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No. 196.

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

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## **BILL.**

An Act to afford relief to the sufferers by the late fire at Three Rivers, by authorizing a loan upon the credit of the Consolidated Municipal Loan Fund, to enable them to rebuild the houses and other building destroyed by the said fire.

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Received and read, first time, Wednesday, 1st April 1857.

Second reading, Thursday, 2nd April 1857.

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MR. POLETTE.

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TORONTO:

PRINTED BY JOHN LOVELL,  
YONGE STREET.

An Act to afford relief to the sufferers by the late fire at Three Rivers, by authorizing a loan on the credit of the Consolidated Municipal Loan Fund, to enable them to rebuild the houses and other buildings destroyed by the said fire.

**WHEREAS** in consequence of the disastrous fire, which consumed more than one hundred houses and other buildings, on the 15th day of November last, in the Town of Three Rivers, a large amount of property was destroyed; And whereas the majority of the persons who suffered on that occasion have lost all or nearly all their property, and cannot, without assistance, rebuild their houses and other buildings so destroyed; And whereas the said Town of Three Rivers has by its petition to the Legislature declared that it is ready to become security for any amount not exceeding the sum of fifteen thousand pounds, for those of the said persons who shall borrow money to enable them to re-erect their houses and other buildings which have been so destroyed; and whereas by the Act of the Legislature of this Province, passed in the 16th year of Her Majesty's reign, intituled "An Act to establish a Consolidated Municipal Loan Fund for Upper Canada," and also, by the Act of the Legislature of this Province, passed in the 18th year of Her Majesty's reign entitled "An Act to extend and amend the Act to establish a Consolidated Municipal Loan Fund for Upper Canada by applying the same to Lower Canada, and for other purposes," the Municipality of the said Town of Three Rivers, has a right, with other Municipalities in Lower Canada, to obtain a share of the Consolidated Municipal Loan Fund for Lower Canada, subject to the conditions prescribed by the two Acts hereinbefore cited; And whereas in consideration of the total value of the real property in the Town of Three Rivers the said Municipality could obtain out of the said Fund a sum exceeding fifteen thousand pounds; Therefore Her Majesty, &c., enacts as follows:

I. The persons qualified by virtue of the Lower Canada Municipal and Road Act of 1855 to vote at the elections of Councillors for the Municipality of the said Town of Three Rivers, shall meet, on a day to be fixed for that purpose, and shall elect three persons to be trustees, who shall be distinguished and known under the name of "Trustees of the Loan to the sufferers by the fire at Three Rivers," and shall have all the powers and discharge all the duties devolved upon them by virtue of this Act.

Trustees to be appointed to take charge of loan.

II. The election of the said Trustees shall be announced, held and conducted by any of Her Majesty's Justices of the Peace for the District of Three Rivers, residing in the said Town, and who shall not have lost any building by the said fire, within the delays and in the same manner as

How the election of Trustees shall be conducted.

the elections of Councillors for the Municipality of the said Town, in virtue of the said Lower Canada Municipal and Road Act of 1855; and the Justice of the Peace who shall preside at the election of the said Trustees is hereby invested with the same powers, authorities and jurisdiction, and shall be bound to fulfil the same duties, and under the same penalties as those conferred upon and prescribed with respect to persons presiding at the elections of the said Councillors for the said Municipality of the Town of Three Rivers; and the said election shall take place as soon as possible after the passing of this Act. 5

Qualifications for office of Trustees.

III. No person shall be elected a Trustee in virtue of this Act, unless he shall have attained the age of twenty-one years, shall be a British subject by birth or naturalization, and shall have resided for at least one year in the said Town of Three Rivers previous to the said election, nor unless he possess as proprietor and for his own use and benefit, real property situate in the said Town, of the value of at least five hundred pounds, nor if he have lost any house or building by the said fire. 10 15

Duties of person presiding at election.

