Technical and Bibliographic Notes / Notes techniques et bibliographiques

L'Institut a microfilmé le meilleur exemplaire qu'il lui a

été possible de se procurer. Les détails de cet exem-

The Institute has attempted to obtain the best original

copy available for filming. Features of this copy which

Ce document est filmé au taux de réduction indiqué ci-dessous.

may be bibliographically unique, which may alter any of plaire qui sont peut-être uniques du point de vue biblithe images in the reproduction, or which may ographique, qui peuvent modifier une image reproduite. significantly change the usual method of filming are ou qui peuvent exiger une modification dans la méthochecked below. de normale de filmage sont indiqués ci-dessous. Coloured covers / Coloured pages / Pages de couleur Couverture de couleur Pages damaged / Pages endommagées Covers damaged / Couverture endommagée Pages restored and/or laminated / Pages restaurées et/ou pelliculées Covers restored and/or laminated / Couverture restaurée et/ou pelliculée Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées Cover title missing / Le titre de couverture manque Pages detached / Pages détachées Coloured maps / Cartes géographiques en couleur Showthrough / Transparence Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire) Quality of print varies / Qualité inégale de l'impression Coloured plates and/or illustrations / Planches et/ou illustrations en couleur Includes supplementary material / Comprend du matériel supplémentaire Bound with other material / Relié avec d'autres documents Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou Only edition available / partiellement obscurcies par un feuillet d'errata, une Seule édition disponible pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible. Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge Opposing pages with varying colouration or intérieure. discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont Blank leaves added during restorations may appear within the text. Whenever possible, these have been filmées deux fois afin d'obtenir la meilleure image omitted from filming / Il se peut que certaines pages possible. blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées. Cover title page is bound in as last page in Additional comments / book but filmed as first page on fiche. Commentaires supplémentaires: This item is filmed at the reduction ratio checked below /

 10x
 14x
 18x
 22x
 26x
 30x

 12x
 16x
 20x
 24x
 28x
 32x

BILL.

An Act for the relief of sufferers by the late fire at Montreal, by facilitating the negociation of Loans to enable them to rebuild the property destroyed by the said fire.

Received and read first time, Thursday, 7th October, 1852.

Second reading, Friday, 8th October, 1852.

(450 Copies.)

The Honorable Mr. HINCKS.

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

(15-4)

BILL.

An Act for the relief of sufferers by the late fire at Montreal, by facilitating the negociation of Loans to enable them to rebuild the property destroyed by 5 the said fire.

THEREAS by the disastrous conflagration which has Preamble. lately burned above one thousand houses and other buildings in the City of Montreal, a large amount of pro-10 perty was destroyed; And whereas the greater number of the persons who suffered upon that occasion have lest all they had, and are unable to re-build the property so destroyed without assistance; And whereas the Corporation of the said City of Montreal, has expressed its willingness to become surety to the extent of a sum not exceeding one hundred thousand pounds for such of the said persons as may borrow money for the pur-15 pose of enabling them to re-build their property so destroyed; And whereas the loans contemplated by this Act can be obtained with greater facility and on easier terms, if the payment of the sums borrowed and the interest thereon be guaranteed by the Government of this Province in the event only of the said Corporation refusing or neglecting to make good the security which 20 may be given by the said Corporation: 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 25the 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 if any person or persons, company or firm of persons, body politic or tion of Mont-30 corporate, shall lend and advance to any person or persons real may behaving suffered by reason of the fire above mentioned, such sum come surety or sums of money as may be required by such person or per-rowing money sons for rebuilding and erecting, upon lots of ground left vacant to rebuild proby the said fire, such houses or other buildings as they may perty destroyrequire, or shall lend and advance to any person of persons Fire. 35 having suffered by the said fire, such sum or sums of money as may be required by such person or persons to repay any sum or sums of money, already borrowed for the purpose of rebuilding or erecting such houses or other buildings, and with which such person or persons shall have rebuilt or crected such houses or other buildings, upon lots of ground left 40 vacant by such fire as aforesaid, it shall be lawful for the Corporation of the said City of Montreal, if it shall see fit, in the usual and ordinary manner in which the said Corporation becomes a party to and executes Deeds or contracts, to become a party to any Obligation, Deed, Acte, or Instrument in writing under which any such Loan or Loans is or are to be made,

granted and effected, and as such party as aforesaid to become surety, (caution) for any such Loan or Loans, made by any person or persons, Company or Firm of Persons, Body Politic or Corporate, to any person or persons, under the authority of this Act; and for the purposes of such suretyship to bind 5 and oblige itself as surety (caution) only, for the repayment of the same, and the due payment of the interest thereon in whole or in part, (as the case may be) in the event of the lenders being unable to enforce payment thereof, from the parties borrowing the same, after due diligence and the discussion of the personal 10 and real estate of the said parties for that purpose.

