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No. 358.

3rd Session, 5th Parliament, 20 Victoriae, 1857.

B I L L .

An Act to amend the Consolidated Municipal Loan Fund Act.

CORRECTED COPY.

Received and read first time, Friday, 15th
May, 1857.

Second reading, Tuesday, 19th May, 1857.

Hon. Mr. CAYLEY.

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

An Act to amend the Consolidated Municipal Loan Fund Act.

WHEREAS by the seventh section of the Consolidated Municipal Loan Fund Act (16 Victoria, chapter twenty-two), it is provided that if any sum of money which ought under the said Act to be paid by the Treasurer of any Municipality to the Receiver General, shall remain unpaid during three months or upwards after it ought to have been so paid, then, upon the certificate of the Receiver General that such sum is so due and unpaid, it shall be lawful for the Governor to issue his warrant to the Sheriff of the County, reciting the facts, and commanding him forthwith to levy such sum by rate, &c., which said provision was extended to Lower Canada (with the other parts of the said Act) by the Act 18 Victoria, chapter thirteen, and made to apply in like manner to the Sheriffs of Judicial Districts therein; And whereas it may not at all times be expedient to direct a levy at one and the same time of the whole sum for which any such Municipality may be in default as aforesaid: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

20 I. So much of the seventh section of the Act above recited as renders it necessary in all cases that the warrant of the Governor shall issue for the whole amount due by the Municipality, is hereby repealed; and it shall be lawful for the Governor, if he shall see fit, to issue his warrant to the Sheriff, directing the rate which he shall levy: Provided nevertheless, that such rate shall not be less than two shillings and six pence in the pound on the yearly value of the assessable property in the Municipality, or a proportionate rate on the actual value of such property, reckoning the yearly value at 30 six per cent. on its actual value—except in cases in which the proceeds of such rate would, in the opinion of the Governor, exceed the amount for which such Municipality is in default and the costs of the levy, when it shall be lawful for the Governor to direct such rate to be so levied as will, in his 35 opinion, produce an amount fully sufficient to pay that for which the Municipality is in default and the costs of the levy, the surplus (if any) being returned to the Municipality according to law.

Preamble.

Governor may fix a rate instead of causing the whole amount in default levied at once.

Proviso: rate limited, &c.

40 II. It shall be lawful for the Governor, in all cases in which a Municipality shall be certified to him by the Receiver General to be in default as aforesaid, to issue his warrant to the Sheriff, directing him to seize all goods and chattels, and other property Governor may direct the property of the Municipality to be seized.

Exceptions.

or things liable to be seized in execution, lands and tenements, belonging to such Municipality, and to sell the same, or so much thereof as may be necessary to produce the amount for which such Municipality is in default and costs, as he would under execution against such Municipality, and to pay the proceeds 5
 unto the Receiver General in liquidation of such amount; Provided always, that no School House or Houses, Alms House, Fire Engine or Fire hoses or Engine House, Court-house or Gaol, or property required for the administration of Justice, shall be seized or sold under such warrant. 10

Provision as to the liability under the said Act; of Counties united when the loan was contracted but separated before it is paid.

III. Provided always, that whenever a loan shall have been effected on the credit of the said Consolidated Municipal Loan Fund by any Union of two or more Counties then united for municipal purposes, but which have been or shall be afterwards separated before such loan shall have been paid, and 15
 such Counties shall upon such separation have agreed or shall hereafter agree in the manner provided by law, as to the part which each or any of them shall have in the liability arising out of such loan, then such agreement shall be the rule by which the Receiver General shall be guided in ascertaining the 20
 liability of each of such Counties, and the amount to be paid by or levied upon each of them in respect of such loan, in case of any default to pay any sum which ought under the said Act to be paid to the Receiver General in respect of the same; and any County having paid its share of such liability so 25
 ascertained shall not be liable in respect of the share thereof of the other County or Counties united with it when the loan was effected.

Share of Clergy Reserve Fund may be taken in payment.

IV. It shall be lawful for the Governor to direct the Receiver General to withhold the share of the Clergy Municipalities 30
 Fund accruing and which may hereafter accrue to any Municipality certified by the Receiver General to be in default, or from the several Municipalities in any County while such County is so certified to be in default, and to carry such share or shares to the credit of such Municipality or County on account of such 35
 default.