum of money above five pounds like current money and

and not exceeding the sum of ten pounds, sterling money of the Kingdom of Great-Britain the sum of two shillings, over and above the fees received and to be received by the said Prothonotaries, in each of the said Districts respectively; for every Writ of Summons, *Capias ad respondendum* or Attachment, which shall be issued from the said Courts in the said Districts respectively, in any cause, wherein in and by the Declaration shall be made any demand whatsoever, for any sum of money above ten pounds, Sterling Money of the Kingdom of Great Britain aforelaid, and not exceeding, the sum of thirty pounds Current Money of this Province, the sum of five Shillings like current money, over and above the fees received and to be received by the said Prothonotaries in the said Districts respectively; for every writ of summons, *Capias ad Respondendum* or Attachment, which shall be issued from the said Courts in the said Districts respectively, in any cause, wherein in and by the Declaration shall be made any demand whatsoever for any sum of money, above thirty pounds current money of this Province and not exceeding the sum of one hundred pounds like current money the sum of ten shillings like current money over and above the fees received and to be received by the said Prothonotaries in the said Districts respectively; for every writ of summons, *Capias ad respondendum* or Attachment, which shall be issued from the said Courts in the said Districts respectively, in any Cause, wherein in and by the Declaration shall be made any demand whatsoever, for any sum of money, above one hundred pounds current money of this Province, the sum of twenty shillings, like current money, over and above the fees received and to be received by the said Prothonotaries, in the said Districts respectively; for every Writ of Summons which shall be issued, from the said Courts, in the said Districts respectively, returnable in any Inferior term of such Courts or in the Circuit Court of either of the said Districts, in any Cause, relating to real property or to any other matter or thing, wherein in and by the Declaration, no specific demand of money shall be made, the sum of one shilling, current money of this Province, over and above the fees received and to be received by the said Prothonotaries in the said Districts respectively; And for every Writ of Summons which shall be issued, from the said Courts in the said Districts respectively, returnable in any Superior Term of such Courts, in any Cause relating to real property, or to any other matter or thing, wherein in and by the Declaration, no specific demand of money shall be made, the sum of five shillings current money of this Province, over and above the fees received and to be received by the said Prothonotaries in the said Districts respectively.

From and after the passing of this Act, the Prothonotaries of the Court of King's Bench, of the Districts of Quebec and Montreal to be paid on every Writ of *Subpœna* &c. certain Rates.
The Rates.

XIV. And for the further increase of the said Fund, be it further enacted by the authority aforelaid, that from and after the passing of this Act, there shall be paid into the hands of the Prothonotaries of the Courts of King's Bench in the Districts of Quebec and Montreal, respectively; for the time being, for every Writ of *Subpœna*, every Commission Rogatoire, and every other Writ, which shall be issued in any cause after the Writ of Summons and before final Judgment, from the said Courts in the said Districts respectively, and before the same shall be issued, the following sums; that is to say, for every Writ of *Subpœna*, every Commission Rogatoire, and every other Writ which shall be issued after the Writ of Summons and before final Judgment, from the said Courts in the said Districts respectively, in any cause, wherein in and by the Declaration shall be made any demand whatsoever, for any sum of Money not exceeding the sum of Ten Pounds Sterling Money of the Kingdom of Great Britain, the sum of three-pence, current money of this Province, over and above the fees received and to be received by the said Prothonotaries in each of the said Districts respectively; for every Writ of *Subpœna*, every Commission Rogatoire, and every other Writ, which shall be

be issued after the Writ of Summons and before final Judgment, from the said Courts, in the said Districts respectively, in any cause, wherein in and by the Declaration shall be made any demand whatsoever, for any sum of Money above ten pounds sterling money of the Kingdom of Great Britain, and not exceeding the Sum of thirty pounds current money of this Province, over and above the fees received and to be received by the said Prothonotaries in the said Districts respectively; for every Writ of *Subpœna*, *Commission Rogatoire*, and every other Writ which shall be issued after the Writ of Summons and before final Judgment from the said Courts, in the said Districts respectively, in any cause wherein in and by the declaration shall be made any demand whatsoever, for any sum of money above thirty pounds current money of this Province, the sum of one shilling like current money, over and above the fees received by the said Prothonotaries in the said Districts respectively; for every Writ of *Subpœna*, every *Commission Rogatoire*, and every other writ which shall be issued from the said Courts in the said Districts respectively, returnable in any Inferior Term of the said Courts, or in the Circuit Court, in either of the said Districts, in any case, relating to real property, or to any other matter or thing, wherein in and by the Declaration, no specific demand of Money shall be made, the sum of three-pence current money of this Province, over and above the fees received and to be received by the said Prothonotaries in the said Districts respectively; and for every Writ of *Subpœna*, every *Commission Rogatoire*, and every other Writ which shall be issued, after the Writ of Summons, and before final Judgment, from the said Courts in the said Districts respectively, returnable in any Superior Term of such Courts, in any cause, relating to real property or to any other matter or thing, wherein in and by the Declaration, no specific demand of Money shall be made, the sum of one shilling, current money of this Province, over and above the fees received and to be received by the said Prothonotaries in the said Districts respectively.

