

No. 49.

3D SESSION, 3D PARLIAMENT, 13 VICTORIA, 1850.

BILL.

An Act to provide for the building of
Court Houses and Gaols in the
Judiciary Circuits of Lower Canada.

Received and read first time, Tuesday, 4th
June, 1850.

Second reading, Tuesday, 11th June, 1850.

[500 Copies.]

Honble Mr. LaFontaine.

S. Derbishire and G. Desbarats, Queen's Printer.

B I L L.

An Act to provide for the building of Court Houses
and Gaols in the Judiciary Circuits of Lower
Canada.

2 **W**HEREAS it is necessary to provide for the con- Preamble.
struction of Court Houses and Gaols in the Judi-
ciary Circuits of Lower Canada :—Be it enacted, &c.

4 And it is hereby enacted, That in each of the Judiciary Court Houses
Circuits of Lower Canada mentioned in the Act of the Par- and Gaols
6 liament of this Province, passed in the twelfth year of may be con-
Her Majesty's Reign, and intituled, "*An Act to amend* structed in
8 *the Laws relative to the Courts of original Civil Jurisdic- Judiciary cir-
tion in Lower Canada,*" and in any other judiciary Circuit cuits estab-
10 which may hereafter be established in Lower Canada, lished under
there may be constructed in the manner hereinafter pres- 12 Vic. cap.
12 cribed, a Court House and a Gaol together, or a Court 38.
House only, or a Gaol only.

14 II. And be it enacted, That it shall be lawful for the Governor may
16 Registrar for the time being, whose Registry Office is or require Regis-
18 signed by the Provincial Secretary, or his Assistant, to trars to call
call, for the purposes of this Act, and in the manner herein meetings.
20 after mentioned, a public meeting of the inhabitants
22 residing within the limits of such Circuit, of the age of at
least twenty-one years, and being landed proprietors
24 within the said limits : provided always, that if there shall
be two or more Registrars within the limits of such Circuit,
then that one of the said Registrars, to whom the letter
26 from the Provincial Secretary, or his Assistant shall be
addressed, shall be the sole Registrar authorised and
28 required to act as such, for the purposes of this Act.

30 III. And be it enacted, That within a reasonable delay Registrar to
after having received the letter aforesaid, it shall be the give notice of
duty of the said Registrar to issue notice under his hand, meeting for
32 calling upon the above mentioned proprietors respectively, electing syn-
residing in each Parish or Township in such Circuit, to dica:
34 meet respectively in such Parish or Township, at the time
and place mentioned in such notice, for the purpose of

electing three Syndics to be chosen from among the said proprietors residing in such Parish or Township ; which 2
 Syndics, with the Syndics of the other localities of the said Circuit, shall perform the duties imposed on those Officers 4
 by this Act; which said notice, the said Registrar shall cause to be published and posted up in the French and English 6
 languages, at the door of at least one church or chapel, or other place of worship, if any there be, and at least one 8
 other public place in each such locality ; of which publication and posting up, the said Registrar shall keep 10
 the certificate which shall be delivered to him thereof, attested on oath, by the person who shall have published 12
 and posted up the said notice ; and which said notice, the said Registrar may insert in the English and French 14
 languages in two newspapers: Provided always, that there shall be an interval of at least fifteen days between each 16
 such Parish or Township meeting and the day on which such notice shall have been published and posted up in the 18
 said locality.

Proviso.

Registrar to preside at meeting or appoint a deputy.

IV. And be it enacted, That at each such meeting, the 20
 said Registrar shall preside as Chairman, or in his absence any person deputed by him to that effect (which the said 22
 Registrar is hereby authorised to do by a letter under his hand addressed to such person) : the Chairman shall 24
 draw up a *procès-verbal* of the proceedings of the meeting and of the election of the Syndics ; and when such meeting 26
 shall have been presided over by a Deputy, such Deputy is hereby required to transmit within eight days, his *procès-* 28
verbal to the said Registrar, after having annexed thereto the letter deputing him as aforesaid, certifying it as being 30
 that addressed to him by the said Registrar : Provided always, that every person so appointed as Deputy shall be 32
 bound to act as such and in case of refusal or negligence so to do, shall incur a penalty of £ 34
 currency.

Proviso.

If the first meeting fails to take place, a second may be called.

V. And be it enacted, That if in any of the aforesaid 36
 localities, the meeting shall not take place at the time prescribed in the notice aforesaid, or if such meeting shall 38
 have taken place, and no election of Syndics shall have been had thereat, it shall be the duty of the said Registrar 40
 to call in the manner above mentioned, for the purpose of electing three Syndics, another meeting of the said pro- 42
 prietors residing in the said locality, which second meeting may be held and presided over as the first one ought to or 46
 might have been ; and a *procès-verbal* thereof shall be drawn up (and transmitted if the case allows) as above 48

required with respect to the first meeting, and with the same formalities.

VI. And be it enacted, That if the second meeting shall not take place, or if it shall take place and no election of Syndics be had thereat, it shall then be lawful for the said Registrar to appoint three Syndics whom he shall choose from among the proprietors residing in the locality in which such election of Syndics shall not have taken place; which appointment shall be made by a letter written in duplicate and signed by the said Registrar; one duplicate shall be served upon each of the said Syndics in person or his domicile, and on the other shall be inscribed the return of the service of the said letter by the person who shall have served it, which return attested on oath, shall be deposited in the hands of the said Registrar, and remain of record in his office; and the Syndics so appointed by the Registrar shall have the same power and perform the same duties as the Syndics who ought to have been elected: Provided always, that it shall be lawful for the Registrar from time to time to remove the Syndics so named by him, or any of them, and to appoint others in their place in manner above mentioned; which removal shall be by a letter from the said Registrar, written, signed, served, and returned to him in the same manner as the letter of appointment.

