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No. 248.

2nd Session, 6th Parliament, 22 Victoria, 1859.

BILL.

**An Act further to amend the Consolidated
Municipal Loan Fund Acts.**

Received and read, first time, Tuesday, 19th
April, 1859.

Second reading, Thursday, 21st April, 1859.

Hon. Mr. GALT.

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

An Act further to amend the Consolidated Municipal Loan Fund Acts.

WHEREAS by an Act passed during the present session of the Provincial Parliament, it has been declared that, certain sums shall be payable in final settlement of certain claims arising out of the abolition of the Seigniorial Tenure in Lower Canada; And whereas it is expedient that provision should be made to charge any such sums upon the unappropriated Consolidated Municipal Loan Fund of Lower Canada, and for this purpose to restrain the issue of Debentures by the Municipalities in Lower Canada, under the authority of the said Act; And whereas it is also expedient to amend the Acts relating to the Consolidated Municipal Loan Fund, that is to say, the Act passed in the sixteenth year of Her Majesty's Reign, chapter twenty-two, intituled, *An Act to establish a Consolidated Municipal Loan Fund for Upper Canada*, as extended and amended by subsequent Acts, so as to afford relief to the municipalities which have raised money by Debentures issued under the said Acts, and at the same time to secure the ultimate redemption of such Debentures by the Municipalities respectively liable: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Except as hereinafter provided,—no loan shall, after the passing of this Act, be raised by any municipality under the said Acts, nor shall any Debentures be there- after issued under them to any municipality: But whenever the principal of any Debentures issued upon the credit of the Consolidated Municipal Loan Fund either of Upper or Lower Canada becomes due, the Receiver General, if he has then in his hands no sufficient funds appropriated to pay the same, may, with the consent of the Governor in Council, raise such funds by the issue of other Debentures upon the credit of the said Fund, redeemable at such time as he deems expedient: but nothing in this section shall prevent the effect of any enactment authorizing the redemption of any such Debentures by the issue of Provincial Stock or Debentures: Provided always, that nothing in this Act shall be construed to prevent the issue of Debentures under By-laws, which have received the sanction of the Governor in Council before the passing of this Act, but under which Debentures have not been issued to the parties entitled to receive the same;—And provided further, that it shall be lawful for the Governor in Council to authorize the issue, under the conditions of the said Acts, of Debentures on the credit of the Consolidated Municipal Loan

Preamble.

16 V. c. 22.

Except as herein mentioned no further loan to be raised on the said C. M. L. Fund, &c.

Proviso.

Proviso.

Fund for Lower Canada, to an amount not exceeding in the whole four hundred thousand dollars, in addition to the amount issued before the passing of this Act, or agreed to be issued, under By-laws sanctioned as aforesaid before that time.

Sum or rate to be paid yearly to the Receiver General by the Municipalities which have raised money under the said Fund.

2. A sum equal to the amount of five cents in the dollar on the assessed yearly value, or a like percentage on the interest at six per cent per annum on the assessed value, of all the assessable property in every municipality which has raised money by Debentures issued under the Acts mentioned in the preamble shall be paid by such municipality to the Receiver General on or before the first day of December in the present year, one thousand eight hundred and fifty-nine, and every year thereafter, unless and until the total amount in principal and interest payable by such municipality to the Receiver General under the said Acts by reason of such loan, shall have been paid and satisfied, or a smaller sum shall be sufficient to satisfy the same in any year, in which case such smaller sum only shall be so paid :

Proviso: not to be less than the rate would have produced on the assessed value of 1858.

2. Provided always, that the sum to be raised under this Section in any Municipality, shall never be less than the sum which the said percentage on the assessed value of the assessable property in such Municipality, according to the assessment Rolls for the year 1858, in the same Municipality, would have produced ;—but if in any year the assessed value of the assessable property in such Municipality shall be less than it was in the year 1858, the rate to be paid under this Section to the Receiver General shall be so increased as to make the sum so payable equal to what it would have been at the rate hereinbefore mentioned on the assessed value of the year 1858,—but the said rate shall always be payable on any increased assessed value over that of the year 1858.

Such sum to be a first charge on the Funds of the Municipality.

3. The said sum shall be the first charge upon all the funds of the municipality, for whatever purpose or under whatever By-law they may have been raised, and no Treasurer, or other officer of the municipality shall after the first day of December in this present year one thousand eight hundred and fifty-nine, pay any sum whatever out of any funds of the municipality in his hands until the sum then payable by the municipality to the Receiver General under this Act, has been paid to him: And if any such Treasurer or municipal officer pays any sum out of the funds of his municipality, contrary to the provision hereinbefore made, he shall be deemed guilty of a misdemeanor, and shall moreover be liable for every sum so paid, as for money received by him for the Crown :

To be instead of payments required by other Acts.

4. The sum aforesaid shall be instead of the payments which the municipality would otherwise be bound to make to the Receiver General under the said Acts: But if it be not paid as hereinbefore required, the municipality shall be held to be in

default, and shall be liable to be dealt with in the manner provided by the said Act, with regard to municipalities in default :

5 Nothing in this Act shall prevent any municipality from raising a higher rate than herein mentioned for the purpose of paying the sums payable by such municipality to the Receiver General, or from paying a larger sum to him in any year than that hereby required :

Municipality may pay a larger sum.

