

Laws of Her Majesty's Province of Upper Canada, passed in the year 1849. Montreal: Stewart Derbyshire & George Desbarats, 1849.

12 Victoria – Chapter 112

An Act to make provision for the erection or repair of Court Houses and Gaols at certain places in Lower Canada. 30th May, 1849.

Whereas it is expedient to make provision for the erection and repair of the Court Houses and Gaols hereinafter mentioned: 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 it shall be lawful for the Governor of this Province to cause a proper Court House to be erected in the City of Montreal, upon the ground belonging to the Civil Government, and lying between the Champ de Mars and Notre Dame Street; such Court House to contain sufficient accommodation for all the Courts to be held in the said City and for the Registry Office for the County of Montreal, and to be erected under the superintendence of the Commissioners of Public Works according to plans and estimates to be approved by the Governor in Council; and that the said Commissioners may offer premiums for the best plans for the same.

II. And be it enacted, That it shall be lawful for the Governor of this Province to cause a proper Gaol and Court House to be erected at Kamouraska, Aylmer and Chicoutimi, respectively, and also to cause the Court House and Gaol in the Counties of Gaspé and Bonaventure, respectively, to be thoroughly repaired or rebuilt; the said Court Houses and Gaols to be so erected or repaired under the superintendence of the Commissioners of Public Works, and according to plans and estimates to be approved by the Governor in Council.

III. And be it enacted, That the expenses of performing the work aforesaid and of carrying this Act into effect shall not be defrayed out of the Consolidated Revenue Fund or other existing funds of this Province; but for the purpose of defraying the said expenses and of purchasing any ground which may be requisite for the site of any such Court House and Gaol, it shall be lawful for the Governor in Council to raise by way of loan, upon debentures to be issued for that purpose, and the interest and principal whereof shall be chargeable upon the special funds hereinafter mentioned, and not upon the Consolidated Revenue Fund or other funds of this Province, a sum not exceeding forty thousand pounds for the said Court House at Montreal, and a sum not exceeding five thousand pounds for each of the Court Houses and Gaols at Kamouraska, Aylmer and Chicoutimi, and in the said Counties of Gaspé and Bonaventure, respectively; and to make the interest on such debentures (not exceeding eight per cent per annum in any case) payable half yearly, and the principal at such periods as he shall think most for the public advantage.

IV. And be it enacted, That there shall be levied and paid to Her Majesty, a tax or duty of one per cent upon all moneys which after the passing of this Act shall be paid into any Civil Court (*consignés*) sitting at any of the places where any Court House or Gaol is authorized to be erected or repaired under the authority of this Act, or levied under any Writ of Execution issued out of such Court, or arising from any sale made under any Commission of Bankruptcy issued at such place or in the District or County in which it lies; and that such tax or duty shall be retained by the Officer into whose hands such money shall come, and shall be by him paid over for the purposes of this Act, at such times, in such manner and to such Officer or person as the Governor shall from time to time direct; and that such tax or duty shall be payable at each of the places aforesaid, from the passing of this Act, until the day to be appointed for the ceasing thereof at such places respectively, by order of the Governor in Council.

V. And be it enacted, That the Governor in Council shall have full power and authority by any Order or Orders in Council to be from time to time made for such purpose, to impose such duty or tax upon all or any proceedings in all or any of the Courts of Civil Jurisdiction sitting at any of the places aforesaid, or in appeal from judgments of such Courts, and upon the closing of inventories, assemblies of relations and friends, insinuations or registrations in the offices of such Courts, the appointments of Tutors or Curators, affixing or taking of seals of safe custody, probates of wills or other like matters, or on the registration of deeds and instruments in the Registry Offices at such places respectively, as shall in his opinion be sufficient to produce sums sufficient to pay the principal and interest on the Debentures to be issued under this Act, at the periods appointed for the payment thereof, and to make such tax or duty payable in such manner and to such Officer, and to require such Officer to pay over the same for the purposes of this Act to the Receiver General or other proper Officer, at such times as he shall think proper; and to make such other regulations and provisions as to such tax or duty and the payment thereof as he shall deem advisable, and to direct that any proceeding or thing upon which a tax or duty is made payable, shall not be done or if done shall be of no legal effect, until such tax or duty be paid; and from time to time to repeal or alter any such Order in Council or any part thereof by any subsequent Order in Council; and all Orders in Council made under the authority of this Act shall have the same force and effect as if the requirements and provisions thereof were enactments of the Provincial Parliament, and any copy of any such Order in Council, printed in the Canada Gazette shall be evidence of the contents thereof in all Courts in this Province: Provided always, that the Court or Judge having the power to tax the costs in any case in which any tax or duty shall be payable under this Act or any Order in Council made under it, shall have full power to decide by what party the same shall be borne, according to the justice of the case, and if necessary to order such sum as may be requisite to cover such tax or duty to be levied in addition to the sum otherwise leviable.

VI. And be it enacted, That all moneys arising from fines and penalties paid into the hands of the Clerk of the Peace or of the Crown, from the forfeiture of Bonds or Recognizances, at such places as aforesaid respectively, and not forming part of the Consolidated Revenue Fund of this Province, shall be and are hereby appropriated to the purposes of this Act.

VII. And be it enacted, That the moneys raised at any place under this Act and for the purposes thereof, shall be appropriated to defray the expenses to be incurred under this Act with regard to

such place, and to no other purpose; and that all taxes or duties imposed by or under the authority of this Act shall be recoverable by the Crown from the party by whom they were payable in the first instance, or from any Officer or party having received the same, in any way in which moneys due to the Crown can be recovered.

VIII. And be it enacted, That the Court Houses and Gaols erected or repaired under the authority of this Act shall be deemed to be Public Provincial Works vested in Her Majesty, and under the control of the Commissioners of Public Works.