Registrar may appoint three syndics if neither of the meetings take place.

Proviso,

VII. And be it enacted, That if at any of the meetings aforesaid, whether it be the first or the second, in any of the said localities, only one or two Syndics shall be elected, every such meeting and election shall to all intents and purposes be respectively considered as not having taken place; and in such case it shall be lawful for the Registrar to appoint Syndics as aforesaid in such locality.

In case of election of two syndics only, meeting not considered as held.

VIII. And be it enacted, That in every such meeting as aforesaid, no election of Syndics shall be proceeded with, unless there be at the said meeting, at least twenty five proprietors residing in the locality present and taking part therein; and that if for default in this behalf, no election of Syndics shall be held, the said meeting shall be considered as not having taken place; and if more than three Candidates are proposed at the said meeting, the Chairman shall take down the votes of the proprietors present at the said meeting; and after having so taken them down, then, he shall declare duly elected as Syndics, the three Candidates who shall have obtained the majority of the said votes, and in case there shall be the same number of votes

Twenty-five resident proprietors at least, to be present at meeting.

given to two or more of the said Candidates, the said Chairman shall have the right of voting, but in that case only, and shall give his casting vote in favor of such of the said Candidates he shall think proper to choose, which said casting vote he shall be entitled to give, whether he be or be not a proprietor in the said locality : Provided always, that if at five o'clock in the afternoon of the day of the said meeting, the votes of all the said proprietors present have not been taken, the Chairman shall adjourn the proceedings of the said meeting to the following day, on which day he shall continue to take down the votes, and shall close the election at five o'clock in the afternoon of the said second day, (whether there be or be not more votes to be taken) and shall thereupon proclaim duly elected as Syndics the three Candidates entitled to be so proclaimed : and provided also, that if at any time after the commencement of the taking down of the votes either on the first or on the second day of the said election, one hour shall elapse without a vote being taken down, it shall be the duty of the Chairman of the said meeting after the expiration of the said hour, to close the said election, and to proclaim duly elected as aforesaid the three Candidates entitled to be so proclaimed ; and every person presenting himself to vote, shall, if the Chairman of the meeting shall require it, take the following oath, (or affirmation: if he be one of the persons by law authorised to affirm in civil cases) which oath or affirmation the said Chairman is hereby authorised to administer :

“ I swear (or I affirm) that I have a right to take part in this meeting, and that I am duly qualified to vote at this election, So help me God.”

Registrar to call together a meeting of all the syndics.

IX. And be it enacted, That within a reasonable delay after the election or appointment of all the Syndics of the Circuit, it shall be the duty of the Registrar, who, for the purposes of this Act, shall be *ex-officio* one of the Syndics of the said Circuit, to call together (by a letter written, signed, served, and returned to him in the manner prescribed in such cases as are provided in the sixth section of this Act,) all the said Syndics, at a meeting which shall be held in the said Circuit, on the day and at the place to be named for that purpose in the said letter or notice of meeting: Provided always, that no such meeting of Syndics shall be held, unless an interval of at least eight days shall intervene between the day appointed for such meeting and the day of the service of the said letter or notice of meeting, to that one of the said Syndics upon whom such

Proviso.

service shall have been last made ; and the said Registrar
 2 may, from time to time, whenever he shall deem it
 necessary, or when he shall be thereunto required in
 4 writing by three of the said Syndics, call together, ob-
 serving the formalities above prescribed, a meeting of
 6 all the said Syndics ; and each meeting of the said Syn-
 dics may be adjourned from day to day or to such day as
 8 the said Syndics present, or the majority thereof shall
 appoint for that purpose ; and on the day so appointed by
 10 such adjournment, the said Syndics shall meet together,
 without any letter or special notice to that effect on the
 12 part of the Registrar.

X. And be it enacted, That at every meeting of the said
 14 Syndics, the said Registrar, or in his absence, that one of
 the said Syndics who shall be chosen for that purpose by
 16 the majority at the said meeting, shall preside ; and the
 said Syndics shall at every such meeting decide every ques-
 18 tion by the majority of votes ; and in the case of an equal
 division of votes, the Chairman shall vote and give the
 20 casting vote, but in such case, only ; a *procès-verbal* of the
 proceedings of every such meeting shall be drawn up,
 22 which shall be signed by the said Chairman and inscribed
 in a Register to be kept for that purpose and whereof the
 24 said Registrar shall have the custody.

Registrar to
 preside at
 meetings of
 syndics.

XI. And be it enacted, That at each such meeting the
 26 said Syndics shall deliberate on the following points :

Points on
 which syndics
 shall deliber-
 ate.

1. The necessity of constructing, in the judiciary Cir-
 28 cuit, which they shall represent, a Court House and a
 Gaol, together, or a Court House only, or a Gaol only.