Extent of suretyship limited to £100,000: and to £500 in each case.

II. Provided always, that the Loans for which the said Corporation shall become surety under the authority of this Act shall not exceed at any time the sum of One Hundred Thousand Pounds, current money of Canada; and provided also, 15 that no loan for which the said Corporation shall be surety under the provisions of this Act, shall in any case exceed the sum of Five Hundred Pounds current money aforesaid, for each lot of ground to be built upon, each lot of ground within the meaning of this Act not to contain less than one 20 thousand feet in superficies; and that any sum or sums of money to be lent under the provisions of this Act, and for the repayment of which the said Corporation shall be surety shall be so lent at a rate of interest not exceeding six per centum per annum, and for a period not exceeding twenty years.

Rate of interest.

Privileges for

III. And be it enacted, That any person or persons, comsecuring sums pany, or firm of persons, body politic or corporate so making any loan or advance under any instrument to which the Corporation shall be a party as aforesaid, shall have a privilege for such loan, in principal, interest and costs, upon the 30 houses or other buildings erected and built upon the lot of ground described in such instrument, which privilege shall. be superior to, and have preference over any other claim, debt, mortgage or privilege whatsoever, on such houses or buildings, and that to secure such privilege it shall not be necessary \$5 to observe any of the formalities now required by law, or any other formality whatsoever; Provided always, that such privilege shall, as regards the ground itself upon which such houses or buildings may be crected, rank next after the privileges, debts, mortgages or claims already 40 existing or which may exist upon such ground, (fonds) at the time of making such loan; but nothing herein contained shall prevent the parties making such loan or loans from taking a hypothec as provided by law, upon the said ground (fonds) which hypothec if duly registered, shall rank as 45 aforesaid.

Property to be insured.

IV. And be it enacted, That the person or persons, company or firm of persons, bodies politic or corporate, making such loan or loans as aforesaid, shall have the

right, and they are hereby required to insure, at such Insurance Office or Offices as they and the said Corporation may agree upon, or if they cannot agree, then in such Office as the Governor shall direct, and for an amount sufficient to cover 5 such loan or loans, or the amount thereof actually owing at the time such Insurance shall be effected, and no more, the houses or other buildings which may be erected and built as aforesaid, and to continue such Insurance from year to year until the repayment of the amount lent under this Act, 10 shall have been made, and to charge the proprietor or proprietors of such houses, or other buildings, with the premium of Insurance paid for such Insurance, as aforesaid, which said premium of Insurance the person or persons for whom such Insurance shall have been effected, shall be bound to repay 15 forthwith, and upon the first demand; and the amount of such Insurance in the event of the property so insured being destroyed or injured by fire, shall be appropriated to the payment, first, of the arrears of interest due upon the amount lent, and secondly, towards the payment of the principal so 20 lent.

V. And be it enacted, That to the extent of the sum of one Province to hundred thousand pounds as aforesaid, the guarantee of this guarantee the Province shall be given in the manner hereinafter provided, of the obligation the due performance by the said Corporation of the City of tion which the Montreal of the obligations it shall talk the contract of the obligations in the contract of the contr 25 Montreal, of the obligations it shall take upon itself by such Corporation shall take suretyship as aforesaid, that is to say: in the event of the said upon itself. party or parties lending the said money, being unable to enforce payment thereof or of the interest thereon from the parties borrowing the same, after due diligence and discussion of the 30 personal and real estate of the said last mentioned parties; and in the event also of the said Corporation not then paying the same on demand as aforesaid, it shall be lawful for any person or persons, company or firm of persons, body politic or corporate, having made such loan or loans as aforesaid, 35 to apply to the Governor of this Province for payment of any sum or sums so due as aforesaid, either for principal or interest, and upon such application for payment it shall be lawful for the Governor to issue his Warrant for the amount so due, to the Receiver General of the Province, requiring 40 him to pay the amount mentioned in the said Warrant, and to charge the same upon the unappropriated funds of the Province then in his hands.

