

No. 207.

(PRIVATE BILL.)

1st Session, 4th Parliament, 16 Victoria, 1853.

BILL.

An Act to authorize the Municipality of the County of the Two Mountains to take Stock in the St. Lawrence and Ottawa Grand Junction Railway Company.

Received and read a first time, Friday, 4th
March, 1853.

Second reading, Monday, 7th March, 1853.

HON. MR. YOUNG.

QUEBEC:

PRINTED BY JOHN LOVELL, MOUNTAIN STREET

An Act to empower the Municipality of the County of the Two Mountains to take Stock in the St. Lawrence and Ottawa Grand Junction Railroad Company, and to issue Bonds to raise funds for the payment of the same.

WHEREAS the Municipal Council of the County of the Two Mountains in Lower Canada, have, for the purpose of securing the construction of the St. Lawrence and Ottawa Grand Junction Railroad through the said County, petitioned the Provincial Parliament the passing of an Act authorizing and empowering the said Municipality to take Stock in the Saint Lawrence and Ottawa Grand Junction Railroad Company, to the extent of one hundred thousand pounds currency: And whereas it is expedient to grant the prayer of the said Petition; Be it therefore declared and enacted, &c.,

Preamble.

10 That it shall be lawful for the Council of the said Municipality by By-law to be passed either at one of their Quarterly Meetings or at any meeting by them regularly held, to authorize the Mayor or Chief Officer or any other person whom they may specially appoint for that purpose, to take and subscribe for Shares in the Capital Stock of the Saint Lawrence and Ottawa
15 Grand Junction Railroad Company, to the extent of one hundred thousand pounds currency, and to authorize the necessary funds for the payment of the said Stock, to be borrowed upon the credit of the said Municipality, and to provide for and impose a special rate and assessment over and above any rate and assessment that the said Municipality is now by law
20 authorized to make upon the rateable property within the said Municipality, for such sum and sums of money as may be necessary to meet the interest annually upon any money which they may borrow for the payment of the said Shares in the said Capital Stock, and also to establish a Sinking Fund to provide for the liquidation of the capital of the money
25 which may be so borrowed by the said Municipality.

The Municipal Council of the said County may authorize the Mayor, &c., to subscribe for £100,000 Stock in the said Railway, and raise money to pay for the same.

11. Provided always, and be it enacted, That no By-law shall be passed by the said Council authorizing such subscription as aforesaid, until after it shall have been approved by a majority of the qualified Municipal Electors of the said County: and for the purpose of ascer-
30 taining whether the majority of the said Electors approve or disapprove such By-law, the said Council shall appoint some qualified Municipal Elector in each Parish or Township in the County to take the votes of the Electors as to such approval or disapproval, on a day (not being a Sunday or Statutory holiday) and at an hour and place in each Parish
35 or Township to be appointed by the said Council, with full power to

By-law to be submitted to the Municipal Electors for their approval or disapproval before it is passed: and mode of taking the votes thereon.