30 2. The probable cost of such Buildings, which shall not
 be estimated by them at less than £ in the first
 32 case, nor at less than £ in the second case ;

3. The place where the said Buildings ought to be
 34 constructed, the extent of ground which it will be neces-
 sary to appropriate for that purpose, and the probable
 36 amount required for the purchase of the said ground ;

4. The terms of payment of the assessment hereinafter
 38 authorised : provided, that if the amount thereof shall not
 be payable at once, the terms of payment recommended by
 40 them shall be annual or semi annual, and that the amount
 of the said assessment be in such case paid and deposited
 42 in the hands of the proper authority within

years next after it shall have been imposed, or sooner if it shall be judged necessary ; 2

5. All matters and business relative to the construction of the said Buildings ; 4

On all which points, the said Syndics shall at such meetings be required to deliberate and cause to be written down their deliberations and votes in the said *procès-verbal* of such meetings, whether they be or be not of opinion that it is necessary to construct such Buildings in their said Circuit. 6
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Registrar to transmit to Governor, *procès verbal* of deliberation.

XII. And be it enacted, That it shall be the duty of the said Registrar to transmit to the Governor within the shortest delay possible, a copy duly certified by him, of the *procès-verbal* of the proceedings and deliberations of every such meeting of the said Syndics, having reference to the points mentioned in the next preceding section ; and it shall be lawful for the Governor to approve or set aside, wholly or in part, the said *procès-verbal* or to modify the same and substitute therefor such other provisions or regulations as he shall think proper, which shall, to all intents and purposes whatsoever form part of the said *procès-verbal*, and shall have full force and effect as if they had originally formed part of the said *procès-verbal*. 12
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Procès verbal when approved by Governor to be binding.

XIII. And be it enacted, That the aforesaid *procès-verbal* of the proceedings or deliberations of the said Syndics, approved and modified by the Governor as aforesaid, shall be binding upon all the inhabitants of the said Circuit, to all intents and purposes whatsoever, from the day on which the Governor's decision to that effect, shall have been communicated to the said Registrar by a letter signed by the Provincial Secretary or his Assistant, of which decision notice shall be given to the said Syndics by the said Registrar, either at a meeting to be called by him in the manner above prescribed, or by a letter addressed by him to each of the said Syndics, and served in the manner in such cases above allowed. 24
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Cost of buildings limited.

XIV. And be it enacted, That it shall not be lawful for the Governor, in approving or modifying the above mentioned *procès-verbal*, to fix the cost of the Buildings aforesaid, at a sum exceeding £. currency, if for a Court House and Gaol together, or £ if for a Court House only, or Gaol only. 38
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XV. And be it enacted, That within the space of one month from the election or appointment of the said Syndics for each locality, respectively, it shall be the duty of the said Registrar (by a letter written, signed, served and returned to him in the manner prescribed in cases provided for in the sixth section of this Act), to give notice to the said Syndics, and to require them to make a valuation of all the real property situate in the said locality, which valuation the said Syndics shall be bound to make within the space of two months after they shall have received such order from the said Registrar; and in default of so doing, and after the expiration of the said two months, each of the said Syndics shall incur a penalty of *currency per diem*, until the said valuation shall have been made and signed, and transmitted to the said Registrar, as hereinafter required: Provided always, that if the said valuation be made by the said Syndics at any time after the expiration of the said two months, it shall be held to be as legally made and valid as if it had been made before the expiration of the said two months: and provided also, that a majority of the said Syndics, in each locality, shall have the right and power to make the said valuation, even in the absence of the other Syndic.

Syndics to make valuation of property in their respective localities.

Proviso.

Proviso.

XVI. And be it enacted, That a *procès-verbal* of the said valuation shall be drawn up, and shall be signed by the said Syndics or by such of them as shall have made the said valuation, and the same shall be transmitted to the said Registrar within eight days after it shall have been completed, and shall remain of record in his office; and that the said valuation (which may nevertheless be amended in the manner hereinafter prescribed) shall be binding on all the parties interested, and shall serve as a basis for the apportionment which may and shall be from time to time made of the sum or sums to be levied under this Act, for defraying the expense of constructing the said Buildings, the purchase money of the ground on which they shall be constructed, and all costs and expenses legally incurred in that behalf.

Procès verbal of valuation to be drawn up.

XVII. And be it enacted, That the proprietors of real property mentioned and designated in the *procès-verbal* of valuation or in any such act of apportionment, shall be respectively required to pay for the purposes of this Act, according to the value so established of such real property, such sum as in proportion to such value shall be assessed upon them, as being their share of the assessment authorised by this Act for the purposes aforesaid.

Proprietors of property mentioned in *procès verbal* to pay sums for which they shall be assessed.

Registrar to
make appor-
tionment
among pro-
prietors.

XVIII. And be it enacted, That it shall be the duty of the said Registrar, after receiving all the *procès-verbaux* of valuation, from time to time to make a just apportionment among all the said proprietors within the said Circuit, of the sum or sums to be levied as aforesaid for the purposes above mentioned, previously adding to the amount to be so levied, per cent, principally to meet the costs and expenses incurred by the said Registrar, the said Syndics and the Commissioners hereinafter appointed; but before making such apportionment, the said Registrar shall submit the said *procès-verbaux* of valuation to the Syndics of the Circuit, assembled together at a meeting by him called for that purpose in the manner above prescribed; and if two thirds or more of the Syndics present at the said meeting (not including the said Registrar) shall be of opinion that the valuation of the real property in any locality has been made less than the real value of such property by the Syndics of such locality, to the prejudice of the other localities in the said Circuit, then the said Syndics shall have the right and shall be required, at the said meeting, to amend the said *procès-verbal* of valuation of the said locality, by adding to the valuation therein made, such per centage, as in their opinion is requisite to render the said valuation just and conformable to the real value of the said property; and in default, by the said Syndics of so doing at the said meeting, the said Registrar himself shall have the right and shall be required so to do; and with respect to matters concerning one locality alone, if two thirds or more of the said Syndics present at the said meeting, shall be of opinion that the valuation of one or more real properties in the said locality, has been made by the Syndics thereof below their real value, to the prejudice of the proprietors of other real property in the said locality, or above their real value so as to be detrimental to the proprietors thereof, then the said Syndics shall have the right and shall be required to amend the said *procès-verbal* of valuation at the said meeting, by setting down, at such sum as they shall think just and reasonable, the value of the real property respectively, which shall have been by the Syndics of the said locality valued as aforesaid, under or above its real value; and in default by the said Syndics so to do at the said meeting, the said Registrar himself shall have the right and shall be required so to do; and every such *procès-verbal* of valuation so amended under the authority of this section, shall be as binding to all intents and purposes, as it would have been if it had not been so amended.