VI. And be it enacted, That upon such sum or sums of Payment of money being paid upon such Warrant as aforesaid, the any sum by 45 Crown shall immediately be substituted and subrogated to operate to all the rights and actions which the parties to whom subrogation, such sum or sums of money shall have been paid, might &c. or could have exercised against the person or persons to whom the loan or loans shall have been made, or against the said Cor-50 poration of the City of Montreal, for the recovery of the sum or

sums of money so lent as aforesaid, without its being neces. sary that any Act, Deed or instrument whatever should be made or passed to operate such substitution or subrogation. and that the receipt in the hands of the Receiver General or others Officer shall be sufficient evidence in all Courts of Law of such payment, substitution and subrogation; provided always, that such rights or actions may be exercised either in the name of the lender or lenders of such sum or sums of money, or in the name of Her Majesty's Attorney General, either by action or 10 information in any Court of competent jurisdiction.

Copies of Deeds to be furnished to Government.

VII. And be it enacted. That the said person or persons obtaining such loan or loans aforesaid, or the said Corporation of the City of Montreal, shall, forthwith after the execution of any Obligation, Deed, Acte or Instrument in Writing, under 15 this Act, furnish an authentic copy thereof to the Receiver General aforesaid as also an authentic copy of any other Deed. Act or Instrument affecting the original transaction in any manner whatever.

Corporation to keep accounts, and furnish copies when required.

VIII. And be it enacted, That the said Corporation of the City 20 of Montreal, shall keep a statement or account of all the loans made under this Act, shewing by whom such loans shall have been made and to whom, the period at which the same were effected, at what period the interest accrues, the arrears of such interest due upon each loan respectively, and at what 25 period or periods the principal is made payable, a copy of which statement or account duly certified shall be furnished to the Government when and so often as the said Corporation may be required and called upon so to do; and for the purpose of enabling the said Corporation to keep such account the 30 party making any such loan under this Act, shall certify to the said Corporation, and whenever thereunto required by the said Corporation, every sum of money which such party shall have received on account of the principal or interest of the sum lent and the date at which it was received. 35.

Sheriff having execution against the Corporation may levy the money by rate: and by what pro-

IX. And be it enacted, That if any Sheriff shall receive a writ of execution, commanding him to levy any sum of money due by the said Corporation for the principal or interest of any Loan made under the authority of this Act, the Plaintiff may require, and the Court may order that such execution be 40 levied by Rate; and if such order be made, the Sheriff shall ceedings, &c. cause a copy of such Writ to be served upon the Treasurer of the said City, and if the money therein mentioned, with all the lawful interest and costs, which the Sheriff is commanded to levy, be not paid within one month from the time of such 45 service, the Sheriff shall himself calculate, as nearly as may be, what Rate in the pound upon the assessed annual value of the property liable to assessment in the said City, will in his opinon, after making fair allowance for expenses, losses, and deficiencies in the collection of such Rate, be required to pro-50

duce a nett amount equal to the sum, interest and costs he is commanded to levy, and ten per centum thereon in addition. and shall certify such Rate under his hand to the Clerk of the said City, for the information of the Council thereof, and shall 5 attach thereto his precept commanding the said Corporation. and all officers whom it may concern, forthwith to cause the said Rate to be levied, and the proceeds thereof paid over to him: and such precept shall be deemed an order of the Court, out of which the Writ issued, and shall be obeyed by the said Cor-10 poration, and by all officers thereof, and others whom it may concern, on pain of their personal responsibility to the said Court: and the Rate mentioned in the said certificate shall be forthwith levied and paid accordingly, and in addition to any Rates lawfully imposed by any By-laws of the City Council: 15 and it shall be the duty of the Treasurer, and Clerk, and of all assessors, collectors, and other officers of the said Corporation. to produce to the Sheriff, on his demand, all assessment books. papers and documents requisite for enabling him to fix the Rate mentioned in this Section, and to give him any 20 information or assistance which he may require for the purposes thereof, and all such officers of the Corporation. shall, for all the purposes of this section, be deemed officers of the Court out of which the writ issued, and amenable to and punishable by such Court accordingly, in case of any failure to 25 perform any of the duties hereby assigned to them respectively: and the proceeds of the said rate shall by the Treasurer be paid over to the said Sheriff, and by him applied to the satisfaction of the debt, interest and costs he was commanded to levy, and if there be any surplus after satisfying the same, such surplus 30 shall be paid back to the Treasurer and form part of the Funds at the disposal of the said Corporation.