such person to appoint a Deputy to act for him if need shall be, and with full power also to him or his Deputy to prolong the taking of the said votes during the next following day, not being a Sunday or Statutory holiday, if need shall be, and the day appointed by the said Council shall be sufficiently distant to allow the notice hereinafter mentioned to be given :—the said Council shall then cause a copy of the proposed By-law or of every material provision thereof, to be published in English in some newspaper printed in the City of Montreal in that language, and appearing not less than three times each week, and in French in some newspaper printed in the said City in that language, appearing as aforesaid, and such copy shall be inserted in each of such papers on every day of the publication thereof during at least two weeks, with a notice at the foot thereof, signed by the Mayor or Clerk of the Municipality, that it will be submitted for the approval or disapproval of the Municipal Electors of the County on the day, and at the hour and places appointed as aforesaid, and a copy of the By-law and notice as inserted in each language shall be posted up at the Church door (or if there be no Church then at some public place) in each Parish and Township in the said County during two weeks, and shall be read at each such Church door on two consecutive Sundays in such two weeks after Divine Service (if any there be) in the forenoon ; and on the day and at the hour appointed by the said Council for the purpose, the person appointed to take the votes of the Municipal Electors in each Parish or Township or his Deputy, shall read to the Electors then and there present the copy of the proposed By-law in both languages, and put the question whether they approve or disapprove the same, and shall then take the votes of the Electors who shall appear and wish to vote in the same manner as they are appointed by law to be taken at Elections of Municipal Councillors, each Elector voting “ Yes ” if he approves the proposed By-law, and “ No ” if he disapproves the same, and the Poll shall be kept open until six in the evening, and then adjourned until the morning of the next day, not being a Sunday or Statutory holiday, when it shall be continued in like manner until six in the evening, when it shall be finally closed ; and every person appointed to take the votes of the Municipal Electors in any place, shall have all the powers vested by law in persons presiding at Elections of Municipal Councillors ; Provided that if at any time during the first or second day, one hour shall elapse without a vote being offered, the person presiding shall finally close the Poll ; and when the Poll shall be finally closed, the person presiding shall count the votes, and shall certify and return to the Municipal Council the number of votes for the approval and the number of votes for the disapproval of the By-law, together with the Poll List taken by him, and the Council shall ascertain from the said certificates, correcting them by the Poll Lists if necessary, whether the majority of the votes of the duly qualified Municipal Electors voting given for the approval or for the disapproval of the proposed By-law, and if such majority be for the approval thereof, it shall be presumed that a majority of the whole Municipal Electors approve the By-law, and the Council shall pass it, and it shall have full force and effect, otherwise they shall proceed no further with it ; Provided always, that such By-law, if passed, shall in the Preamble thereof contain a recital that all the requirements of this Act have been complied with before the passing thereof, and the correctness of such recital shall not be traversed or called in question thereafter, so as to affect the validity of such By-law, but this shall not affect the responsibility of any person or persons who shall knowingly have con-

curred in any false recital therein; And provided also, that the said Council may, out of every monies to be raised under this Act, pay a reasonable compensation to the persons employed in taking the votes of the Municipal Electors as aforesaid, and all expenses fairly incurred in carrying this Act into effect.

III. And be it enacted, That so soon as a By-law shall have been passed by the Council of the said Municipality as mentioned in the foregoing Sections, the person thereby authorized may, on behalf of the said Municipality, subscribe for such number of the Shares in the Capital Stock of the said Company as may have been determined upon, and the funds which may be required to pay for the said Capital Stock may be borrowed on the credit of the said Municipality either in this Province or elsewhere, and Bonds or Debentures of the said Municipality, payable to the bearer or to order, either in this Province or elsewhere, and in currency or sterling, signed by the Mayor or other person specially appointed for that purpose, countersigned by the Secretary-Treasurer, and sealed with the Seal of the said Municipality, may be issued for the amount of the Shares of the said Capital Stock so to be subscribed for, bearing interest, and may be delivered to the said Company or sold to realize funds for the payment of the said Stock; and the said Bonds or Debentures shall not be granted for less than one hundred pounds currency each, and may be in the form No. 1, annexed to this Act, or in any form determined upon by the said Council.

If the By-law be passed money may be raised by loan, and how.

IV. And be it enacted, That a special rate and assessment shall be raised, levied and collected annually in the same manner as other rates and assessments which the said Municipality is now by law authorized to raise, levy and collect and the same hypothec, mortgage and priority and recourse shall exist for securing and recovering such special rates and assessment; and the said special rate and assessment shall be raised, levied, and collected upon and from all rateable property in the said Municipality, and shall be in amount sufficient to pay the interest of the said Bonds or Debentures annually, and at least two per cent. on the Capital of the entire amount of said Bonds or Debentures additional, in each year after deduction of all charges and expenses, for the purpose of establishing a Sinking Fund to redeem the Capital of the said Bonds or Debentures, which additional two per cent. or upwards as the case may be, together with all other monies that may be specially appropriated for that purpose by the said Council, shall be invested in Provincial Government Debentures or in the Stock of any Chartered Bank in this Province or otherwise, in any manner that the said Municipality is, by law, authorized to invest monies previous to the passing of this Act.

Special rate to be raised annually under the said By-law.

Its amount. Sinking Fund.