XIX. And be it enacted, That the said Registrar shall
 2 draw up an Act of the said apportionment, which shall be
 signed by him, and shall remain of record in his office ;
 4 the said Act shall after having been signed by the said
 Registrar, be binding on all the parties therein concerned
 6 and be considered as authentic ; it shall be lawful for the
 said Registrar to deliver copies thereof or extracts there-
 8 from, which being certified as true, and signed by him,
 shall be legal evidence of what is therein stated, to all intents
 10 and purposes whatsoever.

Registrar to
draw up Act
of apportion-
ment.

XX. And be it enacted, That there shall be three
 12 Commissioners for the erection and construction of the said
 Buildings in each such Circuit, who shall be called the
 14 Commissioners of the Circuit of (*name of the Circuit*) ;
 the said Registrar shall be *ex-officio* one of the said Com-
 16 missioners, and the two others shall be appointed by the
 said Syndics at one of their said meetings : Provided
 18 always, that if at the first or second meeting of the said
 Syndics after their election or appointment, the said two
 20 Commissioners be not appointed, then the said Registrar
 shall alone have the right of appointing them, of which
 22 appointment the said Registrar shall draw up an Act,
 signed by himself and to remain of record in his office ;
 24 and every copy of the said Act certified and signed by him,
 shall be evidence of facts therein stated thereof to all
 26 intents and purposes whatsoever, and after eight days
 from the said appointment, the said Registrar shall be
 28 required (by a letter written, signed, served and returned
 to him in the manner prescribed for such cases as are
 30 provided for in the sixth section of this Act) to give each of
 the said Commissioners so appointed, notice of his appoint-
 32 ment.

Three commis-
sioners to be
appointed for
erection of
buildings.

Proviso:

XXI. And be it enacted, That it shall be lawful for the
 34 said Syndics, at their meetings as aforesaid, or for the
 said Registrar, from time to time, to remove the two Com-
 36 missioners previously appointed by them respectively and
 to appoint others in their stead.

Commissioners
may be re-
moved by
Registrar.

XXII. And be it enacted, The said Commissioners
 38 or the majority of them, shall appoint a Treasurer who
 shall be called the Treasurer of the Commissioners
 40 of the Circuit of (*name of Circuit*) an Act of which
 appointment shall be drawn up by the said Registrar
 42 and signed by him, and shall remain of record in his
 office, and every copy thereof certified as true and signed
 44 by the said Registrar, shall be held to be evidence of the
 facts therein stated to all intents and purposes whatsoever ;

Commission-
ers to appoint
a Treasurer.

it shall be lawful for the said Commissioners from time to time to remove the said Treasurer and to appoint another in his stead ; they may require from him such security as they shall deem proper, which security shall be accepted by the said Registrar in the name of the said Commissioners :
 Proviso. Provided always, that the said Registrar may alone appoint the said Treasurer if the Commissioners shall not have appointed one within months after the said appointment of the said two Commissioners ; and in such case, the said Registrar may from time to time remove the said Treasurer by him so appointed, and appoint another in his stead. 12

And a Secretary, &c.

XXIII. And be it enacted, That the said Commissioners, may, if they think proper, appoint a Secretary, or require, 14 in the capacity of Secretary, the Services of the Clerk of the Circuit Court for the Circuit for which they shall be 16 Commissioners, which said Clerk, shall, in such case, be required to act in the said capacity of Secretary. 18

Buildings to be constructed according to plan furnished by Public Works.

XXIV. And be it enacted, That the said Buildings shall be constructed conformably to the Plan which shall be 20 furnished for that purpose to the said Syndics or to the said Circuit Commissioners by the Commissioners of Public 22 Works, according to the order which shall be given to them to that effect by the Governor ; and the said Commis- 24 sioners of Public Works shall accompany the said Plan with the specifications and estimates usual in such cases. 26

Notice for tenders to be given.

Proviso.

XXV. And be it enacted, That the said Commissioners shall give public notice in the English and French languages, 28 in at least two Newspapers, during months, specifying the work to be done and the materials required 30 for the construction of the said Buildings; their dimensions and appurtenances, the place and time at which they are 32 to be erected, and where the Commissioners will receive tenders for the said work, the nature and the amount of 34 the security required from the contractors, and the period within which the said work must be completed and received 36 according to report of *experts* : Provided however, that no contract made by the said Commissioners, for the con- 38 struction of the said work, or any portion whatsoever thereof, shall have effect until it shall have been approved 40 by the Governor, which approval shall be communicated to the said Registrar by a letter from the Provincial 32 Secretary or his Assistant.

