

## CHAP. XLIV.

*AN ACT to authorise the Magistrates of the Home District to borrow a sum of Money, for the purpose of completing the new Gaol and Court House.*

[Passed 11th May, 1839.]

**W**HEREAS by Letters Patent under the Great Seal of this Province, bearing date the Twenty-ninth day of April, One Thousand Eight Hundred and Nineteen, a certain Lot of Land, in the City of Toronto, containing about four acres, and known as the Gaol and Court House block, was granted to Grant Powell, Alexander McDonell, and D'Arcy Boulton, the younger, in trust, for the purposes of a Gaol and Court House for the Home District; and upon the further trust to convey the same to such person or persons as the Magistrates of the said District, in General Quarter Sessions assembled, might from time to time direct and appoint: *And whereas* the present Gaol for the said District, erected upon part of the said Gaol and Court House block, having become unsafe, the said Magistrates of the Home District were, by an Act of the Parliament of this Province, passed in the seventh year of His late Majesty's reign, entitled, "An Act to authorise the Magistrates of the Home District to erect a new Gaol within the said District," duly authorised and empowered to erect and build such new Gaol and Court House, and in order to raise the funds for such purpose, the said Trustees, or their successors in the said trust, under the direction and appointment of the said Magistrates in General Quarter Sessions assembled, have sold and conveyed parts of the said Gaol and Court House block to divers individuals the purchasers thereof, for valuable consideration: *And whereas* doubts have arisen how far, under the said Patent, the said Trustees were authorised to make such sales or conveyances, and it is expedient to quiet such doubts, and also enable the Magistrates of the said District to borrow a sum of money for the erection and completion of the said new Gaol and Court House: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, '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 by the authority of the same,

Preamble.

7th Wm. 4, c. 40, recited.

Sales of Court House Block declared valid;

Trustees empowered to alienate unsold residue;

Application of proceeds.

That for and notwithstanding any thing in the said Letters Patent contained, the Trustees aforesaid, or their successors in office, shall be held and taken to have heretofore had full power and authority, under the direction of the Magistrates of the Home District in Quarter Sessions assembled, to sell, alienate and convey, the said Gaol and Court House piece of ground and premises, and every part thereof, freed and discharged of and from all trusts, provisions and restrictions, in the said Letters Patent; and that all such alienations shall be held and taken to be good and valid in Law and Equity; and further, that the said Trustees, or their successors in office, shall from henceforth hold the said parcel of land and premises, or such parts thereof as shall remain unsold or undisposed of, upon trust, by sale, lease, mortgage, or other disposal of the same, to raise and create a fund for the erection of the said new Gaol and Court House, and for the redemption and payment of any debt which has been incurred, or which shall be incurred in the erection thereof; and after the expenditure upon the erection of the said new Gaol and Court House shall be fully defrayed and satisfied, then to dispose of the said piece and parcel of ground, or such part thereof as shall remain unsold or undisposed of, in such manner and for such public uses of the said District as the Magistrates of the said District, in Quarter Sessions assembled, shall from time to time direct and appoint.

Magistrates authorised to raise a loan for purposes of new Gaol.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Magistrates of the Home District, in General Quarter Sessions assembled, to authorise and direct the Treasurer of the said District, by an order of Court, to raise by loan, from such person who may be willing to lend the same upon the security of the said Gaol and Court House block, and of the monies arising or to arise from sales heretofore made of any portions thereof, a sum not exceeding fifteen thousand pounds, to be applied in the erection of the said new Gaol and Court House.

Proceeds of Sales of Court House Block to be applied in liquidation of loan.

III. *And be it further enacted by the authority aforesaid,* That all monies derived from the sale of the said Gaol and Court House block by the said Trustees, or their successors in the said trust, shall be paid into the hands of the Treasurer of the said Home District, for the time being, to be applied by him in the liquidation of the said loan so to be made as aforesaid.

Interest on loan not to exceed £6 per cent.

IV. *And be it further enacted by the authority aforesaid,* That the money so borrowed under the authority of this Act, shall not bear greater interest than six per centum per annum.