From and after the passing of this Act the Prothonotaries of the Courts of King's Bench of the Districts of Quebec and Montreal, to be paid on every Writ of Execution, certain rates.

The Rates.

XV. And for the further increale of the said Fund; Be it further enacted by authority afore said, that from and after the passing of this Act, there shall be paid into the hands of the Prothonotaries of the Courts of King's Bench, in the said Districts of Quebec and Montreal, respectively, for the time being, for every Writ of Execution of whatsoever nature or kind the same may be, which shall be issued, from the said Courts in the said Districts respectively, the following sums, that is to say, for every Writ of Execution, of whatsoever nature or kind the same may be, which shall be issued from the said Courts in the said Districts respectively, wherein the sum or sums of Money to be levied, by virtue of such Writ of Execution, shall not exceed the sum of Five Pounds current Money of this Province, the sum of three pence, like current money, over and above the fees received and to be received by the said Prothonotaries in the said Districts respectively; for every Writ of Execution, of whatsoever nature or kind the same may be, which shall be issued from the said Courts in the said Districts, respectively, wherein the sum or sums of money to be levied by virtue of such Writ of Execution, shall be more than Five Pounds, current money of this Province, and shall not exceed the sum of Ten Pounds sterling money of the Kingdom of Great Britain, the sum of six pence, current money of this Province, over and above the fees received and to be received by the said Prothonotaries in the said Districts respectively; for every Writ of Execution, of whatsoever nature or kind the same may be, which shall be issued from the said Courts, in the said Districts respectively, wherein the sum or sums of money to be levied by virtue of such Writ of Execution, shall be more than Ten Pounds sterling money of the Kingdom of Great Britain, and shall not exceed the sum of Thirty Pounds current money of this Province, the sum of one shilling like current money over

over and above the fees received and to be received by the said Prothonotaries in the said Districts respectively; for every Writ of Execution of whatsoever nature or kind the same may be, which shall be issued from the said Courts in the said Districts respectively, wherein the sum or sums of money to be levied by virtue of such Writ of Execution, shall be more than thirty pounds, current money of this Province, and shall not exceed the sum of one hundred pounds, like Current Money, the sum of two shillings and six pence over and above the fees received and to be received by the said Prothonotaries in each of the said Districts respectively; for every Writ of Execution of whatsoever nature or kind, the same may be, which shall be issued from the said Courts in the said Districts respectively, wherein the sum or sums of money, to be levied by virtue of such Writ of Execution, shall be above one hundred pounds current money of this Province, the sum of five shillings, like current money, over and above the fees received and to be received by the said Prothonotaries in the said Districts respectively; for every Writ of Execution of whatsoever nature or kind the same may be, which shall be issued from the said Courts in the said Districts respectively, upon a Judgment obtained in any Inferior Term of such Courts, or in the Circuit Court in either of the said Districts respectively, in which execution no specific sum or sums of money, exclusive of costs, shall be ordered to be levied, the sum of six pence, current money of this Province, over and above the fees received and to be received by the said Prothonotaries in the said Districts respectively; and for every Writ of Execution of whatsoever nature or kind the same may be, which shall be issued from the said Courts in the said Districts respectively, upon a Judgment obtained in any Superior Term of such Courts in which execution no specific sum or sums of money, exclusive of Costs, shall be ordered to be levied, the sum of two shillings and six pence, current money of this Province, over and above the fees received and to be received by the said Prothonotaries in each of the said Districts respectively.

From and after the passing of this Act, the Prothonotaries of the Court of King's Bench of the Districts of Quebec and Montreal to be paid on every Cloture d'Inventaire, &c. certain Rates.

The Rates.