XXVI. And be it enacted, That the amount of every Act of apportionment above mentioned, shall be due and payable by the proprietors aforesaid, at the following periods, that is to say : if the whole sum is to be paid at one time, it shall be due and payable three months after the completion of the said Act of apportionment ; but if the payment is to be made by instalments, then the first instalment shall be so due and payable within two months after the drawing up of the said Act of apportionment, the second within six months or within one year from the same period, and so on from six months to six months, or from year to year until perfect payment ; and so soon as the amount of the said Act of apportionment, or any of the said instalments shall have become so due and payable, it shall be the duty of the three Syndics to demand and collect in the locality for which they shall have been elected or appointed, the sum of money which each proprietor in such locality as aforesaid, shall be so obliged to pay according to the said Act of apportionment, and to deposit the sums so levied by them in the hands of the said Treasurer of the Commissioners of the said Circuit ; and in default of payment, it shall be the duty of the said Sydics, in each such locality, to sue for the recovery thereof before the Circuit Court, which suit may be brought in the name of the said three Syndics or of one of them only ; and any judgment rendered in such action, shall be rendered with costs, which shall include such reasonable sum as the Court shall think proper to allow, and which the said Court is hereby authorised to allow and tax in favor of the Plaintiffs, to indemnify them for their trouble in the matter ; and in every such action, a copy of the said Act of apportionment, or an extract only therefrom, certified as true and signed by the said Registrar, in which shall be contained the name of the Defendant or the entry of the property in respect of which such action is brought, and the amount due and payable by the said Defendant, shall be *prima facie* evidence of the existence of the debt for which the action is brought, without its being necessary for the Plaintiff to prove the right of property or the occupancy of the Defendant.

Manner in which amount of act of apportionment shall be payable.

XXVII. And be it enacted, That from and out of the amount of the sums paid by each Syndic into the hands of the said Treasurer, it shall be lawful for the said Commissioners to grant to such Syndic a Commission not exceeding £ per cent, and further a sum of shillings *per diem*, for every day which shall have been

Per centage to be granted as Commission to Syndics.

employed by such Syndic in making the before mentioned valuation, which said sums shall be paid to him by the said Treasurer on an order to be addressed to him for that purpose by the said Registrar under his hand.

Syndics may be sued in account after a certain time.

XXVIII. And be it enacted, That after the expiration of the three months next after the day on which each instalment is due in conformity with the said act of apportionment, the Syndics of each said locality may be sued in account before a competent tribunal by the aforesaid Treasurer in his own name, if the said Treasurer shall be required thereto by the said Commissioners or any one of them; and in such action the said Syndics may be condemned to pay the amount of the said instalment so due and payable in the said locality, unless they shall prove to the satisfaction of the Court that due diligence has been used by them as regards the recovery of the said instalment; and if they render an account, they shall be condemned to pay such sum as they shall themselves acknowledge or shall be declared to bear in their hands, and moreover such other sums as they ought to have put down as received by them, or for which the Court shall think it just to render them accountable for want of proof of sufficient diligence on their part in the recovery thereof; and the said action of account may be brought against the said three Syndics or two of them jointly and severally, or against one of them only; and every judgment pronounced in any such action shall bear interest at the rate of twelve per cent on the amount thereof as liquidated damages, together with the costs of the said action; and in any such action, a copy of the said act of apportionment, or an extract only thereof, certified as true and signed by the said Registrar, which shall include so much of the said apportionment as shall concern the said locality of the Syndics so sued, shall be *prima facie* evidence against the said Syndics to all intents and purposes whatsoever.

Meaning of word Parish.

XXIX. And be it enacted, That for the purposes of this Act, the word "Parish" therein used shall comprise every Tract of Territory as at the date of the letter of the Provincial Secretary or his assistant, mentioned in the second section of this Act, shall be generally reputed to from a Parish, whether such portion of territory, in whole or in part may or may not have been originally erected into a Parish, either by decree of the civil authorities or of the ecclesiastical authorities; and whenever there shall be an extra parochial place in any Circuit, it shall for the purposes of this Act, be annexed by the said

Registrar to one of the neighbouring Parishes in the
 2 said Circuit, in the notice which he shall give as afore-
 said for calling a meeting for the election of Syndics
 4 for the said Parish ; and from such period such extra
 parochial place shall, for all the purposes of this Act,
 6 form part of the said Parish ; and when a Parish or
 a tract of territory reputed to be a Parish within the
 8 meaning of this section, or a Township, shall only be
 partly within a Circuit, no Syndics shall be elected for
 10 such tract unless there shall be therein in the opinion of
 the said Registrar, at least fifty landed proprietors as afore-
 12 said ; in which case the said portion of a Parish or Town-
 ship shall for all the purposes of this Act, be considered
 14 as a Parish or Township in itself ; but if, in the opinion of
 the said Registrar such tract contains less than fifty such
 16 proprietors as aforesaid, then it shall be annexed by the
 said Registrar to one of the neighbouring Parishes or
 18 Townships in the said Circuit, in the manner above pre-
 scribed for the annexation of an extra parochial place ; and
 20 it shall from that period, for the purposes of this Act,
 form part of such Parish or Township.

