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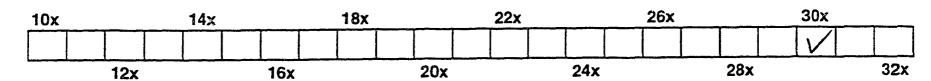
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2nd Session, 3rd Parliament, 12 Victoria, 1849.

BILL.

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

Received and Read a first time, Friday, 18th May, 1849.

Second Reading, Saturday, 19th May, 1849.

Hon. Mr. LAFONTAINE.

BILL.

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

HEREAS it is expedient to make provision for the Pressule. erection and repair of the Court Houses and Gaols hereinaster mentioned: -Be it therefore enacted. &c.:

And it is hereby enacted by the authority of the same, Court House 5 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 10 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 15 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 Court Houses Governor of this Province to cause a proper Gaol and Ramouraska, Court House to be erected at Kamouraska, Aylmer and Aylmer, Chi-20 Chicoutimi respectively, and also to cause the Court Gaspe. 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 25 Public Works, and according to plans and estimates to be approved by the Governor.

III. And be it enacted that the expenses of performing Loss author-the work aforesaid and of carrying this Act into effect fraying the shall not be desrayed out of the Consolidated Revenue expenses under this Act. 30 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 loah, unon 35 debeniures to be issued for that purpose and the interest and principal whereof shall be chargeable upon file 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

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 in any case) payable half yearly, and the principal at such periods as he shall think most for the public advantage.

Duty imposed on money paid into Court or levied under execution, &c.

IV. And be it enacted, That there shall be levied and paid to Her Majesty, a tax or duty of one per cent. upor all moneys which after the passing of this Act shall be 10 paid into any Civil Court (consignes) 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 Com- 15 mission 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 man- 20 ner 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 25 the Governor in Council.

Governor in Council may impose a tax on proceedings in Court at certain places.

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 pro- 30 ceedings 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 appoint-35 ments 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 40 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 45. 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 rate or duty and the payment thereof as he shall deem advisable, and to direct that any proceeding or thing upon which a 50 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 5 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 Proviso: as to 10 having the power to tax the costs in any case in which the party by whom the tax any tax or duty shall be payable under this Act or any shall be borne. 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 15 sum as may be requisite to cover such tax or duty to be levied in addition to the sum otherwise levyable.

VI. And be it enacted, That all moneys arising from Certain fines, fines and penalties paid into the hands of the Clerk of pristod. the Peace or of the Crown, from the forfeiture of bonds 20 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 To what pur-25 place under this Act and for the purposes thereof, shall be raised under appropriated to defray the expenses to be incurred under this Act shall this Act at 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 30 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 Court Houses 35 Gaols erected or repaired under the authority of this and Gaols to be Public Pro-Act shall be deemed to be Public Provincial Works vincial Works, vested in Her Majesty, and under the control of the Com- &c. missioners of Public Works.