XVI. And for the further increase of the said Fund, be it further enacted by the authority aforesaid, that from and after the passing of this Act, there shall be paid into the hands of the Prothonotaries of the Court of King's Bench, in the said Districts of Quebec and Montreal, respectively, for the time being, for every *Cloture d'Inventaire*, the sum of One shilling, current money of this Province, over and above the fees received and to be received by the said Prothonotaries in the said Districts respectively: for every *Assemblée de Parens*, for whatever purpose the same may be had, (except for election of Tutors,) the sum of One shilling, like current money, over and above the fees received and to be received by the said Prothonotaries in the said Districts respectively; for every Marriage contract *insinué* or enregistered, the sum of Five shillings, like current money, over and above the fees received and to be received by the said Prothonotaries in the said Districts respectively, and for every Donation and every other Act or deed whatsoever *insinué* or enregistered (*Renunciations pures et simples* to *Communautés* or to Successions excepted,) the Sum of Five shillings, like current money, over and above the fees received and to be received by the said Prothonotaries in the said Districts respectively: and the several sums of Money hereby imposed, shall be paid by the person or persons requiring such *Cloture d'Inventaire* or *Assemblée de Parens*; or the insinuation or enregistration of such contract of Marriage, Donation or other Act or Deed abovementioned, respectively, before such *Cloture d'Inventaire*, *Assemblée de Parens*, Contract of Marriage, Donation or other Act or Deed abovementioned, shall respectively be made, held, *insinué* or enregistered.

The Prothonotary of the King's Bench of the Dis-

XVII. And whereas, in the District of Three Rivers, a convenient Court House

with

tribe of Three-Rivers to be paid the same rates as are levied in the Districts of Quebec & Montreal.

proper Offices, has at the general expence of this Province, been heretofore provided. Be it therefore further enacted by the authority aforesaid, for the further increase of the said Fund, that the several Sums of money hereby imposed and made payable, upon all and every of the Writts before mentioned, to be hereafter issued from the said Courts of King's Bench of the said Districts of Quebec and Montreal, respectively; and also the several Sums of Money hereby imposed and made payable upon every *Closure d' Inventaire*, and every *Assemblée de Parents*, and upon every Marriage Contract, *insinué* or enregistered, and upon every Donation and every other Act or Deed whatsoever, *insinué* or enregistered, in the said Courts of King's Bench of the said Districts of Quebec and Montreal, respectively, shall in like manner, and according to the same rates herein before mentioned, be paid to the Prothonotary of the Court of King's Bench, of and for the said District of Three Rivers, upon all, each and every such Writts to be hereafter issued from the said last mentioned Court, and upon all, each and every *Closure d' Inventaire* and *Assemblée de Parents*, and upon all, each and every Marriage Contract, *insinué* or enregistered, and upon all, each and every Donation and other Act or Deed whatsoever, *insinué* or enregistered, in the said Court of King's Bench of and for the said District of Three Rivers.

& the Register of the Court of Vice Admiralty to be paid certain rates.

The Rates.

XVIII. And for the further increase of the said Fund, Be it further enacted by the Authority aforesaid, that there shall be paid into the Hands of the Register of the Court of Vice Admiralty of and for this Province, for every Writ, which shall be issued from or under the authority of the said Court of Vice Admiralty, before the same shall be issued, (excepting in prosecutions for the wages of Seamen,) the Sum of Two Pounds six shilling and eight pence, Current money of this Province, over and above the fees received and to be received by the said Register of the said Court of Vice Admiralty.

The several Sums of money imposed on Writts issued from the Provincial Court of Appeals, &c. to be paid by the Person requiring such Writts, and to be allowed in Costs, and taxed against the Party, who may be condemned to pay costs.

Clerk of the Court of Appeals, Prothonotaries of the Districts of Quebec, Montreal and Three-Rivers and Register of the Vice-Admiralty, twice in every year to render an account to the Receiver General of the money received by them, by virtue of this Act.

The account to be sworn to by them, before a Justice of the

XIX. And be it further enacted by the authority aforesaid, that the said several Sums hereby imposed, upon Writts to be issued as aforesaid, from the said Provincial Court of Appeals, from the said Courts of King's Bench, of and for the said Districts of Quebec, Montreal and Three-Rivers, and from the said Court of Vice-Admiralty, of and for this Province, shall be paid by the person or persons requiring such Writts; and shall, by the Justices of the said Courts respectively, be allowed in Costs, and taxed in all causes, against the party or parties who by the Judgment of such Courts, respectively, shall be adjudged and condemned to pay Costs.

XX. And be it further enacted by the authority aforesaid, that the said Clerk of the said Provincial Court of Appeals, the said Prothonotaries of the said Courts of King's Bench, of and for the said Districts of Quebec, Montreal and Three Rivers, and the said Register of the said Court of Vice Admiralty, for the time being, shall, twice yearly and every year, to wit, on the first day of March, and the first day of September, in each year, render an Account to the Receiver General of this Province, for the time being, of all and every the Sum and Sums of money, which have arisen and become payable to them and each of them, respectively, by virtue of this Act, during the six Calendar Months, next preceeding the rendering of such account, as aforesaid, to the truth of which account, before the same shall be rendered to the said Receiver General, such Clerk of the said Provincial Court of Appeals, Prothonotaries of the said Courts of King's Bench, and Register of the said Court of Vice Admiralty, shall, respectively, make oath before one of the Justices of that Court, of which they are respectively Officers, And all and every the said Sum and Sums of Money, which shall have so as aforesaid

Court of which they are Officers.

The several Sums of Money, by them received in, to be paid on the 1st of March, and on the 1st of September, to the Receiver General in discharge of the Sum advanced by His Majesty.

Deducting therefrom for their trouble £5 per centum.

Penalty on the Clerk of the Court of Appeals &c who shall refuse or neglect to render an account and make payment, as is directed.

forefaid arisen and become payable by virtue of this Act, shall then, to wit, on the said first day of March, and first day of September, in each year, respectively, be paid by such Clerk of the said Provincial Court of Appeals, Prothonotaries of the said Courts of King's Bench, and Register of the said Court of Vice Admiralty, respectively, into the hands of the said Receiver General, in discharge of the sum to be advanced by His Majesty, and to be expended in the purchase of the said Lots of Ground and in the erection of the said Court Houses and proper offices, aforesaid, deducting therefrom, for their trouble of levying, collecting and paying, answering and accounting for the same, the Sum of Five Pounds per Centum. And if any such Clerk of the said Provincial Court of Appeals, Prothonotaries of the said Courts of King's Bench or Register of the said Court of Vice Admiralty, shall refuse or neglect to render such account and make such payment, as aforesaid, in manner hereby directed; he shall forfeit and pay for every such refusal and neglect, over and above the Sum arisen and become payable by virtue of this Act, as aforesaid, the Sum of Fifty Pounds, Current money of this Province, to be recovered by the said Receiver General, by action of Debt, in any of His Majesty's Courts in this Province, and by him to be applied, when recovered, to the discharge of the said Sum, to be advanced by His Majesty, and expended in manner above mentioned.

The several Rates to be paid from the day of the passing of this Act, for the space and term of ten years.

XXI. And be it further enacted by the authority aforesaid, that all and every of the said Sums of Money, hereby imposed and made payable, upon all and every of the Writs to be issued from the said Provincial Court of Appeals, from the said Court of King's Bench, in each of the said several Districts of Québec, Montreal and Three-Rivers, respectively, and from the said Court of Vice-Admiralty of and for this Province, and also, all and every of the Sum or Sums of Money hereby imposed and made payable upon all and every *Cloture d'Inventaire*, *Assemblée de Parents*, and upon the enregistrement of Marriage Contracts, Donations and other Act or Deed as abovementioned, in each of the said last mentioned Districts, respectively, shall continue to be paid and be payable, in the manner herein before directed, for and during the space and term of ten years, from the day of passing this Act; Provided always, that if before the expiration of the said Term, His Excellency the Governor, Lieutenant Governor, or Person administering the Government of this Province, for the time being, shall make known, by Proclamation, under his hand and Seal at Arms, that the Sum of Five Thousand Pounds, Current money, shall be entirely replaced to His Majesty, His Heirs and Successors, from the several Sums of Money, imposed and made payable by this Act, then and in such case, the aforesaid several Sums of Money imposed, and made payable by this Act, and each and every of them, shall no longer be demanded or received, any thing herein contained to the contrary notwithstanding.

Provided, that if before that time, the Governor signifies by Proclamation, that the sum of £5000. has been replaced to His Majesty, then the Rates imposed by this Act to cease to be demanded.

The sums of money appropriated and those to be levied by this Act to be applied to the purposes of this Act, and to be accounted for to His Majesty.

XXII. And be it further enacted by the authority aforesaid, that all such monies as are herein before appropriated and shall be collected, and all such monies as shall be levied by virtue of this Act, shall be paid and applied for the purposes before set forth in this Act, and the same shall be accounted for to His Majesty, through the Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty shall direct.

This Act declared, a Public Act.

XXIII. 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 noticed by all Judges, Justices and other persons whosoever, without specially pleading the same.