22 **XXX.** And be it enacted, That in case of the death of
 one of the said Syndics, or of his absence from his locality
 24 for a longer space than six months, or of his incapacity to
 Act as such either from infirmity, sickness, or otherwise,
 26 it shall be lawful for the other Syndics of the said Circuit,
 at one of their aforesaid meetings, to appoint in the manner
 28 above provided, from among the proprietors in the said
 locality, another Syndic to replace the Syndic who shall
 30 be so deceased, or have been absent or become incapa-
 citated to act as aforesaid : Provided always, that notwith-
 32 standing the death, absence, or incapacity to act of the
 said Syndic, the other Syndics of the same locality shall
 34 continue to exercise the same powers, and to perform the
 same duties as they would have had to exercise and per-
 36 form if such decease, absence or incapacity to act of such
 Syndic had not taken place ; and provided further that the
 38 Syndic so appointed in lieu of another, may be removed
 as the latter might have been, and in the same manner.

Case of death,
 &c, of a syn-
 dic provided
 for.

Proviso.

Proviso.

40 **XXXI.** And be it enacted, That in case of the decease
 of one of the said two Commissioners appointed as aforesaid,
 42 or of his absence from the Circuit for a longer period
 than three months, or of his incapacity to act as such,
 44 either from infirmity, sickness or otherwise, it shall be
 lawful for the Syndics of the said Circuit, at one of their
 46 meetings aforesaid (if such Commissioner had been

Case of de-
 cease of a
 commissioner,
 provided for.

appointed by them) or for the said Registrar (if the said
 Commissioner had been appointed by him,) to appoint in
 2 the manner above provided, another Commissioner in his
 Proviso. 3 stead: Provided always, that notwithstanding the decease, 4
 absence or incapacity to act of such Commissioner, the
 5 other Commissioners shall continue to exercise the same
 6 powers and to perform the same duties as they would have
 had to exercise or perform, if such decease, absence or
 7 incapacity to act of such Commissioner had not taken
 Proviso. 8 place; and provided always, that the Commissioner so 10
 appointed in the stead of another, may be removed as the
 11 latter might have been, and in the same manner. 12

Commissioners
 may meet as
 often as they
 think proper,
 &c.

XXXII. And be it enacted, That the said Commis-
 sioners shall meet as often as they shall think proper; 14
 and moreover it shall be lawful for the said Registrar
 whenever he shall think it necessary, to call (by a letter 16
 witten, signed, served, and returned to him in the manner
 prescribed in cases mentioned in the sixth section of this 18
 Act,) a meeting of the said Commissioners, to be held at
 such time and place as shall be stated in the said letter or 20
 notice of convocation; and at every such meeting all
 questions shall be decided by a majority of votes, and the 22
 Commissioners may adopt such rules as they shall think
 proper, with respect to any matter which shall concern 24
 the duties of their office, and among other duties, the
 construction of the aforesaid buildings, the performance 26
 of the contracts entered into by them for that purpose, the
 duties of their Treasurer and of their Secretary, the suits 28
 which they shall think proper to bring, and the manner
 in which the said Treasurer shall pay the sums deposited 30
 in his hands as aforesaid; a *procès-verbal* of the proceed-
 ings of each such meeting of Commissioners shall be drawn 32
 up, and shall be signed by the said Registrar and entered
 by him in the Register to be kept by him under the authority 34
 Proviso. of the tenth section of this Act: Provided always, that in
 every case (except such as are provided by the 36
 section of this Act,) in which any such payment
 shall exceed the sum of £ currency, 38
 it shall not be lawful for such Treasurer to make any such
 payment without an order to that effect addressed to him 40
 and signed by at least two of the said Commissioners; and
 when the said payment shall not exceed £ currency, 42
 it shall then be sufficient that the said order be signed by
 the Registrar only. 44

Penalty on re-
 fusal of syn-
 dic, &c., to

XXXIII. And be it enacted, that any Syndic or Com-
 missioner who after having been regularly notified as 46

aforesaid of the calling together of any meeting of the said
 2 Syndics or of the said Commissioners respectively, shall
 refuse or neglect to attend such meeting, or who, being
 4 present thereat shall refuse or neglect to take a part in the
 deliberations and proceedings of the said meeting, shall,
 6 for every such refusal or neglect, incur a penalty of
 £ currency.

attend meet-
ings, &c.

8 XXXIV. And be it enacted, That the said Syndics, in
 making the valuation of the real property in each locality
 10 as above required, shall have power to proceed to the
 residence of the said proprietors and to require from them
 12 every information which may assist them in making the
 said valuation, and in case any person shall hinder the said
 14 Syndics or any of them from proceeding in making the said
 valuation as aforesaid, or refuse to give them such inform-
 16 ation, every person guilty of such refusal or hindrance
 shall incur a penalty of £ currency.

Syndics may
require infor-
mation from
proprietors to
assist them in
making valua-
tion.

18 XXXV. And be it enacted, That the said Treasurer
 shall render an account monthly or oftener if required, to
 20 the aforesaid Commissioners, of the sums of money which
 shall be deposited in his hands by virtue of this Act; and
 22 in the exercise of his office, he shall conform to such
 instructions as shall be given to him from time to time, in
 24 writing, by the said Commissioners through the said
 Registrar; he shall deposit the said moneys in such incor-
 26 porated Bank in Lower Canada, as shall be from time to
 time prescribed by the said Commissioners, and at the
 28 time and in the manner by them prescribed through the
 said Registrar, and no check drawn upon the said moneys
 30 so deposited in any of the said Banks, shall be legally
 payable by such Bank unless such check be countersigned
 32 by the said Registrar.

Treasurer to
render account
to commission-
ers.