IV. At the close of the said election it shall be the duty of the person presiding thereat, then and there to announce the names of the three Trustees elected to notify them of their election, and to transmit to the Governor for his approval all the advertisements, notifications, poll books, writ of election and proclamation, certificates and other papers and documents which shall have been kept, made and prepared at the said election, and in order to the holding thereof, and the said books, papers and documents shall be afterwards returned to the said Trustees, and by them to the Corporation of the Town of Three Rivers, so soon as one shall exist under the authority of a special Act of the Legislature. 20 25

Oath to be taken by Trustees.

V. The said Trustees before entering upon their duties in order to the execution of this Act, shall take an oath before a Justice of the Peace (which said oath any Justice of the Peace is hereby authorized to administer) to the following effect, that is to say: 30

"I, A. B. do swear that I will faithfully and impartially, and to the best of my knowledge and judgment, exercise and fulfil the powers, functions and duties conferred and prescribed by an Act intituled. (*Insert title of this Act.*) In conformity with the tenor and terms of the said Act: so help me God."

Trustees to act gratuitously.

VI. The said Trustees shall exercise and fulfil gratuitously the powers, functions and duties conferred and prescribed by this Act, and shall only be entitled to be paid the expenses they may necessarily incur in the exercise of their said powers, functions and duties. 35

Duties of the Secretary-Treasurer after the election of Trustees.

VII. As soon as possible after the election of the said Trustees it shall be the duty of the Secretary Treasurer of the said Municipality of the Town of Three Rivers, or of any Treasurer of any Municipal Corporation which shall have been established, and shall then be in existence, by virtue of any special Act of the Legislature, to prepare a statement which he shall certify upon an oath before a Justice of the Peace (which said oath any Justice of the Peace is hereby authorized to administer) setting forth the amount of the taxable property in the said Municipality according to the last assessment roll, and containing a faithful account of the debts and obligations of the said Municipality, which statement he shall transmit without delay to the Trustees, to be by them transmitted to the Governor with the documents 40 45

relating to their election, and the said Secretary Treasurer shall discharge all the duties imposed upon Treasurers by the said Acts cited in the Preamble to this Act; Provided that such duties are not incompatible with the provisions of this Act.

5 VIII. As soon as the said Trustees shall have been so notified of their election and shall have taken the oath required of them by the fifth section of this Act, it shall be their duty to notify by public notice or otherwise, all the proprietors of houses or other buildings destroyed by the said fire, to assemble at any place in the said Town which they shall indicate, from one  
10 day to a certain other day, and at the hours which they shall fix: provided that there shall be at least eight clear days between the said days, that each person may furnish a statement setting forth the number, description and value of his buildings so destroyed, the materials of which they were constructed, what buildings they propose or have already commenced to rebuild, their  
15 dimensions and the manner in which, and the materials with which they are to be rebuilt, the estimated cost of each building, and the amount of money they are desirous of borrowing, and any other information that the said Trustees shall deem it expedient to obtain from the said proprietors furnishing such statements.

Certain statements to be furnished by owners of burnt property, upon notice by Trustees.

20 IX. The said Trustees may make such By-laws, regulations or orders as they may deem advisable for the more effectual carrying out of the provisions of this Act, provided that they are not inconsistent with this Act, nor with the laws in force in Lower Canada; and two of the said Trustees shall be competent to act and to carry out all the provisions of this Act, in  
25 so far as it concerns the said Trustees.

Trustees may make By-laws, &c.

X. As soon as possible after obtaining the information required by the eighth section of this Act, and by any By-laws or orders which they may make, the said Trustees shall settle among themselves, to which of the said proprietors of houses or other buildings so destroyed it is expedient to  
30 lend money, the amount to be paid to each, when and subject to what conditions such monies shall be given, and whether wholly or by instalments, and shall notify the said parties within any period not exceeding six days after they shall have arrived at a decision with respect thereto.

Trustees to decide to whom the money shall be lent.

XI. It shall be the duty of the Trustees so soon as they shall have ascertained the total amount to be loaned to the said proprietors, to transmit to the Governor a statement shewing the amount to be loaned to each of the said proprietors, the description of buildings, for the construction of which the said moneys are destined, and the periods of payment of the said moneys to the said proprietors.

Statement to be furnished to Governor by Trustees.

