

The Provincial Statutes of Lower-Canada, Being the fourth session of the fourth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1808.

48 George III – Chapter 34

An Act for repairing and ameliorating the ancient Castle of Saint Lewis. (14th April, 1808.)

Whereas the ancient Castle of Saint Lewis, in the City of Quebec, in this Province, which hath at all times been the residence of the Governors of this Province, is much decayed; 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 out of all or any of the Revenues of this Province arising or to arise, and which have or shall come to the hands of the Receiver General of this Province, there shall and may be used and applied to the reparation and amelioration of the ancient Castle of Saint Lewis, in the City of Quebec, in this Province, any sum or sums of money, not exceeding in the whole, the sum of seven thousand pounds current money of this Province, which said sum of seven thousand Pounds shall be paid to such person or persons, at such time and times, and in such proportions, respectively, as the Governor, Lieutenant Governor or person administering the Government of this Province for the time being, by, warrant or warrants under his hand, shall direct, limit and appoint.

II. And whereas it is necessary to establish a fund to provide the above mentioned sum of seven thousand Pounds, current money of this Province, and to replace, from time to time, the sum and sums of money, so to be expended; Be it therefore enacted by the authority aforesaid, that upon each Notarial Act of whatsoever description, which, from and after the first day of June, in this year of, our Lord Christ, one thousand eight hundred and eight, shall be executed or passed, "avec minute" or "en Brevet" before any Notary or Notaries by any person or persons whosoever, there shall be paid into the hands of the Notary before whom such Act shall be executed or passed, before the execution or passing of such Act, the sum of one shilling, current money of this Province.

III. And be it further enacted by the authority aforesaid, that in all cases in which any Notarial Act, shall, after the said first day of June, be executed, in the presence of one or more Notaries, the said sum of one shilling hereby imposed, shall be paid into the hands of the Notary, who shall keep and retain the minute of such Act in his Etude, where such Act shall be executed or passed, "avec minute;" and into the hands of the Notary who shall prepare the Act for execution, where such, act shall be executed or passed "en brevet."

IV. And be it further enacted by the authority aforesaid, that, from and after the said first of June, any Act or writing whatsoever, bearing date after the said first day of June, and during the continuance of the Tax hereby imposed, which shall be executed in this Province, and purport to be a Contract or Deed, whereby any real or immoveable property of any description whatsoever, or the usufruct or enjoyment thereof, shall, in any manner or way, be affected, (Bonds, Obligations, Recognizances and securities to His Majesty, Proceedings in His Majesty's Courts of Law of every description, Procès Verbals and other proceedings before any Grand Voyer or their Deputies, or any Land Surveyor, and each and every of them always excepted,) or purport to be a Donation, Contract of Marriage, Ratification of any Notarial Act, Protest, Inventaire de Communauté ou de Succession, Acte de Notoriété, Transport of Droits successifs, or of any sum of money due under or by virtue of any Notarial Act, Compromis, Transaction, Partage, Brevet d'Apprentissage, Cession de Biens, Don Mutuel, Marché pour Bâtisse, Nantissement or Procuracy, and shall not be passed and executed before any Notary or Notaries, and be an Act authentique, shall not be received or admitted to be evidence in any of His Majesty's Courts of Law of this Province, any law, usage or custom to the contrary notwithstanding. Provided always, that nothing herein contained, shall make valid or be construed to make valid any Acte or Actes which now by law ought to be passed or executed before Notaries; and provided also, that nothing herein contained, shall extend or be construed to extend to any Will or Testament or to any Codicil which shall be made or executed in any part of this Province, or to any Acte or other writing which shall be made or executed in any of the Townships of this Province, or in any part of the Inferior District of Gaspé.

V. And be it further enacted by the authority aforesaid, that upon each Copy or Expedition of any Notarial Acte, now passed or executed, or hereafter to be passed or executed, which shall be delivered after the said first day of June, there shall be paid into the hands of the Notary by whom such Copy or Expedition shall be certified or delivered, and before the delivery thereof, the sum of six pence, current money of this Province.

VI. And be it further enacted by the authority aforesaid, that upon each copy or expedition of any Notarial Act or other writing deposited of Record in His Majesty's Courts of King's Bench, in this Province, or in either of them, or in the Archives of such Courts, or either of them, or in the Court Houses of the Districts of Quebec, Montreal and Three Rivers [Trois-Rivières] or in either of them, which shall be delivered after the first day of June next, there shall be paid into the hands of the Prothonotary, Keeper of the Archives, or other person by whom such copy or expedition shall be certified or delivered, and before the delivery thereof, the sum of one shilling, current money of this Province. Provided always, that nothing herein contained, shall extend or be construed to extend, to any copy or expedition of any Judgment which shall be delivered within one year, from, the date of such Judgment.

VII. And be it further enacted by the authority aforesaid, that upon each Copy or Expedition of any Acte or other writing, deposited of Record in the office of the Secretary of this Province, which shall be delivered after the first day of June next, there shall be paid into the

hands of the Secretary of this Province, or his Deputy, before the delivery of such copy or expedition, the sum of one shilling, current money of this Province.

VIII. And be it further enacted by the authority aforesaid, that, upon each Procès Verbal, which from and After the said first day of June, shall be made and executed, by or before any Land Surveyor, there shall be paid into the hands of such Land Surveyor, before the making or execution of such Procès Verbal, the sum of one shilling, current money of this Province.

IX. And be it further enacted by the authority aforesaid, that upon each Copy or expedition of any Proces Verbal now made or executed, or hereafter to be made or executed, by or before any Land Surveyor, which shall be delivered, after the said first day of June, there shall be paid into the hands of the Land Surveyor, by whom such Copy or Expedition shall be certified or delivered, and before the delivery thereof, the sum of six pence, current money of this Province.

X. And be it further enacted by the authority aforesaid, that the said several sums of money hereby imposed, shall be paid, in manner aforesaid, by the person or persons requiring such Notarial Acts, Proces Verbaux, Copies and Expeditions aforesaid, respectively.

XI. And be it further enacted by the authority aforesaid, that all Notaries, Prothonotaries, Land Surveyors, Keepers of Archives, Secretaries, and other persons, to Whom the sums hereby imposed are made payable, and each and every of them, 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 preceding 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 Notaries, Prothonotaries, Land Surveyors, Keepers of Archives, Secretaries, and other persons to whom the sums hereby imposed are made payable, and each and every of them, shall respectively make oath, before one of his Majesty's Justices of the Peace; and all and every the said sum and sums of money, which shall have so as aforesaid 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 Notaries, Prothonotaries, Land Surveyors, Keepers of Archives, Secretaries and other Persons to whom the sums hereby imposed are made payable, and each and every of them, into the hands of the said Receiver General, 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 Notary, Prothonotary, Land Surveyor, Keeper of Archives, Secretary and other persons to whom the sums hereby imposed, are made payable, or either of them, 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 ten 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 use and purposes of this Act.

XII. And be it further enacted by the authority aforesaid, that any Notary, Prothonotary, Land Surveyor, Keeper of Archives, Secretary and other person or persons, who shall be convicted of wilfully taking a false oath, in any of the cases in which an oath is required to be taken by virtue of this Act, shall be liable to the Pains and Penalties which by Law, persons are liable, for wilful and corrupt perjury.

XIII. And be it further enacted by the authority aforesaid, that all and every of the said sums of money hereby imposed and made payable, shall continue to be paid and be payable in the manner herein before directed, until 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 Seven thousand Pounds, current money of this Province aforesaid, shall be entirely levied, from the several sums of money imposed and made payable by this Act, and from thenceforth, 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.

XIV. And be it further enacted by the authority aforesaid, that all and every the said sums of money hereby imposed and made payable, and which shall be levied by virtue of this Act, are hereby granted to His Majesty, His Heirs and Successors, and 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.

XV. And be it further enacted by the authority aforesaid, that a printed copy of this Act, so soon as may be after the passing thereof, shall be sent by the Clerk of the Legislative Council, to every Notary, Prothonotary, Secretary, and other person who by this Act is declared to be a Collector of the Tax hereby imposed.

XVI. 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.