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No. 243.

4th Session, 6th Parliament, 24 Victoria, 1861.

BILL.

An Act to confirm the action of the Corporations of Arthur and Luther, under the Act to enable County Councils to raise money for assisting persons in certain cases to sow their land; and for other purposes.

(PRIVATE BILL.)

Received and read, first time, Thursday, 2nd
May, 1861.

Second reading, Saturday, 4th May, 1861.

Mr. JAMES ROSS.

QUEBEC:

PRINTED BY THOMPSON, HUNTER & CO.,
STE. URSULE STREET.

An Act to confirm the action of the Corporation of the Townships of Arthur and Luther, under the Act to enable County Councils to raise money for assisting persons in certain cases to sow their land ; and for other purposes.

WHEREAS under the Act to enable County Councils to raise money for assisting persons in certain cases to sow their land, and for other purposes, passed in the twenty-second year of Her Majesty's reign, the Council of the United Townships of Arthur and Luther, having borrowed a large amount from the County Council of the County of Wellington, instead of loaning the same to persons in want, or purchasing seed-wheat and delivering the same to persons in need thereof, under a misapprehension of their duties and powers under the said Act, purchased provisions and distributed the same, and relieved needy individuals therewith ; And whereas also no By-law as required by the said Act was regularly passed by the Council of the said united Townships of Arthur and Luther before their separation, which took place on the first of January, in the year of Our Lord one thousand eight hundred and sixty ; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

I. The purchase and distribution of food and provisions by the Council of the United Townships of Arthur and Luther, made in the year of Our Lord one thousand eight hundred and fifty-nine, and the relief by them given, as in the preamble recited, shall be deemed within the intention and provisions of the said Act to enable County Councils to raise money for assisting persons in certain cases to sow their land, and for other purposes ; and the parties who obtained such food, provisions, and other relief, shall be liable and shall pay for what they so received, at the prices fixed by a resolution of the Council of the said united Townships, passed on the eighteenth day of October, in the year of Our Lord one thousand eight hundred and fifty-nine, as if the same were a loan of money or seed wheat, under the said Act.

II. Such amounts or loans shall be payable by the parties who obtained such food or provisions, by instalments, as intended and provided by a certain irregular By-law of the said Council, numbered four ; that is to say, one-third of the said amounts or loans, on the first day of February, one thousand eight hundred and sixty, with interest after the rate of $\frac{1}{2}$ per cent. on the whole loan ; one-third of the said amounts or loans on the first day of February, one thousand eight hundred and sixty-one ; with one year's interest, after the said rate on two-thirds of the whole loan ; and the remaining one-third of the said amounts or loans, with one year's interest thereon, after the said rate, on the first day of February, one thousand eight hundred and sixty-two ; together with a per centage of six-and-one-half upon each instalment and interest, to cover the ex-

Preamble.

Loan and distribution confirmed.

Periods for repayment of advances.

Proviso. penses of collection : Provided always, that if payment be made to the Treasurer of of the said instalments and interest on or before the date at which the same became due, then a percentage of two-and-one-half only on such instalments and interest shall be charged or collectable. 5

Collection Roll to show certain particulars.

III. The Clerk of the Municipal Council of the Township of Arthur shall make out a Collector's Roll, and deliver the same to the Collector of the said Township, which shall state fully the names of all parties who are known to have obtained food, provisions and relief as above stated from the Council of the said United Townships,—the quantities and description of food, provisions, or other necessaries obtained by them separately,—the prices at which the articles were charged to such parties,—the total amount charged against each of such parties,—and the amounts of the instalments chargeable against each of such parties, with interest,—and the dates at which such instalments respectively became due,—all the amounts paid by such parties respectively up to the time such Roll is placed in the hands of the Collector,—the amounts of said instalments, and interest thereon which are due by such persons separately at the time of the delivery to the collector of such Roll. 10 15

Instalments overdue to be collected as a Rate.

IV. The Collector of the Township of Arthur may collect in the name of the Corporation of the Township of Arthur, within the limits of said Townships of Arthur and Luther, such instalments or parts of such as may now be past due, according to the provision and intention of the said irregular By-law, together with a commission or a percentage of six-and-one-half for expenses of collection, and interest after the rate of six per centum per annum, as above provided, in the same manner as if such instalments, per centage, and interest were a special annual rate, duly imposed in accordance with the provisions of the sixth section of the said Act. 20 25

If the amount advanced is disputed it may be sued for in the Division Court.

V. In case of any doubt or dispute arising as to the amount with which any such parties should be charged, or in the absence of the party charged beyond the limits of the Townships of Arthur and Luther, then the Collector may, in the name of the Corporation of the Township of Arthur, sue the party for the whole amounts charged against such party, in any Division Court having jurisdiction, as for a debt due to the said Corporation ; and on judgment being given in favor of the said Corporation, the Collector shall collect the amount recovered as it becomes payable by instalments, with costs of suit, and a per centage of six-and-one-half for expenses of collection; and the Clerk of the Division Court in which such judgment may be recovered shall amend the said Collector's Roll by inserting instead of the amount therein charged to each party the amount of the said judgment recovered and the costs of suit; and such amendment on the Collector's Roll, certified by the signature of the Clerk of the Division Court in which such judgment was obtained, shall be sufficient warrant for the collection of the amount of such judgment : 30 35 40 45

Proviso.
Proviso.

Provided always, that the costs of recovering such judgment shall be collectable with the first instalment; And provided further that if one or more of such persons so chargeable as aforesaid reside without the limits of the said Townships of Arthur and Luther, so that the Collector cannot proceed to make collection under the said judgment as by this Act authorized, then and in such event it may be lawful to issue execution under the judgment to be obtained as aforesaid, for the amount of the instalments, per centage, and interest overdue, and costs of suit, in the same manner and according to the same practice as it is now lawful for executions to issue under other judgments of the said Division Courts. 50 55

VI. Whereas a large number of individuals obtained from the said Municipal Council food, provisions, and other necessaries as aforesaid, whose names are as yet unknown to the Clerk of the Municipality of the Township of Arthur, it is therefore further enacted that in case it shall be discovered after such Roll is placed in the Collector's hands, under this Act, that any party or parties other than those named in the said Collector's Roll have obtained food, provisions and relief from the said Municipal Council, under the said Act, it shall be lawful for the Clerk of the Municipality of the Township of Arthur to add the name of such party or parties to the said Roll, with the particulars in the third section of this Act provided, and the Collector shall collect the amounts due by, and proceed against such party or parties in the same manner as if their names had been upon the original Roll handed to him.

Provision in case other parties than those on the Collector's Roll are found to have received advances.

VII. It shall be the duty of the Collector of the Township of Arthur to collect each instalment, with per centage and interest as aforesaid, as it respectively falls due, with as little delay as possible; and it shall be his further duty, on the first day of each month, to furnish to the Treasurer of the Municipality of the Township of Arthur a correct list, sworn to on oath, before any Justice of the Peace of the County of Wellington, of all the parties from whom he has collected money during the month next preceding, and a correct account of the amount paid by each individual, and at the same time to pay over the amount so collected to the Treasurer of the said Municipality.

Collector bound to collect and account for the said monies.

VIII. This Act shall be deemed a Public Act.

Public Act.