40 XII. So soon as the said statement shall have been approved by the Governor in Council, the money necessary to cover the loans to be made, shall be advanced and paid to the said trustees, out of the Consolidated Fund for Lower Canada, in the manner and subject to the conditions and restrictions prescribed by the Acts cited in the preamble to this Act; and the said  
45 Town of Three Rivers, and the said Municipality of the Town of Three Rivers, or any other Municipal corporation of the said town which may be established by virtue of any special Act of the Legislature, or by any other Act, shall be and become responsible for the amount borrowed on the credit of the said consolidated Municipal Loan Fund for Lower Canada, and shall be bound to  
50 repay the said amount, to pay the interest thereon at the periods and within

When and how the moneys shall be paid to the Trustees.

the delay which may be fixed, and in all respects to conform to the Acts cited in the preamble of this Act.

No By-law required to effect loan.

XIII. It shall not be necessary to make any statute or By-law, nor to obtain the consent or approval of the Municipal electors of the said Town of Three Rivers in order to effect the loan on the credit of the Consolidated Municipal Loan Fund, authorized by this Act. 5

Obligation to be taken by Trustees from borrowers.

XIV. The said trustees shall take from the proprietors to whom they shall loan moneys, notarial obligations, declaring amongst other things that the sums therein mentioned are loaned in virtue of this Act, and setting out the extent by limits and boundaries, and the situation of the lots upon which it is proposed to build; the rate of interest and the amount to be added thereto, to form the Sinking Fund, at what dates the said amounts and the capital shall be payable, and the said interest and amounts shall be paid to the said trustees, and by them to the Receiver General. 10

Said obligations to bear privilege over all other claims.

XV. With a view to the recovery, preservation, security, and repayment of the said sums of money so loaned to the said proprietors in virtue of this Act, the said town of Three Rivers and the Municipal Corporation of the said town to be established in virtue of any special Act of the Legislature, shall have a first privilege over all other privileges, hypothecs, and guarantees already or hereafter to be charged upon the value of the buildings to be erected with the said moneys, and upon the increase in the value of the said lands by reason of the erection of the said buildings, and the other improvements which may be effected with such money, and also a general hypothec upon the said lands, which shall rank from the date of the obligations entered into in virtue of the foregoing; and it shall in no case be necessary to conform to any of the provisions of the Registry Laws of Lower Canada, nor of any other law or laws prescribing any conditions or formalities other than those mentioned in this Act, and the said privilege and hypothec shall be preserved without any other formalities, and without it being necessary that the said obligations or other documents be enregistered in a registry office. 25 30

Need not be registered.

What houses shall be presumed to be erected with money borrowed under this Act. Proviso.

XVI. All the buildings to be erected, or the erection of which shall be completed by the said proprietors upon the lots on which those which were burnt had been previously erected as aforesaid subsequently to the passing of this Act, shall be presumed to have been so completed and erected out of the monies so loaned, in virtue of this Act, any law, custom, or usage to the contrary notwithstanding; Provided always, that it shall be lawful for any party who shall pretend that such erections and improvements have been erected with funds other than those mentioned in this Act, to prove his assertion in this respect, by such documents and other legal proof as the law requires. 35 40

Trustees may demand collateral security.

XVII. The said trustees may, if they think proper, demand sureties or other securities for the recovery, preservation, and payment of the moneys or any part thereof which they may lend in virtue of this Act, and of the interest thereon, and also of the amount to be paid into the Sinking Fund.

Borrowers to insure buildings erected and to transfer policies to Trustees.

XVIII. It shall be the duty of those who shall have borrowed money in virtue of this Act, to insure the buildings which they caused to be erected, either wholly or in part, with the said monies by one or more good secure Insurance Companies, for any amount not less than the amount borrowed; to transfer and deliver their policies of Insurance whenever they shall receive 45

them, to the said trustees, and to transfer and hand over to the said trustees all the receipts and acknowledgments for the premiums of Insurance which they shall pay from time to time upon the said policies of Insurance, and the said receipts and acknowledgments and policies of Insurance shall be so transferred and handed over within three days from their dates respectively, for the purpose of enabling the said trustees themselves to recover the amounts in case of fire; and upon default by the parties who shall have effected such loan to conform themselves to the provisions of this section, the sums of money which they shall have so borrowed shall thereupon become exigible, and may be demanded and recovered by the Trustees together with all interest due thereon.

