

under this
Act.

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. 5 10

Action given if
the money so
payable be not
paid within a
certain time.

Proviso.

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 *prima 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. 15 20 25 30 35 40