XXXVI. And be it enacted, That all moneys levied
 34 under this Act and deposited in the hands of the said
 Treasurer, shall be at the disposal of the said Commis-
 36 sioners for the purposes of this Act; but no order drawn
 upon the said Treasurer in the manner above prescribed,
 38 for the payment of any portion of the said moneys, shall
 be legally paid by the said Treasurer, unless such order
 40 shall shew in a sufficient manner the nature of the debt
 which the said order is intended to discharge, nor unless
 42 such debt has been incurred or exists under the provisions
 of this Act.

Moneys levied
under this act
to be at dispo-
sal of commis-
sioners.

44 XXXVII. And be it enacted, That the duplicate of
 every letter written and signed by the Registrar in the

Registrar to
keep a dupli-

cate of every
letter written
under this act
in his office.

performance of the duties imposed upon him under the provisions of this Act, shall, with the return of the service thereof when such service shall have taken place, remain of record in his office, as well as every instalment appointing or removing a Syndic, Commissioner or Secretary, every *procès-verbal*, return of notice and of publication as aforesaid, and every other document which may come into the possession of the said Registrar in the performance of his said duties; and any copy of the letters, returns, *actes, prosès-verbaux* and documents aforesaid, as well as of the proceedings and deliberations inscribed in his said Register as aforesaid, or of any portion thereof certified as true and signed by the said Registrar, shall be evidence of the facts therein stated until the contrary be shewn.

Syndics to
take an oath of
office.

XXXVIII. And be it enacted, That the said Syndics elected or appointed under this Act shall, before entering upon the duties of their office, take an oath well and faithfully to perform the duties of the said office; and that all oaths required under the several provisions of this Act (not including that mentioned in the eighth section of this Act) may be taken before a Justice of the Peace, or before the said Registrar, who is hereby authorised to administer the same; and he shall make an entry of the taking of such oaths in the Register which he shall keep of the proceedings of the said Syndics; which oath each Syndic shall so take within days after his election or appointment; and in default of his so doing, he shall incur a penalty of £ currency.

Powers conferred on Registrar to devolve upon his successor.

XXXIX. And be it enacted, That all the powers which shall be exercised, and all the duties which are to be performed under this Act, by the Registrar to whom shall have been addressed the letter mentioned in the second section of this Act, from the Provincial Secretary or his Assistant, shall of right devolve upon his Successor in the said office of Registrar, and be by the latter exercised and performed in the same manner as if the said letter had been addressed to him personally.

Notarial deed to be passed on purchase of land, &c.

XL. And be it enacted, That whenever any purchase of land for the construction of the said buildings shall take place, such purchase shall be made in the name of Her Majesty, Her Heirs and Successors; a deed thereof shall be passed before Notaries, to which deed the said Registrar shall be a party to accept and make the said purchase in Her Majesty's name as aforesaid.

Registry office to be held in Court House.

XLI. And be it enacted, That if the Registry Office of a County or of a division of County be held in the Parish or Township where under this Act a Court House shall be constructed; the said office shall, if possible, be held in the said Court House.

Penalties under this Act to be collected by Treasurer.

XLII. And be it enacted, That all penalties imposed by this Act shall be collected by the said Treasurer, and shall be employed for the same purposes as the sums of money levied under this Act; and in default of voluntary payment of the said penalties by such persons as shall have incurred the same, it shall be the duty of the

said Treasurer to sue for the recovery thereof, before the Circuit Court, by an action brought in his own name, and in his said quality of Treasurer, within six months from the day on which such penalty shall have been incurred, and not afterwards; and when judgment shall, on the said action, be rendered in favor of the said Treasurer, the same shall be rendered with costs; and every such judgment shall be executory as any other judgment of the said Circuit Court: Provided always, and it is hereby declared and enacted, that in every such suit, all the said penalties then incurred by the person sued, may be included.

Proviso.

XLIII. And be it enacted, That the word "locality" wherever it is, used in this Act, shall be held and understood to comprise any Township or Parish or portion of a Township or Parish, which under the provisions of this Act, shall be entitled to elect three Syndics as aforesaid; the word "proprietor" used in this Act, shall be held and understood to comprise all persons or corporations whatsoever, who shall occupy any real estate whatsoever, within the limits of the Circuit, whether as proprietors, usufructuaries or tenants under lease made for a period exceeding nine years, the word "Registrar" used in this Act, shall apply and shall be understood as applying solely to Registrars of Counties or of Divisions of Counties appointed under the existing laws of Lower Canada, relating to the enregistration of titles to and incumbrances upon real property.

Meaning of certain words.

XLIV. And be it enacted, That every six months from the day of the drawing up of the said Act of apportionment, or whenever they shall be thereunto required in writing by at least six of the said Syndics, the said Commissioners shall render to the said Syndics assembled at a meeting duly called for that purpose, a detailed account in writing of every thing they shall have done up to that period in their said quality of Commissioners; and it shall be the duty of the said Registrar to transmit without delay to the Governor, a duly certified copy of the said account; and after the completion of the said buildings constructed as aforesaid, it shall be lawful for the Governor to grant to each of the said Commissioners such remuneration as he shall think proper to indemnify them for their expenses, pains and trouble, which remuneration shall be paid by the said Treasurer from and out of the said moneys then in his hands, upon the order which he shall receive to that effect from the Governor by letter from the Provincial Secretary or his Assistant.

Detailed account to be rendered by commissioners to syndics.