XIX. So soon as a Municipal Council for the said town of Three Rivers shall have been formed and organized in virtue of a special Act for the Incorporation of the said Town passed by the Legislature, by the election of a Mayor and Councillors, and the appointment of a secretary-treasurer, or secretary and treasurer, the powers, authorities, and duties conferred upon and vested in the said trustees by this Act shall cease, and such Council shall thenceforth be invested with all the said powers and authorities, and subject to all the said duties, to all intents and purposes as though the said Council had been appointed in lieu of the said trustees, under this Act, and the said Council shall continue and conclude all the acts, proceedings, and matters which may have been commenced by the said trustees and not then brought to conclusion.

How Trustees shall be replaced and by whom.

XX. Within fifteen days after the formation and organization of such Municipal Council the said trustees shall be bound, and they are hereby required to render a faithful and detailed account of all the monies which they shall have received from the Government, of the sums they shall have loaned, and also of those which they shall have paid out, or which they shall owe as and for the expenses of administration in the exercise of their powers, functions and duties, which account shall be certified upon oath to be correct and faithful by at least two of the trustees before any Justice of the Peace, (the which oath or oaths any Justice of the Peace is hereby authorized to administer,) and at the same time to transfer and deliver over to the said Council, all the moneys remaining in their hands, and all the books, account books, obligations, and Insurance policies, receipts, and acknowledgments, and other papers and documents, relative to the functions which they shall have exercised in virtue of this Act, and upon failure by them to conform to the provisions of this section, they may be compelled to do so by proceedings at law for that purpose: Provided also, that the said Council shall be bound to pay all the expenses of administration which shall not have been paid by the said trustees.

Trustees to render an account of monies to Municipal Council.

Proviso.

XXI. The parties who shall have commenced to erect buildings on the lots upon which they shall have had buildings destroyed by the said fire, may take advantage of the provisions of this Act, as may likewise those who shall have acquired the said lots with the intention of erecting buildings in the stead of those or some of those so destroyed, upon conforming themselves as far as circumstances will admit of, to the provisions of this Act, and the By-laws and regulations which may be made by the said trustees.

Who may take advantage of this Act.

XXII. The Acts cited in the Preamble to this Act, shall be followed and carried out by all those to whom they prescribe the execution of duties, and also by the said trustees, in the same manner as though they had been incor-

Acts cited in the preamble to this Act.

porated in this Act, and formed part thereof, excepting, however, all those parts and provisions thereof, which are incompatible with this Act, and are repugnant to the spirit thereof.

Penalty  
against all the  
persons refus-  
ing to fulfil  
duties imposed  
by this Act.

XXIII. Any person who shall neglect or refuse to fulfil any of the obligations or duties imposed upon them by this Act shall incur a penalty not exceeding ten pounds, for every such neglect or refusal; and the said penalty may be recovered upon the complaint of any municipal elector laid before a Justice of the Peace, which said Justice of the Peace may hear and give judgment in the matter of such complaint in a summary manner, upon the confession of the party prosecuted, or upon the deposition of one or more credible witnesses, other than the complainant, and shall cause the amount together with the costs of suit and those subsequent thereto to be levied by warrant under his hand and seal, or under the hand and seal of any other Justice of the Peace, within not less than four days from the date of the judgment or sentence, ordering the payment of the penalty and costs in the ordinary manner, one half of which penalty shall belong to the complainant and the other half to the Municipality of the said Town: And in case the person so condemned shall not pay or has no moveable property wherewith to pay the penalty and all the costs, such person may be committed to and imprisoned in the common gaol of Three Rivers for the period of one calendar month, unless he pay the said penalty and the said costs or any balance due thereupon; Provided always, that any municipal elector of the said Town shall be a competent witness, as also any person paying assessments in the said Town.

Proviso.

Public Act.

XXIV. This Act shall be a public Act and the Interpretation Act shall apply thereto.