V. And be it enacted, That if at any time any Sheriff or Bailiff shall receive a Writ of execution, commanding him to levy any sum of money due by the said Municipality for the principal or interest of any Bond or Debenture issued under the authority of this Act, the Plaintiff may require, and the Court whence such execution issues may order it to be levied by rate; and if such order be made, the Sheriff or Bailiff shall cause a copy of such writ to be served upon the Secretary-Treasurer of such Municipality, and if the money therein mentioned, with all the lawful interest and costs, which the said Sheriff or Bailiff is commanded to levy, be not paid within one month from the time of such service, the

Mode of levying interest or principal due and unpaid on Debentures issued under this Act.

said Sheriff or Bailiff shall himself calculate what rate in the pound, upon the assessed value of all the rateable property lying or situate within the limits of the said Municipality, will, in his opinion, after making fair allowance for the expenses, losses and deficiencies in the collection of such rate, be required to produce the debt, interest and costs which he is commanded to levy, and a sum of ten per centum in addition; and the said Sheriff or Bailiff may command the Council of the said Municipality, and all officers whom it may concern, to cause the said rate to be levied and collected, and the proceeds to be paid over to him; and it shall be the duty of the Secretary-Treasurer, and the Assessors, Collectors, and all other officers of the said Municipality, to produce to the said Sheriff or Bailiff, on his demand, all assessment books, papers and documents, having reference to the assessment of the property in the said Municipality, and to give him such information as he may require in order to fix the said rate; and all such officers of the said Municipality shall be bound to obey the said Sheriff or Bailiff, as well in respect of such information as in the levying and collection of said special rate, and for neglecting or refusing such obedience, shall be liable by imprisonment (*contrainte par corps*) to be decreed against them by the Court in which the judgment has been rendered and ought to be levied; and the said Sheriff or Bailiff shall, for the purpose of imposing, levying and collecting the said special rate, have all the powers of the said Municipal Council and of its officers, and may proceed to the sale of lands and immoveable property in the same manner, and take such other proceedings and recourses as they could do for the non-payment of any rate or assessment; and the said Sheriff or Bailiff shall pay to the Plaintiff his debt, interest and costs out of the amount levied, and if there be any surplus, it shall be paid back to the Secretary-Treasurer of the said Municipality, but if there be a deficiency, a new levy may be made; and no rate so imposed, nor any levy or collection by such Sheriff or Bailiff, shall be liable to be opposed for inequality or injustice, but any party injured may petition the Council of said Municipality for redress out of their other funds.

Duty of Municipal Officers, in such case.

Special Powers of Sheriff or Bailiff.

By-law not to be repealed until the whole debt is paid.

Public Act.

VI. And be it enacted, That no such By-law of said Municipality as is mentioned in the first Section of this Act shall be repealed until the said debt and interest shall have been entirely paid, cancelled and discharged, and any proceedings for the repeal of any such By-law until the complete payment of such debt shall have been made, shall be absolutely null and void.

VII. And be it enacted, That this Act shall be a Public Act.

No. 1.

SCHEDULE

REFERRED TO IN THE FOREGOING ACT, SECTION III.

Municipality of the County of the Two Mountains.

No.	£	Cy. or Stg.
-----	---	-------------

THIS DEBENTURE witnesseth, that the Municipality of the County of the Two Mountains under the authority of the Provincial Statute

passed in and by the Provincial Parliament of Canada, in the sixteenth year of Her Majesty's Reign, intituled, "An Act," &c., (*title of this Act,*) have received from (*name*) of (*domicile,*) (*profession or occupation,*) the sum of £ (cy.) or (stg.) as a loan, to bear interest from the date hereof at the rate of per centum per annum, payable half yearly on the day of and , at which sum of £ the said Municipality, as a Municipal Corporation, hereby binds and obliges itself to pay on the day of , at , to the said , or to the bearer hereof, and to pay the interest thereon half yearly, as aforesaid, according to the *coupons* or interest warrants hereto attached.

In testimony whereof I, , Mayor of the said Municipality, being hereunto duly authorized, have hereunto affixed the Common Seal of the Municipality, at , in the said County, on this day of , in the year of Our Lord one thousand eight hundred and

(Seal.)

Signature of Mayor.

Countersigned by
Secretary-Treasurer.