6. The Receiver General shall charge interest in his accounts with municipalities under the said Act, at the rate of six per centum per annum, on all moneys paid by him for any municipality whether as principal or interest, until the same are repaid.

Interest to be charged.

3. Instead of the special rate mentioned in the sixth section of the Act first cited in the preamble, there shall, in the present 15 year one thousand eight hundred and fifty-nine, be levied upon all the assessable property in every municipality which has raised money by Debentures issued under the Acts aforesaid, a rate of five cents in the dollar upon the assessed yearly value, and a like percentage on the interest at the rate of six per cent 20 per annum of the assessed value of such property, and a like rate in each year thereafter until the total sums payable as principal or interest to the Receiver General by reason of such Debentures, shall be paid off, or until a reduced rate shall be substituted by Order in Council as hereinafter mentioned :

Rate to be levied instead of that required by sect. 6 of 16 V. c. 22.

25 2. Such rate shall be levied by virtue of this Act, but shall be entered on the Collector's Rolls and collected and paid to the Treasurer of the Municipality in the same manner as ordinary rates imposed by municipal By-laws, and whether any other rate is or is not imposed in the municipality in the same 30 year :

How to be levied

3. The proceeds of such rate shall be applied by the Treasurer exclusively towards the payment of the sum payable by the municipality to the Receiver General in each year, if such sum be not then already paid, but if it be then already paid or there 35 be any surplus of the said rate after paying it, the rate or surplus may be applied to the other purposes of the municipality, in like manner as the proceeds of other rates :

Application of proceeds.

4. Any Treasurer, Collector or other municipal officer or functionary, neglecting or refusing to perform any official act requisite for the Collection of the said rate, or misapplying any portion of the proceeds thereof, shall be held guilty of misdemeanor, and shall moreover be personally liable for any sum which, by reason of such neglect, refusal or misapplication, shall not be paid to the Receiver General at the time required 40 by this Act, as for moneys received by such Treasurer, Collector or other municipal officer or functionary for the Crown.

Penalty on Municipal Officers not complying with this Act.

Governor in Council may allow a lower rate, if sufficient.

4. Whenever it appears to the Governor in Council, upon the Report of the Receiver General, that a lower rate in the dollar, than the rate aforesaid in any Municipality will be thereafter sufficient to pay the interest and contribution to the Sinking Fund payable by such Municipality in each year, under the Acts aforesaid, such lower rate may be substituted by order in Council for the rate aforesaid, for all the purposes of this Act. 5

Seigniorial Act of 1859, cited.

5. Whereas by the Act passed during the present session to amend and extend the Seigniorial Act of 1854 and the Acts amending the same, it is provided,—that a sum of money bearing the same proportion to that which under the provisions of the said Act will be payable yearly to the Seigniors in Lower Canada, as the population of the Townships of Lower Canada shall be by the Census of one thousand eight hundred and sixty-one be found to bear to that of the Seigniories,—shall be payable yearly, out of Provincial Funds, to the credit of the Lower Canada Municipal Loan Fund, but for the benefit of the Townships only :—And whereas it is necessary to provide for the application of the said sum, to the purposes contemplated by the said Act, therefore,— 15 20

How the sum given to the L. C. Townships shall be divided.

1. The said sum shall be divided among the several Townships in Lower Canada and the Town of Sherbrooke, in proportion to their respective population as shewn by the said Census of 1861 ; 25

Capital may be paid at 75 per cent.

2. It shall be lawful for the Governor in Council to direct the Receiver General to pay the Capital of the yearly sum coming to any such Townships or to the said Town, at the rate of seventy-five per cent. of such Capital, in discharge of the whole ; 30

County Councils may appropriate such sums by By-law.

3. It shall be lawful for the County Council of any County in Lower Canada including within its limits any Township or Townships, and for the Town Council of the said Town of Sherbrooke, to pass By-laws with the approval of the Governor in Council for appropriating the said yearly sum or capital or any part of either, for any public improvement or improvements within the County or Town ;—Provided that in Counties including a Seigniority or Seigniories, the County Councillors representing Municipalities composed of Townships or parts of Townships, shall alone be entitled to vote on any By-law for such appropriation, and shall, as regards such By-law, form a Quorum of the Council, whatever be their number ; 35 40

Proviso.

As to certain Municipalities.

4. Any Municipality having the powers as well of a County Council as of a Local Council, shall be held to be a County Council within the meaning of this Act. 45

6. So long as any sum of money is payable to the Receiver General by any Municipality under the Acts aforesaid, he may always retain in his hands any sum of money which would otherwise be payable by him to such Municipality, crediting the same to it, in his accounts with it under the said Acts.

Receiver General may retain money due to the Province.

7. In this Act the word "Treasurer" includes every Secretary-Treasurer, Chamberlain, or other municipal officer or person, entrusted with the custody of the funds of any municipality, the expression "Assessment Roll" includes Valuation Rolls,--and the Roll which is to serve for any year is the Roll for that year whatsoever be the year in which it was made,--the expression "Collector's Roll" includes any Roll or document shewing the amount to be collected from each rate payer,--the word "Collector" includes the Secretary-Treasurer in places where that officer collects the Municipal Taxes ;--and the word "Municipality" includes incorporated Cities and Towns.

Interpretation