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No. 242.

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2nd Session, 3rd Parliament, 12 Victoria, 1849.

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## BILL.

An Act to enable the Sureties of the late  
Municipal Council of the Township of  
Hatley to enforce their claims against  
the said Township.

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Received and Read a first time, Monday, 9th  
April, 1849.

Second Reading, Thursday, 12th April, 1849.

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Mr. GUY.

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PRINTED BY LOVELL AND GIBSON.

## BILL.

An Act to enable the Sureties of the late Municipal Council of the Township of Hatley to enforce their claims against the said Township.

**W**HEREAS Auldin Plumley, of the Township of Hatley, hath by his Petition to the Legislature, set forth that he, together with one Alphonso Burbank, became sureties for the late Municipality of the said Township of Hatley, for the costs of certain actions in which judgment had been rendered by the Commissioners' Court for the Summary Trial of Small Causes, against the said Municipality, and from which said judgments the said Municipality did appeal to Her Majesty's Court of Queen's Bench for the District of St. Francis, sitting in Inferior Term, which appeal was by the said Court of Queen's Bench set aside for want of form, thereby rendering the said Auldin Plumley and Alphonso Burbank, as such sureties, liable for the payment of the said costs, and actions were in consequence instituted against the said Auldin Plumley and Alphonso Burbank as such sureties, in which said actions judgment was obtained against them for the amount for which they had become sureties; amounting with the costs of the said actions to the sum of one hundred and twenty-five pounds currency, and the said Auldin Plumley hath prayed relief in the premises; And whereas it appears that the said Alphonso Burbank hath suddenly departed from this Province, and the said Auldin Plumley hath thereby become solely responsible for the above mentioned amount; and in consequence of the said Municipality of the Township of Hatley having ceased to exist, the said Auldin Plumley hath no remedy at law for the recovery of the said amount, and it is expedient to make Legislative provision to enable him to recover the same: Be it therefore enacted, &c.

And it is hereby enacted by the authority of the same, That at any time within months from and after the passing of this Act, it shall be lawful for the Municipality of the County of Stanstead, and the said Municipality is hereby required and enjoined to levy by assessment on all assessable property within the said Township of Hatley, or in the tract of land which heretofore formed the said Township in whatever Township any part thereof may then be, (the owner, occupant or possessor whereof shall be known), and at such rate in the pound as shall be deemed necessary, a sum of money sufficient to pay the said sum of one hundred and twenty-five pounds currency, together with all the costs and expenses attending

Municipalities of Stanstead to levy a sufficient sum on assessable property in Hatley, to pay the amount for which A. Plumley and A. Burbank are liable as sureties for the said Township.

such assessment; of which said sum of money the said Municipality shall immediately apply so much as may be necessary to the satisfaction of the judgments rendered against the said Auldin Plumley and Alphonso Burbank as aforesaid, and to the payment of all such costs and ex- 5  
 penses as may have been lawfully incurred; and such assessment shall and may be levied, notwithstanding any thing in the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, "*An Act to make better provision for the establishment of 10*  
*"Municipal Authorities in Lower Canada."*

Power of the  
 Municipality  
 to levy such  
 assessment.

II. And be it enacted, That the said Municipality of the County of Stanstead shall have the same powers for enforcing the payment of, or recovering the amount so assessed from the owners, occupants or possessors of the 15  
 property upon which the said assessment shall have been imposed, within the said Township of Hatley or tract of land aforesaid, as the said Municipality would have with respect to any assessment imposed under the said last mentioned Act. 20

Penalty on any  
 Councillors re-  
 fusing or ne-  
 glecting to  
 give effect to  
 this Act.

III. And be it enacted, That if the said Municipality of the County of Stanstead shall refuse or neglect to impose the said assessment or to apply the sum levied thereby to the purposes above mentioned, each Member of the Municipal Council of the said County in office while the 25  
 assessment ought to have been imposed, or levied or applied, except such as shall show that he did all that the law enabled him to do towards imposing, levying and applying such assessment, and among other things by attending in his place and proposing, voting for 30  
 and supporting the requisite and sufficient by-laws and orders, shall personally incur a penalty of pounds, currency, which shall be recoverable with costs by the said Auldin Plumley by civil action in the Court of Queen's Bench for the said District of St. Francis, sitting 35  
 in Inferior Term; Provided always, that all sums received by him for such penalties shall be applied to the satisfaction of the judgments and costs above mentioned, or to replace any moneys which the said Auldin Plumley may have paid in satisfaction thereof, and the surplus, of such 40  
 penalty, if any, shall be returned in equal proportions to the said Councillors who may have paid such penalty; saving always such recourse as any Councillor who may have paid such penalty may by law have against any of his fellow Councillors who may not have paid the same, 45  
 and which he shall be entitled to wage against such fellow Councillor aforesaid.