

Laws of Her Majesty's Province of United Canada, passed in the year 1846. Montreal:
Stewart Derbishire & George Desbarats, 1846.

9 Victoria – Chapter 33

An Act to provide for the accommodation of the Courts of Superior Jurisdiction in Upper Canada. 9th June, 1846.

Whereas it is necessary to make provision for the due accommodation of the Superior Courts of Law and Equity in Upper Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to reunite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That there be granted to Her, Majesty the sum of six thousand pounds, to be raised by Debentures in manner hereinafter mentioned, to enable Her Majesty to pay that sum to the Law Society of Upper Canada, so soon as that Society shall enter into a covenant, to the satisfaction of the Governor in Council, to provide fit and proper accommodation for the Superior Courts of Law and Equity, for all time to come, at the seat of the said Society, without further charge and expense to this Province.

II. And be it enacted, That it shall and may be lawful for the Governor of this Province to authorize the issue of Debentures for the sum of six thousand pounds, in such form and for such separate sums as may be found convenient; such Debentures to be at a rate of interest not to exceed six per centum per annum, and redeemable within fifteen years.

III. And be it enacted, That if any person or persons shall forge or counterfeit any Debenture to be issued under the authority of this Act, or any stamp, indorsement or writing thereon or therein, or shall demand to have such counterfeited debenture, or any Debenture with such counterfeited writing or other indorsement thereon or therein, to be exchanged for money by any person or persons, who shall be obliged or required to exchange the same, or by any other person or persons whomsoever, knowing the Debenture so tendered or the indorsement or writing thereon or therein to be so forged or counterfeited, with intent to defraud Her Majesty, Her Heirs and Successors, or the person appointed to pay the same or any of them, or any other person or persons, body or bodies politic or corporate, then every person so offending being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer such punishment as shall be adjudged in that behalf, not exceeding imprisonment at hard labour in the Provincial Penitentiary for seven years.

IV. And be it enacted, That for the purpose of paying the interest on such Debentures and liquidating the principal thereof, there be levied, imposed and collected on the proceedings in Law and Equity, the sums set forth in that behalf in the Schedule to this Act annexed.

V. And be it enacted, That it shall be the duty of the Clerk of the Crown and Pleas and his several Deputies, and of the Registrar of the Court of Chancery, and of the Clerk of the Court of Appeals in that part of this Province called Upper Canada, severally to collect the sums imposed on the Writs, Process and proceedings mentioned in the said Schedule, and to render half yearly accounts of the same to the Inspector General of this Province duly verified on oath to be taken before any Judge or Justice of the Peace, and to pay the same at such times as shall be directed by the Governor in Council, to the account of or to the Receiver General; and that the officer rendering such account and making such payment shall be entitled to charge and receive four per centum on the sums paid over by him.

VI. And be it enacted, That it shall be lawful for the Governor of this Province to authorize and direct that a portion, not to exceed two acres, of that lot of land in the City of Toronto formerly known and designated as Simcoe Place, and bounded by Front Street, John Street, Market Street, and Grave Street, according to the plan in the Surveyor General's Office, shall be sold at public auction, for the best price that can be obtained for the same, payable in money at a credit of not more than five years; and that the proceeds of such sale or sales, as well interest as principal, shall be applicable and applied to the satisfaction of the Debentures to be issued under the authority of this Act.

VII. And be it enacted, That it shall and may be lawful for the Governor of this Province at any time by Proclamation to call in any of the said Debentures, although the time therein named for the payment thereof may not have arrived in order that the same may be paid off; and that at the expiration of six months from the date of such Proclamation, all interest on the Debentures called in for payment as aforesaid shall cease.

VIII. And be it enacted, That accounts in detail of all monies received and paid, and of the Debentures issued and the interest thereon, and of the redemption of the whole or any part of such Debentures, and of all expenses attending the collection and payment of the sums of money collected and received by authority of this Act, shall be laid before the Legislature of this Province at each Session thereof.

IX. And be it enacted, That the due application of the monies so to be raised shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty, Her Heirs and Successors shall be graciously pleased to direct.

X. And be it enacted, That the words "Governor of this Province," or "Governor," whenever the same occur in this Act, shall be construed to mean the Governor, Lieutenant Governor, or Person administering the Government of this Province.

Schedule

On Proceedings in the Queen's Bench.

On every Writ of Capias ad Respondendum, alias, or pluries,—or of Summons alias, or pluries,—and every other original Writ or Process, Writ of Mandamus, or other Prerogative Writ, one shilling and three pence.

On passing every Record of Nisi Prius, one shilling and three pence.

On every Judgment entered, two shillings and six pence.

On Proceedings in Equity.

On filing every Bill, five shillings.

On Proceedings in Appeal.

On every Writ of Appeal from the Court of Queen's Bench or Chancery, five shillings.