

Laws of His Majesty's Province of United Canada, passed in the year 1851. York: Stewart Derbshire and George Desbarts, 1851.

14 Victoria – Chapter 129

An Act to provide means to recover from the Corporation of the City of Montreal, part of the expense incurred in guarding the Common Gaol at that place. 30th August, 1851.

Whereas by far the greater number of the prisoners detained in the Common Gaol for the District of Montreal, are persons charged with or convicted of crimes and criminal offences committed within the City of Montreal, and it is therefore just and proper that the Corporation of the said City should contribute towards defraying the expense of guarding the said Gaol: 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, and intituled, *An Act to re-unite 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 and the duty of the Sheriff of the District of Montreal, on the first juridical day in each of the months of March, June, September and December in each and every year, beginning with the month of December, next after the passing of this Act, to furnish to the Clerk of the City of Montreal, for the information of the Council of the said City, a Statement in writing of the probable expense of guarding the Common Gaol for the District of Montreal during the three months then next ensuing, over and above any sum of money applicable for that purpose which he may have in hand at the time of furnishing such Statement; and the said Sheriff may, by his Warrant or Warrants from time to time, require the Council of the said City, out of the funds of the said City, to pay any sum or sums of money not exceeding two thirds of the sum mentioned in the then last Statement, and the Council of the said City shall thereupon cause the said sum or sums of money in the said Warrant or Warrants mentioned, to be paid to the said Sheriff by the Treasurer of the said City, within forty days from the delivery of such Warrant or Warrants to the Clerk of the said City: Provided always, that the sum and sums of money so to be required and received from the Council of the said City, for the purposes and in the manner aforesaid, shall not in any one year exceed the sum of Six Hundred Pounds; and that the application and expenditure thereof shall be accounted for by the said Sheriff to the Council of the said City, on or before the last juridical day of each of the months of February, May, August and November, in each and every year.

II. And be it enacted, That the Treasurer of the said City, at the time and times of making payment to the said Sheriff of any sum or sums of money required to be paid to him by this Act, for the purposes and in the manner aforesaid, shall sign and deliver to the said Sheriff a Note in writing, specifying the sum or sums of money so paid, which Note shall be kept by the said Sheriff as a Voucher for his Receipt of such sum or sums; and the Receipt of the said Sheriff, specifying the sum or sums paid to him by the said Treasurer as aforesaid, shall be a sufficient Discharge and Voucher for such Treasurer, and shall be allowed as such, in passing his Accounts.

III. And be it enacted, That if after the lapse of forty days from the delivery of any such Warrant or Warrants to the Clerk of the said City as aforesaid, the sum or sums of money therein mentioned, or any or either of them, or any part thereof, shall remain unpaid to the said Sheriff, an action shall accrue to the said Sheriff, on behalf of Her Majesty, to demand and have, of and from the said Corporation, to wit, the Corporation of the Mayor, Aldermen and Citizens of the City of Montreal, such sum or sums of money so remaining unpaid as aforesaid; and the cause of such action shall be held to have arisen in the said City of Montreal, and the Statement or Statements of the said Sheriff, so by him furnished to the Clerk of the said City as aforesaid, in respect of which the Warrant or Warrants for the amount of which, either wholly or in part, any such action may be brought, shall be sufficient *primâ facie* evidence in the said action, of the probable expense of guarding the said Gaol for the period or periods mentioned in such Statement or Statements respectively: Provided always, that if and whenever it shall be pleaded by the said Corporation, by way of defence in any such action, that the said Sheriff hath not accounted to the Council of the said City for the application and expenditure of any sum or sums of money paid to him by the Treasurer of the said City, for the purposes and in the manner aforesaid, under and by virtue of this Act, previous to the date of such Statement or Statements, the burden of proving that he did so account shall lie upon the said Sheriff; and in the event of his failing to do so, the action shall be dismissed, with costs against the said Sheriff personally.