

The Provincial Statutes of Lower-Canada, Being the second session of the seventh Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1812.

52 George III – Chapter 13 (Session 1)

An Act to repeal the duties imposed by an Act passed in the forty eighth year of His Majesty's Reign, intituled, "An Act for repairing and ameliorating the ancient Castle of Saint Lewis," and for applying a certain Sum of money to make good a like Sum issued and advanced in pursuance of an Address of the House of Assembly, and for other purposes therein mentioned. (19th May, 1812.)

Whereas an act was passed by the Parliament of this Province in the forty-eight year of his Majesty's Reign, intituled—"An Act for repairing and ameliorating the ancient Castle of Saint Lewis"—and Whereas it is inexpedient that the duties imposed by the said Act for raising the sum of money there in mentioned, should be continued; 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 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 from and after the first day of June, One thousand Eight Hundred and Twelve, the said Act intituled, "An Act for repairing and ameliorating the ancient Castle of Saint Lewis," in so far as the same establish a fund for providing the sum of Seven Thousand Pounds therein mentioned and imposes Duties for that purpose, and in so far as the said Act requires that certain Contracts, Deeds, Instruments and Writings, should be made and executed before a Notary or Notaries to render their evidence in His Majesty's Courts and establishes Regulations for enforcing the collection and payment of the said Duties, shall be and the same is hereby repealed, and that all and every the Duties and Sums of money thereby imposed and made payable, shall from and after the said first day of June, cease to be levied or paid, any thing in the said Act to the contrary thereof contained notwithstanding. Provided always, that nothing in this Act contained shall extend, or be construed to extend to exonerate or discharge any person or persons from accounting for and paying any arrears, sum or sums of money which he, she or they may before or on the said first day of June owe or be accountable for by reason or an account of Duties imposed by the said Act or from any Fines, Penalties or Forfeitures which may have been incurred under the said Act and before the said first day of June, but that the same shall and may be levied and recovered as by the said Act is directed, any thing herein contained to the contrary notwithstanding.

II. And Whereas the sum of Seven Thousand Pounds in and by the said Act granted for repairing the ancient Castle of Saint Lewis was found inadequate for that purpose, and an humble Address of the House of Assembly, bearing date the thirteenth day of March, in the year of Our Lord one thousand eight hundred and eleven, was presented to His Excellency the Governor in Chief, praying that he would be pleased to order that the sum of seven thousand, nine hundred and eighty pound, nineteen shillings and one penny farthing, currency, should be applied to make up the deficiency between the said sum of seven thousand pounds, and the amount of expences incurred in repairing of the said

Castle of Saint Lewis, which sum so to be applied the said House of Assembly promised to make good; Be it therefore, and it is hereby further enacted by the authority aforesaid, that from and out of any of the unappropriated monies in the hands of the Receiver General of this Province, there shall be issued and applied the said sum of seven thousand, nine hundred and eighty pounds, nineteen shillings and one penny farthing, currency, to make good the like sum which hath been issued and paid in pursuance of the said Address of the House of Assembly.

III. And Whereas it appears by the public accounts said before the House of Assembly, and made up to the fifth day of January, one thousand eight hundred and twelve, there had only been raised by virtue of the said Act of the forty-eighth of His Majesty, chapter thirty-fourth, the sum of one thousand, nine hundred and eight pounds, three shillings and one farthing current money of this Province, and that a deficiency of five thousand and ninety one pounds, sixteen shillings and eleven pence, three farthings, like currency, then remained to complete the said sum of seven thousand pounds, granted by the aforesaid Act for the purposes therein mentioned; Be it therefore enacted, and it is hereby enacted by the authority aforesaid, that there shall be issued and paid out of any unappropriated monies which now are or hereafter may be in the hands of the Receiver General of this Province, the sum of five thousand and ninety one pounds, sixteen shillings and eleven pence, three farthings, to complete the aforesaid sum of seven thousand pounds.

IV. And be it further enacted by the authority aforesaid, that the amount of any sum of money which now is or may become due by virtue of the said Act of the forty eighth year of His Majesty's reign, whether for duties imposed or fines and penalties incurred by virtue of the said Act, shall be paid by the persons charged with the collection thereof to the said Receiver General, in the manner and form directed by the said Act, and shall be reserved in the hands of the said Receiver General for the future disposition of the Legislature.

V. And be it further enacted by the authority aforesaid, that the due application of the sum or sums directed to remain charged as aforesaid, to make good any deficiency as aforesaid, as by this Act directed, shall be accounted to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall direct.

VI. And be it further enacted by the authority aforesaid, that it shall be the duty of His Majesty's Receiver General of this Province, immediately after the passing of this Act, to cause public notice to be given by Advertisement in the Quebec Gazette, during three successive weeks, that the levying of the Duties under the aforesaid Act of the forty-eighth of His Majesty, chapter thirty-fourth, will cease, from and after the first day of June, one thousand eight hundred and twelve.

VII. And Whereas by the fourth Clause of the said Provincial Statute of the forty-eighth year of His Majesty, chapter thirty-fourth, it is amongst other matters enacted, that certain Acts or Writings which, by the Laws of the Country, might be made sous seing privé, should not, during the continuance of the said Act, be received or admitted to be evidence in any of His Majesty's Courts of Law in this Province, unless the same should have been passed and executed before any Notary or Notaries, and be Actes authentiques; And whereas, contrary to the intent of the said Statute, before the passing of the same

could be known in many parts of the Province, from the distance of the residence of Notaries in certain parts and for several other causes, many persons have bona fide, continued after the passing of the said Act, to enter into, as formerly, certain Acts, Contracts or Agreements, which cannot be refused to be admitted as evidence in Law without the most serious inconveniencies, and causing the greatest losses and disorder in the concerns of many persons; for remedy whereof, Be it therefore enacted by the authority aforesaid, that from and after the passing of this Act, that in all suits or actions now pending or which may hereafter be commenced in any of the Courts of Justice of this Province, all Acts, Contracts, Obligations or Agreements made in writing, "sous seing privé," which by the Laws of the country might, prior to the said Act of the forty-eighth year of His Majesty's Reign, have been produced and proved in Court, and which after the passing thereof, have been drawn up in writing, "sous seing privé," shall, in all cases whatever, have the same force and effect and may be produced and proved in all Courts of Justice of this Province, in the same manner and form as if the said Statute of the forty-eighth year of His Majesty, had never been passed.