XLV. And be it enacted, That if, after the payment of the purchase money of the said ground, the cost of the construction of the said buildings and the expenses incurred for that object, there shall remain a balance in the hands of the said Treasurer of the sums of money levied under this Act, he shall upon receiving an order to that effect from the Governor, pay over such balance to the Receiver General of the Province, which balance shall be exclusively employed in the manner to be directed by the Governor, in repairing the said buildings, or for other purposes relative to the administration of justice in the said Circuit.

Balance in hands of treasurer to be paid to Receiver General.

Time of holding office by syndics.

XLVI. And be it enacted, That whenever any Syndics or Commissioners shall be elected in any of the said Circuits, under the authority of this Act, the said Syndics or Commissioners shall hold the said office of Syndic or Commissioner, respectively, in their respective Circuits, during the years next following the date of the said letter from the Provincial Secretary or this Assistant, mentioned in the second section of this Act, and no longer.

Time during which valuations shall remain in force.

XLVII. And be it enacted, That all valuations of real estate made in any of the said Circuits under the authority of this Act, and which shall have become binding as aforesaid, shall remain in force and shall be so binding during the years mentioned in the foregoing section.

This act to apply to repairs to as well as construction of buildings.

XLVIII. And be it enacted, That the provisions of this Act shall apply not only to the entire construction of the said buildings, but also to the repairs which the said Commissioners shall think necessary from time to time to make to each of the said buildings; and if, during the years mentioned in the foregoing section, it shall so become necessary at any time to make such repairs, and there shall be no funds or sums of money at the disposal of the said Commissioners for that purpose, then the amount necessary for that purpose, upon the proprietors of real estate in the said Circuit, shall be levied by Act of apportionment, founded on the said respective valuations then in force, and by the other means above prescribed for levying the amount of an original apportionment for the construction of the said buildings: provided always, that the amount of the said repairs to be made, shall have been previously submitted to the examination of the Syndics of the said Circuit assembled together as aforesaid, and approved by them, or in default of such approval at the said meeting, it shall have been approved of by the Governor.

Governor may after a Court House and Gaol are established, issue a proclamation declaring that the same have been established, &c.

XLIX. And be it enacted, That whenever under the operation of this Act, a Court House and a Gaol shall have been constructed in any one of the said Circuits, and the said buildings shall have been completed and duly received by the said Commissioners of the said Circuit, and the said Commissioners shall have established the fact to the said satisfaction of the Governor by a report which they shall be required to make to him thereof, it shall be lawful for the Governor by Proclamation under his hand and seal, to declare that a convenient Court House and Gaol have been erected in such Circuit, and that from the day to be fixed for that purpose in the said proclamation, General and Special Sessions of the Peace shall be held therein, such General Sessions to be there held at such periods as shall be determined by the Governor in the Proclamation aforesaid, in the same manner and with the same powers and duties as in the several Districts of Lower Canada respectively, and a Clerk of the Peace and the other necessary officers may accordingly be appointed; and the Justices of the Peace for the District in which such Circuit shall be situate, shall be the Judges by whom the said Sessions of the Peace, shall be held, but the said Circuit shall not be detached from the said District, excepting only as regards the said Session and all matters within their jurisdiction.

L. And be it enacted; That this Act shall not extend or be construed to extend to repeal or modify, in any manner whatsoever, a certain Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to make provision for the erection or repair of Court Houses and Gaols at certain places in Lower Canada*, which notwithstanding this Act, shall remain in full force.

This Act not to modify, &c., 13 Vic. cap. 112.

LI. And be it enacted, That if under the provisions of the Act cited in the foregoing section there shall have been, or shall at any time hereafter be constructed a Court House and a Gaol at certain places mentioned in the said Act, to wit : at Kamouraska in the Kamouraska Circuit, at Aylmer in the Ottawa Circuit, or at Chicoutimi in the Chicoutimi Circuit, respectively, or any ground purchased in any of the places above-mentioned to serve as the site of a Court House and Gaol under the authority of the said Act ; it shall be lawful for the Governor, if he shall think proper, to order that the amount of the capital and interest of the purchase money of such ground and of the cost of the construction of such Court House and Gaol, respectively, or of the Debentures issued under the aforesaid Act in payment of the said amounts, be paid by the said Circuit Commissioners from and out of the moneys levied under this Act in their said respective Circuits, and placed at their disposal as aforesaid ; which order shall be transmitted to the said Commissioners by a letter from the Provincial Secretary or his Assistant, and which order the said Commissioners shall be bound to obey ; otherwise, the creditors to whom the said amounts shall be due, or the holders of the said debentures, shall have a personal action against the said Commissioners to obtain from them payment thereof to the extent of the said moneys so levied and at their disposal by virtue of this Act : Provided always, that in the cases mentioned in this section, such ground so acquired in any of the said three Circuits, and such Court House and Gaol so erected thereon shall, to all intents and purposes be considered, the said ground as acquired, and the said Court House and Gaol as erected, under the provisions of this Act, as well as under the Act cited in the section of this Act ; and provided further, that any Court House and Gaol erected at Kamouraska or at Aylmer aforesaid, or any Gaol erected at Chicoutimi aforesaid, respectively, under this Act, shall, to all intents and purposes whatsoever, be considered as being the Court House and Gaol, and the Gaol, respectively, referred to in the two above cited Acts of the Parliament of this Province, as being required, or authorised to be erected in the said places respectively.

Provision in case Court House and Gaol shall have been constructed at Kamouraska, &c.

Proviso.

Proviso: